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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Part 203

**[Docket No. FR–5360–F–02]**

**RIN 2502–AJ17**

## Federal Housing Administration (FHA): Handling Prepayments: Eliminating Post-Payment Interest Charges

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Final rule.

**SUMMARY:** This rule revises FHA's regulations that allow an FHA-approved mortgagee to charge the mortgagor interest through the end of the month in which the mortgage is being paid. The final rule allows mortgagees to charge interest only through the date the mortgage is paid, and prohibits the charging of interest beyond that date.

**DATES:** *Effective Date:* January 21, 2015.

**FOR FURTHER INFORMATION CONTACT:** Ivery Himes, Director, Office of Single Family Asset Management, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 9172, Washington, DC, 20410; telephone number 202–708–1672 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

**SUPPLEMENTARY INFORMATION:**

### I. Background—the March 13, 2014 Proposed Rule

On March 13, 2014, HUD published a proposed rule in the **Federal Register**, at 79 FR 14200, to eliminate post-payment interest charges to borrowers resulting from FHA's monthly interest accrual amortization method for calculating interest. This change was responsive to the final rule of the Consumer Financial Protection Bureau (CFPB) entitled ''Ability-to-Repay and Qualified Mortgage Standards under the Truth in Lending Act (Regulation Z)'' (CFPB final rule) [1], which broadly defines ''prepayment penalty'' in closed-end transactions as the ''charge imposed for paying all or part of the transaction's principal before the date on which the principal is due,'' thus including charges resulting from FHA's monthly interest accrual amortization method (see 12 CFR 1026.32(b)(6)).[2]

HUD's March 13, 2014, rule proposed to revise the regulations in 24 CFR 203.558 to provide that, with respect to FHA-insured mortgages closed on or after the effective date of the proposed regulatory amendments, and notwithstanding the terms of the mortgage, the mortgagee shall accept a prepayment at any time and in any amount and shall not charge a post-payment charge. The March 13, 2014, rule proposed to require that monthly interest on the debt be calculated on the actual unpaid principal balance of the loan as of the date the prepayment is received and not as of the next installment due date.

While the CFPB final rule permits limited prepayment penalties for ''qualified mortgages'' (as that term is defined in the CFPB final rule) during the first 36 months following consummation of the mortgage (see 12 CFR 1026.43(g)), such penalties are not permitted for higher-priced mortgage loans or for loans that have an adjustable interest rate.[3] As a result of these restrictions, and in order to maximize consistency among FHA-insured single family mortgage products and provide the same protections for all borrowers, HUD's March 13, 2014, rule proposed to prohibit prepayment penalties in all FHA-insured single family mortgages.

In addition to amending § 203.558, the March 13, 2014, proposed rule offered two technical conforming changes to the regulations in 24 CFR part 203. See the March, 13, 2014, proposed rule for a greater discussion on the technical changes.

### II. This Final Rule

This final rule follows publication of the March 13, 2014, proposed rule and adopts that proposed rule without change. The public comment period for the proposed rule closed on May 12, 2014, and HUD received four public comments. Section III of this preamble discusses the comments received on the proposed rule.

### III. Discussion of Public Comments Received on the March 13, 2014, Proposed Rule

The public commenters included a mortgage company and trade associations. Commenters were over-all supportive of HUD's proposal to prohibit the charging of post-payment interest on FHA loans.

*Comment: Maintain proposed implementation language and publish a final rule as soon as practicable.* A commenter requested that HUD maintain the implementation language, ''closed on or after [the effective date of the rule]'', as opposed to using case number assignment or some other date. The commenter explained that the technological and procedural changes needed to implement this rule will

[1] This rule was first issued on the CFPB's Web page at *http://files.consumerfinance.gov/f/201301_cfpb_final-rule_ability-to-repay.pdf* and subsequently published in the **Federal Register** on January 30, 2013, at 78 FR 6408.

[2] Prior to enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203, approved July 21, 2010) (Dodd-Frank Act), the Federal Reserve Board (Board) had responsibility for lenders' compliance with the Truth in Lending Act (TILA). (This responsibility was transferred to the CFPB in July 2011.) In a September 2009 interpretive letter to Secretary Donovan, Board staff advised that they had not addressed whether monthly interest accrual amortization is a prepayment penalty and, therefore, would not prohibit such practice without further review. (See *http://www.aba.com/Compliance/Documents/da4a00df3ffb4650b7c9154adbc1418aFedLtrtoHUD2009.pdf.*) In a proposed rule published on September 24, 2010, at 75 FR 59539, the Board proposed to amend Regulation Z, which implements TILA and the Board's accompanying staff commentary. In this proposed rule, the Board stated that based on further review and analysis the monthly interest accrual amortization method should be treated as a prepayment penalty for TILA purposes. (See 75 FR 58586.) The CFPB's final rule on ability-to-repay continued the analysis that the Board provided in its September 24, 2010, proposed rule and categorized FHA's monthly interest accrual amortization method as a prepayment penalty, but not for FHA loans consummated before January 21, 2015. (See 78 FR 6445.) The CFPB offers examples of the monthly interest accrual amortization method at page 78 FR 6600. In its discussion at this page, the CFPB recognized that FHA would need rulemaking to change this practice and the amount of time needed to complete the rulemaking.

[3] See HUD's March 13, 2014, proposed rule for additional information related to this prohibition; see also 12 CFR 1026.43(g)(1)(i)(A).

require a long lead time and any change to the implementation language may delay lenders' abilities to fully comply with the rule. The commenter also requested that the final rule be published as soon as practicable to provide the industry with clarity and certainty.

*HUD Response:* HUD appreciates the industry's support of this rule and desire for a quick implementation, and is not making any changes to the implementation language.

*Comment: Concern that lenders will recoup the costs of not collecting post-payment interest by charging higher interest rates or servicing fee differential is overstated.* In response to HUD's statement in the preamble to the proposed rule that HUD expects lenders will simply look elsewhere to recoup funds lost by not being able to charge interest beyond the mortgage payment date, a commenter explained that lenders continue to offer Veterans Administration (VA) and Rural Housing Service (RHS) loans, which are securitized by Ginnie Mae and, these loans do not have prepayment penalties, but offer interest rates similar to current FHA rates. The commenter also stated that FHA loans are attractive to investors, regardless of the excess interest payments, because they carry the guarantee of the federal government.

*HUD Response:* The commenter raises a good point, which HUD appreciates and hopes reflects how lenders will handle FHA-insured loans that now prohibit post-payment interest, and that is by continuing to offer the same interest rates that they offer now.

*Comment: Publish additional information in the final rule or in a concurrent Mortgagee Letter.* A commenter asked HUD to publish revised maximum mortgage calculations, for FHA refinance transactions, to include the actual amount of interest to be paid and financed. The commenter also asked that HUD consider a closing date change, and the impact on the maximum mortgage calculation, to be included in the existing policy for minor adjustments at closing.

*HUD Response:* HUD appreciates this concern, but believes the current policy provides adequate flexibility in calculating the maximum mortgage eligible for FHA refinance transactions. FHA policy permits interest due on the previous mortgage to be financed into the new FHA mortgage. The amount of interest that is permitted to be financed varies based upon the refinance program. However, each program that limits the financing of interest allows for a flexibility of $500 in determining the maximum mortgage amount. HUD expects that this flexibility provides sufficient leeway to account for changes in the interest due on the previous mortgage as a result of changes in the closing date.

*Comment: Passing costs on to borrowers is not a consumer protection.* One commenter raised a concern that if servicers of FHA loans continue to be obligated to pay investors charges that the servicers may no longer collect from consumers, as required by Ginnie Mae, originating lenders and servicers will need to price that charge into the cost of the loan, raising costs for FHA borrowers, which is not a consumer protection. The commenter requested that HUD, FHA, Ginnie Mae, and the CFPB coordinate actions so that the intended consumer protections can be implemented.

Another commenter explained that under current regulations, borrowers could choose to avoid paying post-payment interest by paying off the loan at the end of the month. Under the proposed rule, however, all borrowers would have to pay more, including those borrowers who would have strategically avoided paying post-payment interest under the current regulations.

*HUD Response:* HUD appreciates this concern, but emphasizes that any cost passed on to the consumer by the servicer, as a result of the ability for security holders to continue to collect interest through the end of the month, is expected to be minimal. In addition, not all consumers will experience additional costs. For example, consumers who would have prepaid their mortgages and would have been subject to post-payment interest charges under FHA's regulations, prior to amendment by this rule, will no longer be subject to those charges. These consumers may end up paying slightly more in interest each month or a higher servicing fee differential, but will avoid a post-payment charge when prepaying their mortgage later on, off-setting the cost of slightly increased interest rates or servicing fee differentials.

In addition, as another commenter mentioned, lenders continue to offer VA and RHS loans, which are securitized by Ginnie Mae and permit security holders to collect interest through the end of the month, but do not allow for prepayment penalties. The interest rates on these VA and RHS loans are similar to current FHA rates, illustrating that costs are not being passed on to borrowers in the manner of higher interest rates.

*Comment: Pressure placed on mortgage servicers.* A commenter explains that the proposed rule would place further pressure on mortgage servicers, at a time when servicing costs continue to rise. The commenter explained that servicers will have higher direct costs, and that the rule would impact the value of FHA mortgage servicing rights.

*HUD Response:* HUD appreciates this concern; however, the impact on servicers is consistent with prevailing industry practice. As discussed previously, GSE, VA, and RHS loans do not require borrowers to pay post-payment interest.

*Comment: FHA should work with Ginnie Mae to transition to a daily simple interest calculation structure.* This structure would calculate interest daily based on outstanding principal balance, rather than as a predetermined monthly amount, and align the cash flows from the underlying loans with the payments made to investors in the mortgage-backed securities.

*HUD Response:* At this time, FHA declines the suggestion to work with Ginnie Mae to transition to a daily simple interest calculation structure. The simple interest calculation structure poses unnecessary risks to borrowers. For example, interest accrues daily on the unpaid principal balance instead of monthly, so there is no grace period for payments. In addition, the loan will not fully amortize over the stated term if the borrower makes payments later than the scheduled due date.

## IV. Findings and Certifications

*Regulatory Review—Executive Orders 12866 and 13563*

Under Executive Order 12866 (Regulatory Planning and Review), agencies must determine whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. At the proposed rule stage, this document was determined to be a ''significant regulatory action'' as defined in section 3(f) of the Executive order (although not

an economically significant regulatory action, as provided under section 3(f)(1) of the Executive order). While this rule remains a significant regulatory action, HUD is adopting the proposed rule without change, and therefore further review of this rule under EO 12866 is not necessary. Additionally, the regulatory impact of this rule, specifically the costs and benefits of this rule, as presented in the preamble to the proposed rule at 79 FR 14202 through 14203 remain applicable to this rule.

*Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. As noted above in this preamble, even without rulemaking by HUD, the circumstances in which a small entity could charge a prepayment penalty have been significantly limited by the CFPB final rule. The CFPB final rule implements the Dodd-Frank Act provisions that generally prohibit prepayment penalties except for certain fixed-rate, qualified mortgages where the penalties satisfy certain restrictions and the creditor has offered the consumer an alternative loan without such penalties. The CFPB final rule categorizes the post-payment interest charge resulting from FHA's monthly interest accrual amortization method as a prepayment penalty. Therefore, the use of post-payment interest charges on all FHA loans closed on or after January 21, 2015, will be considered prepayment penalties. This is true, irrespective of any economic impacts of the rule.

In any event, even if HUD were to issue a rule allowing prepayment penalties, the CFPB final rule requires that lenders that offer loans with prepayment penalties also offer loans without such penalties (see 12 CFR 1026.43(g)(3)). As of January 21, 2015, all small lenders [4] would have to be prepared to offer loans without prepayment penalties and, therefore, be prepared to bear, or transfer, the cost of interest (or more) from the prepayment date to the end of the month.

Under this final rule, those borrowers who would pay post-payment interest under the previous regulations will be expected to pay a slightly higher rate for FHA-insured financing, but they will also receive full benefit from lower interest costs when they prepay later, in most cases more than offsetting the cost of the higher rate. Borrowers who avoided paying post-payment interest under the previous regulations, however, face the slightly higher rate for FHA-insured financing and receive no offsetting post-payment interest savings. Since HUD expects the increase in the pricing of FHA-insured loans under the proposed rule to be set to compensate lenders for the loss of post-payment interest from borrowers, the primary effect of this final rule is a transfer of funds from those who would not prepay mid-month under the current rule to those who would.

Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities.

*Environmental Impact*

The rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

*Executive Order 13132, Federalism*

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either (i) imposes substantial direct compliance costs on state and local governments and is not required by statute, or (ii) preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive order.

*Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This rule would not impose any Federal mandates on any state, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

*Catalog of Federal Domestic Assistance*

The Catalog of Federal Domestic Assistance number for Mortgage Insurance-Homes is 14.117.

*Paperwork Reduction Act*

This rule reduces information collection requirements already submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. The cost savings of this rule, in time, are estimated to be 0.0036 burden hours.

**List of Subjects in 24 CFR Part 203**

Hawaiian Natives, Home improvement, Indians-lands, Loan programs-housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

Accordingly, for the reasons discussed in this preamble, HUD amends 24 CFR part 203 as follows:

## PART 203—SINGLE FAMILY MORTGAGE INSURANCE

■ 1. The authority citation for 24 CFR part 203 continues to read as follows:

**Authority:** 12 U.S.C. 1709, 1710, 1715b, 1715z-16, 1715u, and 1717z–21; 42 U.S.C. 3535(d).

■ 2. Revise the last sentence of § 203.9 to read as follows:

### § 203.9 Disclosure regarding interest due upon mortgage prepayment.

* * * This paragraph shall apply to any mortgage executed after August 22, 1991, and before January 21, 2015.

■ 3. Revise § 203.22(b) to read as follows:

### § 203.22 Payment of insurance premiums or charges; prepayment privilege.

* * * * *

(b) *Prepayment privilege.* The mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part at any time and in any amount. The mortgage shall not provide for the payment of any charge on account of such prepayment.

■ 4. Revise § 203.558 to read as follows:

[4] Of HUD's 1,459 supervised lenders, 598 are considered, by HUD, to be ''small supervised lenders.'' HUD defines ''small supervised lenders'' as those depository institutions regulated by the Federal Reserve, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the National Credit Union Administration that have a depository asset base of less than $500 million.

**§ 203.558 Handling prepayments.**

(a) *Handling prepayments for FHA-insured mortgages closed on or after January 21, 2015.* With respect to FHA-insured mortgages closed on or after January 21, 2015, notwithstanding the terms of the mortgage, the mortgagee shall accept a prepayment at any time and in any amount. The mortgagee shall not require 30 days' advance notice of prepayment, even if the mortgage instrument purports to require such notice. Monthly interest on the debt must be calculated on the actual unpaid principal balance of the loan as of the date the prepayment is received, and not as of the next installment due date.

(b) *Handling prepayments for FHA-insured mortgages closed before January 21, 2015.* (1) With respect to FHA mortgages insured before August 2, 1985, if a prepayment is offered on other than an installment due date, the mortgagee may refuse to accept the prepayment until the first day of the month following expiration of the 30-day notice period as provided in the mortgage, or may require payment of interest to that date, but only if the mortgagee so advises the mortgagor, in a form approved by the Commissioner, in response to the mortgagor's inquiry, request for payoff figures, or tender of prepayment. If the installment due date (the first day of the month) falls on a nonbusiness day, the mortgagor's notice of intention to prepay or the prepayment shall be timely if received on the next business day.

(2) With respect to FHA mortgages insured on or after August 2, 1985, but closed before January 21, 2015, the mortgagee shall not require 30 days' advance notice of prepayment, even if the mortgage instrument purports to require such notice. If the prepayment is offered on other than an installment due date, the mortgagee may refuse to accept the prepayment until the next installment due date (the first day of the month), or may require payment of interest to that date, but only if the mortgagee so advises the mortgagor, in a form approved by the Commissioner, in response to the mortgagor's inquiry, request for payoff figures, or tender of prepayment.

(3) If the mortgagee fails to meet the full disclosure requirements of paragraphs (b)(1) and (b)(2) of this section, the mortgagee may be subject to forfeiture of that portion of the interest collected for the period beyond the date that prepayment in full was received and to such other actions as are provided in part 25 of this title.

(c) *Mortgagee annual notice to mortgagors.* Each mortgagee, with respect to a mortgage under this part, shall provide to each of its mortgagors not less frequently than annually a written notice, in a form approved by the Commissioner, containing a statement of the amount outstanding for prepayment of the principal amount of the mortgage. With respect to FHA-insured mortgages closed before January 21, 2015, the notice shall describe any requirements the mortgagor must fulfill to prevent the accrual of any interest on the principal amount after the date of any prepayment. This paragraph shall apply to any outstanding mortgage insured on or after August 22, 1991.

Dated: August 20, 2014.

**Carol J. Galante,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 2014–20214 Filed 8–25–14; 8:45 am]

**BILLING CODE 4210–67–P**

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## 24 CFR Part 203

**[Docket No. FR–5744–F–02]**

**RIN 2502–AJ20**

## Federal Housing Administration (FHA): Adjustable Rate Mortgage Notification Requirements and Look-Back Period for FHA-Insured Single Family Mortgages

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Final rule.

**SUMMARY:** This rule revises FHA's regulations governing its single family adjustable rate mortgage (ARM) program to align FHA interest rate adjustment and notification regulations with the requirements for notifying mortgagors of ARM adjustments, as required by the regulations implementing the Truth in Lending Act (TILA), as recently revised by the Consumer Financial Protection Bureau (CFPB). The final rule requires that an interest rate adjustment resulting in a corresponding change to the mortgagor's monthly payment for an ARM have a 45-day look-back period. The final rule also requires that the mortgagee of an FHA-insured ARM comply with the disclosure and notification requirements of the 2013 TILA Servicing Rule, including at least a 60-day but no more than 120 day advance notice of an adjustment to a mortgagor's monthly payment.

**DATES:** *Effective Date:* January 10, 2015.

**FOR FURTHER INFORMATION CONTACT:** Patricia J. McClung, Acting Director, Office of Single Family Program Development, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 9278, Washington, DC 20410; telephone number 202–708–3175 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

**SUPPLEMENTARY INFORMATION:**

### I. Background—the May 8, 2014 Proposed Rule

On May 8, 2014, HUD published a proposed rule in the **Federal Register**, at 79 FR 26376, to revise the look-back period for an FHA-insured ARM from 30 to 45 days, and to require that the mortgagee of an FHA-insured ARM provide at least a 60-day, but no more than 120 day, advance notice of an adjustment to a mortgagor's monthly payment. This change was in response to the final rule of the ''Mortgage Servicing Rules Under the Truth in Lending Act (Regulation Z)'' [1] published as a final rule on February 14, 2013 in the **Federal Register** at 78 FR 10902. This February 2013 final rule, referred to in this preamble as the 2013 TILA Servicing Rule, set the ARM adjustment notice requirement to a period of between 60 days (minimum) and 120 days (maximum) before the newly adjusted payment is due. Additionally, the 2013 TILA Servicing Rule established 45 days as the minimum ARM look-back period.

HUD's May 8, 2014, rule proposed to revise the regulations in 24 CFR 203.49 to establish a 45-day look-back period for an FHA-insured ARM, and to require that the mortgagee of an FHA-insured ARM provide at least a 60-day, but no more than 120 day, advance notice of an adjustment to a mortgagor's monthly payment, in conformance with the CFPB's regulations. In the preamble to the 2013 TILA Servicing Rule, the CFPB stated that FHA's current 30-day look-back period did not provide sufficient time to notify the mortgagor of an interest rate and monthly payment adjustment. To allow HUD sufficient time to comply with the notification requirements of the 2013 TILA Servicing Rule, the CFPB delayed the effective date of the notification requirements in the 2013 TILA Servicing Rule to January 10, 2015, for ARMs insured by FHA with a 30-day look-back period. Therefore, FHA-

[1] The CFPB initially published the rule on its Web site: *http://www.consumerfinance.gov/regulations/2013-real-estate-settlement-procedures-act-regulation-x-and-truth-in-lending-act-regulation-z-mortgage-servicing-final-rules/.*

insured ARMs originated on or after January 10, 2015, must comply with the new notification requirements of the 2013 TILA Servicing Rule.

## II. This Final Rule

This final rule follows publication of the May 8, 2014, proposed rule and adopts that proposed rule without change. The public comment period for the proposed rule closed on June 9, 2014, and HUD received 9 public comments. While HUD received 9 public comments on this rule, only 6 of the comments pertained to HUD's rule. With respect to the other 3 comments, two were general comments on the state of the housing market. The remaining comment pertains to another agency's rule and was inadvertently submitted to the rulemaking docket for HUD's rule. Section III of this preamble discusses the comments received on the proposed rule.

## III. Discussion of Public Comments Received on May 8, 2014, Proposed Rule

The public commenters included mortgage lenders, industry trade associations, and individuals. Commenters were generally supportive of HUD's proposal to change the look-back period and notification requirements on FHA-insured ARMs.

*Comment: Change effective date of proposed rule and implement as soon as possible.* A commenter requested that HUD implement the rule as soon as practicable to better provide clarity and certainty to the mortgage industry. The commenter stated that it will need to implement the proposed change ahead of a possible effective date due to the technological and procedural changes necessary for implementation.

*HUD Response:* HUD appreciates the industry's support of this rule and desire for a quick implementation. FHA's policy change regarding the look-back period must be in effect by January 10, 2015 in order to be in compliance with the 2013 TILA Servicing Rule. To ensure uniformity for Ginnie Mae issuers, HUD is using the CFPB end date of January 10, 2015.

*Comment: Final rule should explicitly state it applies only to forward mortgages.* A commenter requested that the rule be amended to clearly document that this change is only applicable to ''forward'' FHA single family mortgages.

*HUD Response:* HUD appreciates the commenters point, and notes that the proposed regulatory text in § 203.49(d)(2) explicitly referred to ''forward mortgages'' in reference to the 45 day look-back period. HUD is adopting the proposed regulatory text.

*Comment: Proposed rule is silent on borrower initiated rate reset.* A commenter identified that FHA's proposed rule, as well as the CFPB's 2013 TILA Servicing Rule, are both silent on the potential for a borrower initiated rate reset, which the commenter stated is a feature currently offered in the market and gaining market acceptance. The commenter recommended that language be included in the final rule that the rule only applies to lender/servicer/creditor initiated rate resets and carves out borrower initiated rate resets from being subject to the proposed 60–120 day advanced notice of adjustment.

*HUD Response:* HUD appreciates the commenter providing information about this mortgage product. However, HUD does not have the authority to exempt lenders offering this mortgage product from the minimum ARM notification requirements set forth in the CFPB's 2013 TILA Servicing Rule. HUD defers to the CFPB to make a determination on this issue. At this time, FHA insures ARMs that are adjusted at a set fixed interval by the mortgagee.

*Comment: Against any type of regulatory change to FHA.* A commenter expressed opposition to any type of change to FHA. In the commenter's opinion, the old rules related to Real Estate Settlement Procedures Act (RESPA) and TILA were fine, and the new CFPB regulation is ''backward and confusing'' compared to the old good faith estimate that had all the charges detailed.

*HUD Response:* The passage of The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203, approved July 21, 2010) (Dodd-Frank), transferred oversight and responsibility of RESPA and TILA to the CFPB. Following passage of Dodd-Frank, the CFPB revised Regulation Z in the 2013 TILA Servicing Rule, and changed the periods for advance notice of rate adjustments. Since FHA's look-back period notification requirement were inconsistent with the 2013 TILA Servicing Rule requirements as published in January of 2013, mortgagees originating loans insured by FHA and VA had until January 10, 2015 to comply the 2013 TILA Servicing Rule requirements. Therefore, this final rule is necessary to ensure that FHA-insured mortgages are in compliance with the 2013 TILA Servicing Rule.

## IV. Findings and Certifications

*Regulatory Review—Executive Orders 12866 and 13563*

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

As discussed above in this preamble, this final rule aligns the look-back requirements for FHA-insured ARMs to the revised TILA notification requirements established in the 2013 TILA Servicing Rule. Since this final rule adopts without amendment the proposed rule, which was determined to not be a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, there is no further review by OMB.

*Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

As discussed in this preamble, this final rule aligns the look-back requirements for FHA-insured ARMs to the revised TILA notification requirements established in the 2013 TILA Servicing Rule. HUD does not have the discretion not to align its ARM notification requirements with new TILA requirements established by the CFPB as implemented by the CFPB in its 2013 TILA Servicing Rule. The revised look-back period and disclosure requirements would apply to FHA-approved mortgagees originating ARMs in January 2015, whether or not HUD takes action. It is HUD's position that it is important for FHA regulations to be in compliance with TILA, and therefore HUD has initiated this rulemaking. In

this rule, HUD adopted the minimum look-back period, 45 days, which would allow FHA-approved mortgagees to meet the TILA minimum requirements governing notification to borrowers.

As the CFPB noted in its rulemaking, that the majority of ARMs in the conventional market have look-back periods of 45 days or longer. With the 2013 TILA Servicing Rule having taken effect on January 10, 2014, any lenders originating in the conventional market ARMs that did not have a minimum look-back period of 45 days, have now adjusted to the new TILA requirements.

As with the amendments to the look-back period, the revisions to the disclosure requirements simply conform HUD requirements to the 2013 TILA Servicing Rule and the procedures currently followed in the conventional mortgage lending market.

For the reasons presented, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities.

*Environmental Impact*

The final rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this final rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

*Executive Order 13132, Federalism*

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either (i) imposes substantial direct compliance costs on state and local governments and is not required by statute, or (ii) preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This final rule would not have federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive order.

*Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This final rule would not impose any Federal mandates on any state, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

*Catalog of Federal Domestic Assistance*

The Catalog of Federal Domestic Assistance number for Mortgage Insurance-Homes is 14.117.

**List of Subjects in 24 CFR Part 203**

Hawaiian Natives, Home improvement, Indians-lands, Loan programs-housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

Accordingly, for the reasons discussed in this preamble, HUD amends 24 CFR part 203 as follows:

## PART 203—SINGLE FAMILY MORTGAGE INSURANCE

■ 1. The authority citation for 24 CFR part 203 continues to read as follows:

**Authority:** 12 U.S.C. 1709, 1710, 1715b, 1715z–16, 1715u, and 1717z–21; 42 U.S.C. 3535(d).

■ 2. In § 203.49, revise the third sentence of paragraph (d)(2) and paragraph (h) to read as follows:

**§ 203.49 Eligibility of adjustable rate mortgages.**

* * * * *

(d) * * *

(2) * * * The current index figure shall be the most recent index figure available 30 days before the date of each interest rate adjustment, except that for forward mortgages originated on or after January 10, 2015, 30 days shall mean 45 days.

* * * * *

(h) *Disclosures.* The mortgagee of an adjustable rate mortgage shall provide mortgagors with the disclosures in the timing, content, and format required by the regulations implementing the Truth in Lending Act (15 U.S.C. 1601 *et seq.*) at 12 CFR 1026.20(c) and (d).

* * * * *

Dated: August 20, 2014.

**Carol J. Galante,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 2014–20215 Filed 8–25–14; 8:45 am]

BILLING CODE 4210–67–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R08–OAR–2013–0006; FRL–9915–75–Region 8]**

## Approval and Promulgation of Air Quality Implementation Plans; Wyoming; Revisions to the Wyoming Air Quality Standards and Regulations; Ambient Standards for Particulate Matter and for Lead

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action to approve a State Implementation Plan (SIP) revision submitted by the State of Wyoming. The revision affects Wyoming's Air Quality Standards and Regulations (WAQSR) regarding ambient standards for particulate matter and for lead (Pb). This action is being taken under section 110 of the Clean Air Act (CAA).

**DATES:** This rule is effective October 27, 2014 without further notice, unless EPA receives adverse comment by September 25, 2014. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R08–OAR–2013–0006, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- Email: *pratt.steven@epa.gov.*
- Fax: (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- Mail: Director, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- Hand Delivery: Director, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding federal holidays. Special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA–R08–OAR–2013–0006. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* 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. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA, without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional instructions on submitting comments, go to Section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly-available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Steven Pratt, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop, Denver, Colorado 80202–1129, (303) 312–6575, *pratt.steven@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

**Definitions**

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

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

(ii) The initials *CFR* mean the Code of Federal Regulations.

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

(iv) The initials *NAAQS* mean National Ambient Air Quality Standard.

(v) The initials $PM_{2.5}$ mean or refer to particulate matter with an aerodynamic diameter of less than 2.5 micrometers (fine particulate matter).

(vi) The initials $PM_{10}$ mean or refer to particulate matter with an aerodynamic diameter of less than or equal to 10 micrometers (coarse particulate matter).

(vii) The initials *Pb* mean or refer to the heavy metal lead.

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

(ix) The initials *WAQSR* mean Wyoming Air Quality Standards and Regulations.

(x) The words *Wyoming* and *State* mean the State of Wyoming.

**I. General Information**

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

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

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

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

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

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

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

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

f. Provide specific examples to illustrate your concerns, and suggest alternatives.

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

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

**II. Background of Wyoming's Submissions**

On August 19, 2011, the State of Wyoming submitted to EPA a formal revision package detailing two rulemakings (R–4 and R–18) as revisions to Wyoming's SIP. These revisions amend the WAQSR. In particular, Wyoming has revised chapter 2, ''Ambient Standards,'' section 2, ''Ambient standards for particulate matter,'' section 10, ''Ambient standards for lead,'' and section 12, ''Incorporation by reference.''

The Wyoming Environmental Quality Council made these changes by amending chapter 2, including sections 2, 10 and 12, via rulemakings R–4 and R–18 on February 18, 2000, and July 8, 2010, respectively. In accordance with the Wyoming Administrative Procedures Act, the revisions were forwarded to the Wyoming Governor's Office where they were approved, and then transmitted to the Wyoming Secretary of State's office and became effective on March 30, 2000 and September 7, 2010, respectively. All necessary State reviews and approvals have been secured.

In rulemaking R–4, section 2, the particulate matter ambient standards were amended to adopt the 24-hour and annual $PM_{2.5}$ standards into the State rule. Rulemaking R–18 made the State $PM_{2.5}$ ambient standards consistent with federal standards, but no more stringent than federal standards, while deleting the annual $PM_{10}$ standard and retaining the 24-hour ambient air quality standard for $PM_{10}$. R–18 also amended section 10, the Pb ambient standard, making Wyoming's Pb ambient standard consistent with, but no more stringent than, the federal standard, and added section 12 to consolidate all incorporation by references for the chapter into one section.

## III. EPA's Evaluation of Wyoming's Submissions

The SIP revisions in the August 19, 2011 submittal that we are acting on in this document involve chapter 2, ''Ambient Standards,'' section 2, ''Ambient standards for particulate matter,'' section 10, ''Ambient standards for lead,'' and section 12, ''Incorporation by reference.'' To determine if Wyoming's submissions should be approved by EPA, EPA must evaluate the submissions for consistency with the CAA and EPA regulations.

In rulemaking R–4, section 2, the particulate matter ambient standards were amended to adopt the annual and 24-hour $PM_{2.5}$ NAAQS into the State rule. This is consistent with the CAA as in 1997 EPA established annual and 24-hour NAAQS for $PM_{2.5}$ for the first time. This requirement has been part of WAQSR since its incorporation on February 18, 2000.

In rulemaking R–18, section 2 was amended to make the State $PM_{2.5}$ ambient standards consistent with federal standards, but no more stringent than federal standards. The section now sets the primary and secondary ambient air quality standards for $PM_{2.5}$ at 15 micrograms per cubic meter (ug/m3) annual arithmetic mean concentration, and; 35 micrograms per cubic meter (ug/m3)—98th percentile 24-hour average concentration. The change defines attainment of the annual and 24-hour standards in accordance with Appendix N of 40 CFR part 50. It further sets the measurement of $PM_{2.5}$, for the purpose of determining attainment of the standards, as determined by a reference method based on 40 CFR part 50, Appendix L and designated in accordance with 40 CFR part 53 or an equivalent or alternate method designated in accordance with 40 CFR Part 53. The revision also retains the 24-hour $PM_{10}$ ambient air standards for $PM_{10}$ particulate matter at 150 micrograms per cubic meter 24-hour average concentration with not more than one expected exceedance per year, and defines attainment of the 24-hour standard as determined in accordance with Appendix K of 40 CFR part 50. These changes correlate with the requirements of 40 CFR parts 50 and 53 as of the August 19, 2011 date of Wyoming's submittal. The State also removed the annual $PM_{10}$ standard from their regulations. This is permissible as the EPA revoked the annual $PM_{10}$ NAAQS in a 2006 rulemaking (71 FR 61224, October 17, 2006).

In rulemaking R–18, section 2 was further amended to make the State Pb ambient standards consistent with federal standards, but no more stringent than federal standards. The section now sets the primary and secondary ambient air quality standards for Pb at 0.15 micrograms per cubic meter, arithmetic mean concentration over a 3-month period. It further defines the measurement of Pb in the ambient air as Pb either by: a reference method based on 40 CFR part 50, Appendix G and designated in accordance with 40 CFR part 53, or an equivalent method designated in accordance with 40 CFR part 53. The section now defines that primary and secondary ambient air quality standards for Pb are met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with Appendix R of 40 CFR part 50, is less than or equal to 0.15 micrograms per cubic meter. These changes correlate with the requirements of 40 CFR parts 50 and 53 as of the August 19, 2011 date of Wyoming's submittal.

Finally, in rulemaking R–18, Chapter 2 was amended by adding a new section 12 ''Incorporation by reference.'' This section was added to simply consolidate all adoption by reference for Chapter 2 in one place. It defines the CFRs cited in the chapter as those published as of July 1, 2008, and details where copies of the applicable CFRs can be found for public inspection and to obtain copies. These changes correlate with the requirements of 40 CFR parts 50 and 53 as of the August 19, 2011 date of Wyoming's submittal.

EPA has reviewed Wyoming's rule amendments and additions analyzed above. These rules mirror applicable language in 40 CFR parts 50 and 53. The changes quoted above provide the regulation necessary for the State to determine compliance with the CAA for $PM_{2.5}$, $PM_{10}$ and Pb NAAQS. Therefore, these WAQSR changes and additions are consistent with the CAA and EPA regulations. As a result, EPA is approving a SIP revision submitted by the State of Wyoming consisting of the above discussed applicable portions of rulemakings R–4 and R–18 submitted on August 19, 2011 to EPA Region 8.

## IV. Consideration of Section 110(l) of the CAA

Under section 110(l) of the CAA, EPA cannot approve a SIP revision if the revision would interfere with any applicable requirements concerning attainment and reasonable further progress toward attainment of the NAAQS or any other applicable requirement of the Act. In addition, section 110(l) requires that each revision to an implementation plan submitted by a state shall be adopted by such state after reasonable notice and public hearing.

The Wyoming SIP revisions that EPA approves today do not interfere with attainment of the NAAQS or any other applicable requirement of the Act. The first revision (R–4) revises the WAQSR particulate matter ambient standard to adopt the annual and 24-hour $PM_{2.5}$ standards into the State rule. The second revision (R–18) makes the State annual and 24-hour $PM_{2.5}$ and Pb ambient standards consistent with federal standards, but no more stringent than federal standards. This revision also adds a section that simply consolidates all adoption by reference for chapter 2 in one place. The revisions were adopted after reasonable public notice, and after public hearings held on February 17, 2000, and July 8, 2010, respectively. All necessary State reviews and approvals have been secured. Therefore, CAA section 110(l) requirements are satisfied.

## V. Final Action

EPA is approving SIP revisions that Wyoming submitted to EPA Region 8 on August 19, 2011. The Environmental Quality Council of the Wyoming Department of Environmental Quality adopted revisions to Chapter 2, ''Ambient Standards,'' Section 2,''Ambient standards for particulate matter,'' Section 10, ''Ambient standards for lead,'' and Section 12, ''Incorporation by reference,'' of the WAQSR as revisions to the SIP.

EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the Proposed Rules section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective October 27, 2014 without further notice unless we receive adverse comments by September 25, 2014. If we receive adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

## VI. Statutory and Executive Orders Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this 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);
- 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. section 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 rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. 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. section 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 27, 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organization compounds.

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

Dated: August 5, 2014.

**Shaun L. McGrath,**

*Regional Administrator, Region 8.*

40 CFR part 52 is amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

## Subpart ZZ—Wyoming

■ 2. In § 52.2620, the table in paragraph (c)(1) is amended under Chapter 2 by revising the entries for Sections 2 and 10 and by adding an entry for Section 12 in numerical order to read as follows:

**§ 52.2620 Identification of plan.**

* * * * *

(c) * * *

(1) * * *

| State citation | Title/subject | State adopted and effective date | EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| * | * | * | * | * |
| | **Chapter 2** | | | |
| Section 2 ..... | Ambient standards for particulate matter ..... | 2/18/2000, 7/8/2010 and 3/30/2000, 9/7/2010. | 8/26/14, [*Insert Federal Register citation*]. | |
| * | * | * | * | * |
| Section 10 ..... | Ambient standards for lead ..... | 7/8/2010, 9/7/2010 ..... | 8/26/14, [*Insert Federal Register citation*]. | |
| Section 12 ..... | Incorporation by reference ..... | 7/8/2010, 9/7/2010 ..... | 8/26/14, [*Insert Federal Register citation*]. | |

| State citation | Title/subject | State adopted and effective date | EPA approval date and citation [1] | Explanations |
|---|---|---|---|---|
| * | * | * | * | * |

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

* * * * *

[FR Doc. 2014–20225 Filed 8–25–14; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[MB Docket No. 14–53; RM–11714; DA 14–1013]**

### Radio Broadcasting Services; Dayton, Washington

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Brett E. Miller, allots Channel 272A at Dayton, Washington. A staff engineering analysis determines that Channel 272A can be allotted to Dayton consistent with the minimum distance separation requirements of the Rules with a site restriction 3.1 kilometers (1.9 miles) southwest of the community. The reference coordinates are 46–18–20 NL and 118–00–03 WL.

**DATES:** Effective September 2, 2014.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418–2700.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order,* MB Docket No. 14–53; DA 14–1013, adopted July 17, 2014, and released July 18, 2014. The full text of this document is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or via email *www.BCPIWEB.com.* This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

Federal Communications Commission.

**Nazifa Sawez,**

*Assistant Chief, Audio Division, Media Bureau.*

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 73 as follows:

## PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336 and 339.

**§ 73.202 [Amended]**

■ 2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by adding Dayton, Channel 272A.

[FR Doc. 2014–20295 Filed 8–25–14; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### 50 CFR Part 17

**[Docket No. FWS–R8–ES–2013–0078; 4500030113]**

**RIN 1018–AY27**

### Endangered and Threatened Wildlife and Plants; Endangered Status for Vandenberg Monkeyflower

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), determine endangered species status under the Endangered Species Act of 1973 (Act), as amended, for *Diplacus vandenbergensis* (Vandenberg monkeyflower), a plant species from Santa Barbara County, California. The effect of this regulation will be to add this species to the Federal List of Endangered and Threatened Plants.

**DATES:** This rule is effective September 25, 2014.

**ADDRESSES:** This final rule is available on the Internet at *http://www.regulations.gov* (Docket No. FWS–R8–ES–2013–0078). Comments and materials we received, as well as supporting documentation we used in preparing this rule, are available for public inspection at *http://www.regulations.gov.* Comments, materials, and documentation that we considered in this rulemaking are available by appointment, during normal business hours at: U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 930032; telephone 805–644–1766; or facsimile 805–644–3958.

**FOR FURTHER INFORMATION CONTACT:** Stephen P. Henry, Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 930032; telephone 805–644–1766; or facsimile 805–644–3958. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

**SUPPLEMENTARY INFORMATION:**

#### Previous Federal Action

Please refer to the proposed listing rule for Vandenberg monkeyflower (78 FR 64840; October 29, 2013) for a detailed description of previous Federal actions concerning this species.

We will also publish a final rule to designate critical habitat for Vandenberg monkeflower under the Act in the near future (16 U.S.C. 1531 *et seq.*).

#### Background

Vandenberg monkeyflower is a small, annual herbaceous plant in the Lopseed family (Phrymaceae) with stems that are glandular and usually green with purplish tinting. Plants produce a single yellow flower, or plants are branched producing multiple flowers. The tubular yellow flowers are bilaterally symmetrical, with the distal ends of the petals forming a unique structure that is likened to a face; hence, the common name monkeyflower.

Vandenberg monkeyflower occupies a specific landscape in Santa Barbara County, California, known as Burton Mesa. Burton Mesa supports a mosaic of several native vegetation types, including maritime chaparral, maritime

chaparral mixed with coastal scrub, oak woodland, and small patches of native grasslands (Wilken and Wardlaw 2010, p. 2). The maritime chaparral on Burton Mesa is referred to as Burton Mesa chaparral (Odion *et al.* 1992, pp. 5–6; Sawyer *et al.* 2009, p. 376), and is dominated by evergreen shrubs and scattered multi-trunked *Quercus agrifolia* (coast live oak) that form open stands to almost impenetrable thickets over large areas of Burton Mesa, with heights reaching up to 13 ft (4 m) (Gevirtz *et al.* 2007, pp. 95–96). Vandenberg monkeyflower does not grow beneath the canopy of shrubs or oaks, but rather in the sandy openings (canopy gaps) that occur in-between shrubs. Sandy openings have been noted for their high abundance and diversity of annual and perennial herbaceous species, compared to those found in the understory of the shrub canopy (Hickson 1987, Davis *et al.* 1989; Keeley *et al.* 1981; Horton and Kraebel 1955).

Vandenberg monkeyflower is sensitive to annual levels of rainfall (Thompson 2005, p. 23), and, therefore, germination of resident seed banks may be low or nonexistent in unfavorable years, with little or no visible aboveground expression of the species. The annual differences in the numbers and location of aboveground plants indicate the presence of a seed bank.

Vandenberg monkeyflower is currently known to occur within sandy openings at nine extant locations; one additional location is potentially extirpated (see *Distribution of Vandenberg Monkeyflower* in the proposed listing rule (78 FR 64840; October 29, 2013)). Because portions of Burton Mesa are inaccessible and difficult to survey, Vandenberg monkeyflower has the potential to occur in areas within sandy openings where it has not yet been observed. However, not all sandy openings within the shrub canopy appear to be currently suitable for Vandenberg monkeyflower because some of the sandy openings consist of sands that structurally seem more consolidated and currently do not support this species (Rutherford *in litt.* 2012). To date, all of the extant occurrences of Vandenberg monkeyflower are within sandy openings where the structure of the sands appears loose (Rutherford *in litt.* 2012).

Please refer to the Background section of Vandenberg monkeyflower's proposed listing rule (78 FR 64840; October 29, 2013) for a summary of additional species information.

**Summary of Changes From the Proposed Rule**

Based on comments and information received from peer reviewers and the public, we are revising our discussions of the following specific biological information for Vandenberg monkeyflower: Dispersal ecology and pollinator ecology. Additional information related to description and taxonomy, life history, geographic setting, climate, habitat, land ownership, distribution, and current status/occurrences is available in the Background section of the proposed listing rule (78 FR 64840; October 29, 2013).

*Dispersal Ecology*

Seeds of Vandenberg monkeyflower are small and light in weight, dispersing primarily by gravity and also by water and wind over relatively short distances (Thompson 2005, p. 130; Fraga *in litt.* 2012). The small size of the seed makes it likely that short-distance dispersal could also be facilitated by ants, as has been noted for other small-seeded plant taxa (Cain *et al.* 1998, pp. 328–330). The literature on seed dispersal discusses that, while short-distance dispersal occurs with high frequency (Cain *et al.* 2000, p. 1218), this method of dispersal is most important for understanding dispersal of seeds within populations (e.g., metapopulation dynamics), recruitment patterns, and resource use (Nathan *et al.* 2003, p. 261).

Dispersal of seed between populations and dispersal of seed from established populations to newly colonized sites are typically the result of less frequently occurring, long-distance seed dispersal events (Cain 2000, pp. 1217–1227; Nathan *et al.* 2003, p. 262). Moreover, while there is good correlation between seed morphology and short-distance dispersal, seed morphology characteristics are less important for understanding long-distance dispersal because long-distance dispersal is more dependent on the dispersal event. Therefore, while seed morphology characteristics of Vandenberg monkeyflower are consistent with short-term dispersal, long-distance dispersal events would still be important for dispersing seed between populations and to new sites with suitable habitat. We recognize, however, that determining long-distance seed dispersal distances for any species is challenging because of the difficulty observing and quantifying long-distance dispersal events.

Long-distance dispersal of seeds occurs in numerous ways, including vertebrate dispersal (by adhesion or ingestion), wind dispersal of seeds (in updrafts and storms, or by secondary dispersal over the substrate), wind dispersal of plants (tumble-plant dispersal), and water dispersal (Cain *et al.* 2000, p. 1218). Given that the Burton Mesa area is subject to occasional high winds (see discussion in *Climate* section in the proposed listing rule), long-distance dispersal of Vandenberg monkeyflower seeds likely occurs during these wind events. Wind dispersal likely leads to a random dispersal of seeds, some of which fall into suitable habitat.

*Pollinator Ecology*

First, we are correcting a reference that was cited in our proposed listing rule. Specifically, we cited Krombein *et al.* (1979) for a list of pollinators observed on Vandenberg monkeyflower. However, the list of pollinators was for those that have been observed on *Diplacus [Mimulus] fremontii,* a closely related species.

Second, we are revising our discussion on the pollination ecology of Vandenberg monkeyflower to include additional information about potential Vandenberg monkeyflower pollinators, both with respect to the wider array of pollinators as well as the inclusion of pollinators that are considered of large size. Species of *Diplacus* are predominantly bee-pollinated, although the genus also includes species that are pollinated by hummingbirds, hawk moths (Sphingidae), beeflies (Bombyliidae), and other flies (order Diptera) (Wu *et al.* 2008, p. 224). Species of bees that have been observed to visit flowers of the closely related Fremont monkeyflower (*Diplacus* [*Mimulus*] *fremontii*) include sweat bees (*Dufourea versatilis rubriventris*), miner bees (*Perdita nitens, Caliopsis* [*Nomadopsis*] *fracta* and *C. nomadopsis trifolii*), mason bees (*Hoplitis product bernardina*), and leaf-cutter bees (*Anthidium collectum, Chelostoma cockerelli, C. minutum, C. phaceliae, Chelostomopsis rubifloris,* and *Ashmeadiella timberlakei timberlakei*) (Krombein *et al.* 1979, pp. 1863–2030; Bugguide 2012; The Xerces Society 2012). Additionally, Inouye (*in litt.* 2012) observed that small solitary bees were the most common pollinators on three other species of small annual monkeyflower species from dry and mesic habitats (*D. androsaceus, D. angustatus,* and *D. douglasii*); and Fraga (*in litt.* 2012) has observed halictid bees (Halictidae) on other small monkeyflower species.

Observations of insects specifically on Vandenberg monkeyflower include domestic honey bees (*Apis mellifera*), an

unidentified native bee, a medium-sized bumblebee (*Bombus* sp.), and a small black wasp (Chesnut *in litt.* 2014). In addition, Ballard (*in litt.* 2014) documented a number of insects within Vandenberg monkeyflower habitat, and though not specifically observed on Vandenberg monkeyflower, are consistent with other observations of likely pollinators; these include blue mud wasp (*Chalybion californicum),* common eumenid wasp (yellow and black) (*Euodynerus annulatum*), burrowing bee (Apinae), sweat bee (Halictidae), and honeybees (*Apis mellifera*). Although most of the bees listed here are considered to be small (6–8 mm long) or medium-sized (8–10 mm long) bees, some of them (such as the honeybees) are considered to be large (over 10 mm long) bees.

**Summary of Biological Status and Threats**

Section 4 of the Act (16 U.S.C. 1533), and its implementing regulations at 50 CFR part 424, set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, we may list a species based on any of the following five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; and (E) other natural or manmade factors affecting its continued existence. Listing actions may be warranted based on any of the above threat factors, singly or in combination. Each of these factors is discussed below.

*Factor A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range*

Factor A threats to Vandenberg monkeyflower habitat include development (military, State lands, and residential); utility maintenance and miscellaneous activities; invasive, nonnative plants; anthropogenic (influenced by human-caused activity) fire; recreation; and climate change. These impact categories overlap or act in concert with each other to adversely affect Vandenberg monkeyflower habitat. The full analysis for each of these *Factor A* threats is described in detail in the October 29, 2013, proposed listing rule (78 FR 64840), and is summarized below. The proposed rule also provides a discussion of the various conservation measures that have occurred to date to assist in addressing these threats (see *Factor A—Conservation Measures Undertaken* section of the proposed listing rule).

Development

Most of the historical loss of Burton Mesa chaparral where Vandenberg monkeyflower occurs is due to military activities (Vandenberg AFB), residential communities (Vandenberg Village, Mission Hills, and Mesa Oaks), infrastructure at La Purisima Mission State Historic Park (SHP), and commercial development that occurred in the past and resulted in many developed areas that have existed for decades, although historical loss of chaparral is also due to the presence and expansion of invasive, nonnative plants. Prior to 1938, there were approximately 23,550 ac (9,350 ha) of Burton Mesa chaparral (Hickson 1987, p. 34). In 2012, approximately 10,057 ac (4,070 ha) of Burton Mesa chaparral remained, which represents a loss of 53 percent of the original upland habitat (Service 2012, unpublished data). Based on the habitat characteristics of Burton Mesa chaparral, it is probable that an equivalent percent loss of sandy openings that occur in-between shrubs may have occurred over this timeframe (see *Background—Habitat* section of the proposed listing rule).

The majority of remaining Burton Mesa chaparral where Vandenberg monkeyflower occurs is within Federal or State-owned lands and is protected from development. Therefore, large-scale future development of remaining Burton Mesa chaparral is not likely to occur and thus is not a significant threat to Vandenberg monkeyflower. However, smaller-scale private property development; access to easements; maintenance of utility, oil, and gas pipelines; fire and fire suppression; and authorized and unauthorized recreational activities may continue to take place throughout Burton Mesa. Some of these activities may occur within Burton Mesa chaparral or adjacent to occurrences of Vandenberg monkeyflower, resulting in the destruction and possible removal of Vandenberg monkeyflower habitat and creating open areas for nonnative plants to invade. Therefore, the direct destruction and alteration of chaparral habitat (Factor A) is likely to continue on a relatively small scale and is thus considered a threat to Vandenberg monkeyflower both currently and in the future.

Utility and Pipeline Maintenance

Utility and pipeline structures occur within the Burton Mesa Ecological Reserve (Reserve), and access routes through the Reserve service the Plains Exploration and Production Company oil processing plant, which surrounds the La Purisima Management Unit of the Reserve. Additionally, local land use agencies and public works agencies retain other utilities and pipelines, and easements for access. For example, the Vandenberg Village Community Services District has several structures (including water tanks, a water processing plant, wells, and water lines and sewer lines) located within the Reserve (Gevirtz *et al.* 2007, p. 63). These existing facilities or structures at times require routine maintenance to ensure proper operation. As a result, vehicles and foot traffic could occur at or adjacent to these structures and potentially result in trampling of habitat and other soil surface disturbance, which in turn could result in ground disturbance that removes Burton Mesa chaparral and creates open areas in the vegetation that act as pathways for nonnative plants to expand or invade. There is no indication that ongoing maintenance activities of existing pipelines and utilities have directly impacted Vandenberg monkeyflower habitat. However, utility maintenance actions could result in ground disturbance that removes Burton Mesa chaparral, creating open areas in the vegetation that act as pathways for nonnative plants to invade.

Invasive, Nonnative Species

Invasive, nonnative plants occur and are expanding throughout the Burton Mesa. More specifically, at least one of the four most problematic invasive plants occurs within or adjacent to suitable habitat at each of the nine extant occurrences of Vandenberg monkeyflower and at one potentially extirpated location. Invasive plants have demonstrated the ability to reduce the diversity of native vegetation and convert the native shrublands into nonnative-dominated vegetation. In some areas, particularly on Vandenberg AFB, veldt grass, iceplant, and pampas grass when first introduced were only minor components of the vegetation; today, these nonnatives are dominant components of the vegetation at the locations where they were introduced, and they have expanded to new areas. The expansion of invasive, nonnative plants is also prevalent on the Reserve and at La Purisima Mission SHP. Native shrub recruitment and growth of native annuals into open areas are substantially decreased where these invasive, nonnative plants become established. Thus, it is likely that invasive, nonnative plants will become more dominant where they already occur and will continue to expand to

new areas due to the human activities on Burton Mesa, the competitive fitness of these invasive plants, the direction of the prevailing wind, and the potential for small- and large-scale disturbances (see *Factor A—Development* and *Anthropogenic Fire*), all of which could create open areas that promote invasive, nonnative species invasion and expansion.

With regard to site-specific impacts to Vandenberg monkeyflower habitat, veldt grass has been observed occurring within suitable habitat at each of the nine extant occurrences and at one potentially extirpated location. Recent observations of the habitat at all nine extant occurrences indicate that veldt grass is expanding and becoming dominant in the sandy openings where Vandenberg monkeyflower grows. Because veldt grass will outcompete native vegetation (including overcrowding the sandy openings where Vandenberg monkeyflower grows) and is very difficult to eradicate once it is established, the presence and expansion of veldt grass within known occurrences of Vandenberg monkeyflower is a continuous threat because it reduces the amount and quality of this species' habitat. Three other invasive, nonnative species (iceplant, Sahara mustard, and pampas grass) have substantial impacts to Vandenberg monkeyflower and its habitat. These species, along with numerous other nonnative plant species, are present throughout Burton Mesa and at all extant occurrences of Vandenberg monkeyflower. Similar to veldt grass, the other invasive, nonnative plants reduce the amount and quality of habitat for Vandenberg monkeyflower by outcompeting Burton Mesa chaparral vegetation and decreasing the amount and availability of the sandy openings where Vandenberg monkeyflower grows. Nevertheless, no invasive plant is as prevalent and represents as much of a threat to Vandenberg monkeyflower habitat as veldt grass.

Anthropogenic Fire

Because of the human presence and infrastructure on Burton Mesa, the frequency of human-caused wildfires is likely greater than the frequency of historical fires on the mesa. An increased fire frequency in Burton Mesa chaparral would tend to favor the establishment of nonnative vegetation in open areas at the expense of native vegetation. However, the primary threat to Vandenberg monkeyflower and its habitat from fire is the post-fire expansion of invasive, nonnative plants, regardless of the fire frequency. Because an abundance of nonnative plants already occurs on the mesa, and invasive plants rapidly invade open areas, any fire that occurs within or adjacent to Vandenberg monkeyflower habitat is likely to result in an increase of invasive, nonnative vegetation. Likewise, fire suppression activities that include clearing vegetation in fuel breaks or spreading retardant would increase the likelihood of nonnative species invading suitable Vandenberg monkeyflower habitat, as well as enhance the habitat conditions for invasive species expansion. Additionally, because the presence of invasive, nonnative plants creates a positive feedback mechanism, the greater the percent cover of nonnative vegetation, the more likely fires will occur on Burton Mesa. Based on the information presented in this section, the current threat from anthropogenic fire and associated fire suppression activities to Vandenberg monkeyflower habitat described above is expected to continue into the future.

Recreation and Other Human Activities

Recreational activities that occur throughout Burton Mesa include authorized uses such as hunting, hiking, biking, wildlife observation, and leashed-dog walking. Additionally, off-road vehicle (ORV) use is authorized on Vandenberg AFB (Air Force 2011a, p. 6), but it is not permitted on the Reserve (Gevirtz *et al.* 2007, p. 70) or La Purisima Mission SHP (California State Parks 1991, p. 109). ORV use and other casual recreational activities may contribute to soil disturbance and increase the potential for invasive, nonnative plants to be introduced and further spread across Burton Mesa, including into locations where Vandenberg monkeyflower and its suitable habitat occurs. At this time, the best available information does not indicate that recreational activities pose a substantial direct threat to Vandenberg monkeyflower habitat, although these activities would indirectly affect the habitat by contributing to the spread of invasive, nonnative plants within the habitat and reducing the habitat quality.

Climate Change

Climate change may have potential impacts on Vandenberg monkeyflower and its habitat (Factors A and E), such as increased temperatures and decreased precipitation that would likely reduce suitable habitat. Scientific measurements spanning several decades demonstrate that changes in climate are occurring, and that the rate of change has increased since the 1950s. Within central-western California (i.e., counties along the California coast from the San Francisco Bay area south to Santa Barbara County), regional climate models project a mean annual temperature increase of 1.6 to 1.9 degrees Celsius (°C) (2.9–3.4 degrees Fahrenheit (°F)) and a mean diurnal temperature range increase of 0.1 to 0.2 °C (0.2–0.4 °F) by 2070 (Point Reyes Bird Observatory (PRBO) Conservation Science 2011, p. 35). The projected impacts of climate change are warmer winter temperatures, earlier warming in the spring, and increased summer temperatures (PRBO Conservation Science 2011, p. 35). Additionally, regional climate models project a decrease in mean annual rainfall of 2.4 to 7.4 in (6.1 to 18.8 cm) (PRBO Conservation Science 2011, p. 35). The large range of possible precipitation change (−11 percent to −32 percent) is due to different model projections and sensitivity. This sensitivity indicates substantial uncertainty in precipitation projections (PRBO Conservation Science 2011, p. 35). Other scientific sources (Snyder *et al.* 2004, pp. 594–595) project similar temperature increases and precipitation decreases along the central California coast.

To estimate what changes in rainfall and temperature, if any, would occur in the Burton Mesa area over the next 50 years, we used both local weather data and an available projection tool called ClimateWizard (2012). ClimateWizard (2012) projects that rainfall would decrease an average of 8 to 12 percent from baseline and temperature would rise approximately 2.5 °F (1.4 °C) by the 2050s. A comparison between the Burton Mesa area and the eastern portion of Santa Barbara County (for example, 30 mi (48 km) east of the Burton Mesa area, which is projected to rise approximately 5 °F (2.8 °C)), indicates that the change in temperature is expected to be less in the Burton Mesa area. This prediction is likely due to the moderating influence of ocean temperatures in coastal areas.

We recognize that climate change is an important issue with potential impacts to species and their habitats, including Vandenberg monkeyflower. Regional climate projections indicate that a warming and drying trend is likely in central-western California, which would likely make habitat less favorable for Vandenberg monkeyflower. However, as stated above, these warming and drying effects may be moderated by the marine influence. Therefore, climate change may not affect Vandenberg monkeyflower or its habitat as quickly or as extensively as may be projected.

*Factor B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes*

No available information indicates any impacts to Vandenberg monkeyflower related to overutilization for commercial, recreational, scientific, or educational purposes or that these activities would increase in the future. Therefore, we do not consider this factor to be a threat to Vandenberg monkeyflower, nor do we expect it to be in the future.

*Factor C. Disease or Predation*

We have no information indicating any impacts to Vandenberg monkeyflower related to disease or predation, or that disease or predation may become a concern in the future. Therefore, we do not consider disease or predation to be threats to Vandenberg monkeyflower, nor do we expect them to become threats in the future.

*Factor D. The Inadequacy of Existing Regulatory Mechanisms*

Under this factor, we examine whether existing regulatory mechanisms are inadequate to address the threats to Vandenberg monkeyflower discussed under other factors. We give strongest weight to statutes and their implementing regulations, and management direction that stems from those laws and regulations. They are nondiscretionary and enforceable, and are considered a regulatory mechanism under this analysis. Examples include State governmental actions enforced under a State statute or constitution, or Federal action under statute.

Some other programs are more voluntary in nature or dependent on available funding (see *Conservation Measures Undertaken* under *Factor A* in the proposed listing rule); in those cases, we analyze the specific facts for that effort to ascertain its effectiveness at mitigating the threat and the extent to which it can be relied on in the future. Having evaluated the significance of the threat as mitigated by any such conservation efforts, we analyze under Factor D the extent to which existing regulatory mechanisms adequately address the specific threats to the species. Regulatory mechanisms, if they exist, may preclude the need for listing if we determine that such mechanisms adequately address the threats to the species such that listing is not warranted.

We note that Vandenberg monkeyflower is not State-listed as endangered or threatened. The Service added this species to the Federal list of candidate species on November 10, 2010 (75 FR 69222; see previous Federal Actions in the proposed rule) and proposed listing this species as endangered on October 29, 2013 (78 FR 64840). Candidate species are afforded no protections under the Act. The California Native Plant Society (CNPS) classifies this species as 1B.1, which denotes that a taxon is seriously endangered in California (CNPS 2012). The full *Factor D* analysis is described in detail in the October 29, 2013, proposed listing rule (78 FR 64840), and is summarized below.

The existing regulatory mechanisms at the Federal and State levels require evaluation of potential actions that may impact Vandenberg monkeyflower and its habitat on Burton Mesa. At the Federal level, the National Environmental Policy Act (NEPA) requires only evaluation of impacts to the human environment. The Sikes Act requires military installations to develop Integrated Natural Resources Management Plans (INRMPs) to ensure proper consideration of fish, wildlife, and habitat needs on their lands. In 2012, the Air Force approved an Addendum (Air Force 2012) to the 2011 INRMP (Air Force 2011b) that addresses the conservation of Vandenberg monkeyflower and its habitat. Vandenberg monkeyflower is considered a covered species, and the Air Force provides management of the species by identifying the threat of invasive, nonnative plants and proposing actions to limit further spread of, and assist in the restoration of habitat degraded by, invasive, nonnative plants. The Service has approved the INRMP and Addendum as providing a conservation benefit to Vandenberg monkeyflower, and anticipates continued coordination with the Air Force regarding INRMP revisions and future conservation actions relevant to Vandenberg monkeyflower and its habitat. With the exception of this INRMP, no protections are in place at the local, State, and Federal levels that are intended to protect a plant species that is not federally or State listed. Additionally, at least one incident of unauthorized grading occurred without following the required local permit process; loss of Vandenberg monkeyflower individuals and habitat was documented.

Federal and State ownership of much of the occupied Vandenberg monkeyflower habitat and the regulatory framework that defines the use of those Federal and State lands protect the species from direct losses of habitat and provide further protection from many forms of disturbance. However, the current regulatory regime does not address the majority of impacts associated with loss of Vandenberg monkeyflower habitat (i.e., development of private lands that result in habitat loss, fire and fire suppression efforts, authorized and unauthorized recreation activities, and the invasion and expansion of invasive, nonnative species). As described under Factor A in the proposed listing rule and summarized here, the primary threat with the greatest severity and magnitude of impact to Vandenberg monkeyflower is invasive, nonnative species invasion and expansion. Although some protections currently exist for the species and its habitat as a result of existing regulatory mechanisms in place at the local, State, and national levels, our evaluation suggests these protections are inadequate to address the primary threat of invasive, nonnative species to Vandenberg monkeyflower and its habitat (Factor D).

*Factor E. Other Natural or Manmade Factors Affecting Its Continued Existence*

Competition for Resources With Invasive, Nonnative Species

In Factor A, we discussed how invasive, nonnative plants alter the habitat that supports Vandenberg monkeyflower. In this section, we summarize how invasive, nonnative plants compete with individuals of Vandenberg monkeyflower for light, water, and soil nutrients. Please see the *Factor E—Competition for Resources with Invasive, Nonnative Species* section of the proposed listing rule for a detailed discussion.

Invasion of nonnative plants and in particular nonnative grasses is a threat to Vandenberg monkeyflower because small annuals such as this species most likely cannot compete with fast-growing nonnative plants for light, water, and soil nutrients (refer to Barrows *et al.* 2009; Lambrinos 2000; D'Antonio and Vitousek 1992). Grasses have long been recognized as effective competitors with herbaceous and woody species (Davis and Mooney 1985; D'Antonio and Vitousek 1992). For example: (1) Rapidly growing nonnative grasses can reduce light at the soil surface and thereby reduce the photosynthetic ability of competitors (Thompson 1991, pp. 394–395); and (2) nonnative grasses can uptake water and nutrients with their dense, shallow root systems (whereas root systems of most woody species are deeper and less dense than those of grasses); once woody species become large, they are generally thought to have access to moisture and nutrients from portions of the soil profile below

grass roots (D'Antonio and Vitousek 1992, p. 70). Grasses are most effective as competitors against seedlings and shallow-rooted annuals rather than saplings or adults of woody species (Davis and Mooney 1985, p. 528; D'Antonio and Vitousek 1992, p. 70). However, Knoop and Walker (1985, p. 249) demonstrated that grasses can reduce water availability in the subsoil at a depth of 1 to 4.25 ft (0.3 to 1.3 m) where shrub roots are common.

Because individuals of Vandenberg monkeyflower are small in stature (growing up to 10 in (25.4 cm) tall), invasive, nonnative plants that grow taller in stature and quicker than this species (such as veldt grass and Sahara mustard; see *Factor A—Invasive, Nonnative Plants* and *Anthropogenic Fire* sections of the proposed rule) may inhibit the growth and production of Vandenberg monkeyflower attempting to grow nearby. Moreover, because Vandenberg monkeyflower likely is shallow rooted like other small annual plants that grow in sandy openings within chaparral, invasive, nonnative grasses that occur within and near the species are likely outcompeting it by depleting the water at shallow depths and soil nutrients that it requires. Veldt grass is of particular concern because: (1) It is present at nine (100 percent) of the Vandenberg monkeyflower extant occurrences and one potentially extirpated occurrence (i.e., Lower Santa Lucia Canyon); and (2) it has deep-reaching roots that are able to tolerate Mediterranean climates (Tothill 1962, pp. 132–161). Thus, veldt grass could deplete the water and soil nutrients that would otherwise be available for Vandenberg monkeyflower.

Small Population Size and Restricted Range

According to the criteria put forth by the World Conservation Union, as modified for plants, a species that has life-history, population, and distribution attributes similar to those of Vandenberg monkeyflower is considered to have a high risk of extinction in the wild in the immediate future (Keith 1998, pp. 1085–1087). Species with few populations and individuals are vulnerable to the threat of naturally occurring events, which can cause extinction through mechanisms operating either at the genetic, population, or landscape level (Shaffer 1981, pp. 131–134; Primack 1998, pp. 279–308). The genetic characteristics of Vandenberg monkeyflower have not been investigated; therefore, the degree to which genetic characteristics contribute to the likelihood of this species being vulnerable to extinction is unknown. However, random events operating at the population and landscape levels may increase the chance of extinction for Vandenberg monkeyflower. Although data are not available to determine population trends for this species, the best available information gained from multiple survey years between 2003 and 2012 indicate that 3 occurrences (33 percent) have fewer than 100 individuals. Six occurrences (67 percent) were recently shown to harbor more than 100 individuals, and 2 of those 6 occurrences (22 percent) contained more than 1,000 individuals (see *Current Status of Vandenberg Monkeyflower* section in the proposed listing rule for further population discussion).

Species with few populations or those with low numbers may be subject to forces at the population level that affect their ability to complete their life cycles successfully. The number and density of flowering plants in a population can be important determinants of pollinator abundance and behavior (Jennersten 1988, pp. 361–363; Bernhardt *et al.* 2008, p. 948). Reduced numbers of individuals of flowering plants may lead to a reduction in abundance of pollinators and subsequent seed set and fitness of seed progeny (Menges 1991, p. 162). Specific information is not available for Vandenberg monkeyflower; however, these studies on other plant-pollinator relationships point out the importance of pollinators that is likely applicable to Vandenberg monkeyflower.

The establishment and encroachment of nonnative species in and around Vandenberg monkeyflower individuals and populations results in a less diverse plant community. One aspect of this situation is the reduction of native pollinators that are necessary for the continued reproduction of Vandenberg monkeyflower because it is an annual, not a perennial.

Annual plants that are subject to wide fluctuations in population numbers from year to year, such as Vandenberg monkeyflower, may have difficulty maintaining a viable population size after a series of poor seed-production years. Additionally, if the host plants (plants being visited by pollinators) are partially self-incompatible, reduction in population size may lead to increased self-pollination and may reduce the level of genetic variability. At the landscape level, random natural events, such as storms, drought, or fire, could destroy a significant percentage of individuals or entire populations. Because Vandenberg monkeyflower comprises a small number of locations and individuals, and is restricted to a small geographic area on Burton Mesa, this species' risk of extinction increases from such naturally occurring events. No empirical information is available to estimate trends for Vandenberg monkeyflower populations; however, the continued decrease in habitat (especially from nonnative plant invasions) is contributing to habitat fragmentation and impacting the species' ability to persist.

Recreation

Recreational use occurs on Burton Mesa within Vandenberg AFB, the Reserve, and La Purisima Mission SHP. We discussed the effects to Vandenberg monkeyflower habitat resulting from recreational use (see *Factor A—Recreation* of the proposed rule); however, recreational activities may also result in trampling individuals of Vandenberg monkeyflower. The Volans Avenue occurrence of Vandenberg monkeyflower is adjacent to a sewer line easement that is also used for hiking and dog walking (see *Factor A—Recreation* of the proposed rule). Recreational users are encouraged to stay within existing and designated trails. No other location where this species occurs is adjacent to designated trails. Therefore, the best available information indicates that recreational activities involving casual human use are having minimal effect on individuals of Vandenberg monkeyflower. Unauthorized recreational activities such as mountain biking and ORV use have resulted in damaged native vegetation, and squashed and sometimes broken plant parts (Meyer *in litt.* 2010; Meyer *in litt.* 2013). Determining where the unauthorized ORV activity originates on the Reserve is difficult because of the historical network of trails and roads. Available information does not indicate the extent and degree to which ORV activity and mountain biking may be impacting Vandenberg monkeyflower individuals.

*Combination of Factors*

Many of the threats discussed above act in concert, and the resulting effects to Vandenberg monkeyflower are amplified. For example, some land uses and development or maintenance activities (Factor A) create ground disturbance and subsequent openings in the vegetation where nonnative plants (Factor A) can invade, expand, and outcompete native vegetation (Factor E). Fires on Burton Mesa (Factor A) result in an increase in nonnative vegetation (Factor A). Similarly, an abundance of nonnative vegetation, particularly grasses (Factors A and E), may result in

an increase in fire frequency (Factor A). The availability of habitat and small overall population size (Factor E) may be affected in a changing climate and by events such as wildfire (Factor A). Thus, Vandenberg monkeyflower's productivity may be reduced because of these threats, either singularly or in combination. Existing regulatory mechanisms have not proven effective at protecting Vandenberg monkeyflower or its habitat from these threats (Factor D).

As stated above, the presence of invasive, nonnative plants is the most significant threat to Vandenberg monkeyflower, both alone and in combination with other Factors (e.g., anthropogenic fire, recreation). The combination of factors would likely create a cumulative or synergistic threat to the existence of Vandenberg monkeyflower. Given these circumstances, the combined effects of current threats to the population put the species at risk rangewide.

Please refer to the proposed listing rule (78 FR 64840; October 29, 2013), available at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2013–0078, for a more detailed discussion of the biological status of Vandenberg monkeyflower and the impacts affecting the species and its habitat, which we have summarized here. Our assessment was based upon the best available scientific and commercial data and expert opinions of our staff.

**Summary of Comments and Recommendations**

In the proposed rule published on October 29, 2013 (78 FR 64840), we requested that all interested parties submit written comments on the proposal by December 13, 2013. We also contacted appropriate Federal and State agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. Newspaper notices inviting general public comment were published in the Santa Barbara News-Press. We did not receive any requests for a public hearing. All substantive information provided during comment periods has either been incorporated directly into this final determination or is addressed below.

*Peer Reviewer Comments*

In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), we solicited expert opinion from three knowledgeable individuals with scientific expertise that included familiarity with Vandenberg monkeyflower and its habitat, the geographic region in which the species occurs, and conservation biology principles relevant to the species. We received responses from all three peer reviewers. We reviewed all comments received from the peer reviewers for substantive issues and new information. The peer reviewers provided additional information, clarifications, and suggestions to improve the final listing rule as discussed in more detail below. Peer reviewer comments are addressed in the following summary and incorporated into the final rule as appropriate.

*Comment 1:* One peer reviewer stated that the shutdown of the California Department of Food and Agriculture's (CDFA) A-rated Noxious Weed Eradication Program in 2011, which provided funding and manpower for projects in Santa Barbara County, would contribute to the nonnative species threat. Another peer reviewer reiterated the threat posed by nonnative species and the difficulty managing them.

*Response:* We acknowledge the peer reviewers' comments. We agree with the peer reviewers that invasive, nonnative plants are impacting Vandenberg monkeyflower individuals and habitat (see *Factor A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range—Invasive Nonnative Species*). It is unfortunate that CDFA eliminated State funding for all weed programs in 2011, given that invasive, nonnative plants are a significant threat to Vandenberg monkeyflower and its habitat. We have contributed to invasive, nonnative plant control on Burton Mesa, such as through the Service's Partners for Fish and Wildlife Program, to assist La Purisima Mission State Historic Park with veldt grass removal adjacent to Vandenberg monkeyflower populations. We agree that veldt grass and other nonnative plants are a pervasive presence in Vandenberg monkeyflower habitat, and we intend to continue partnering with State Parks, California Department of Fish and Wildlife, and other entities, such as the County of Santa Barbara and local agencies, on efforts to control and remove invasive, nonnative plants from sites on Burton Mesa that impact Vandenberg monkeyflower and other sensitive species.

*Comment 2:* One peer reviewer provided recommendations for minor changes to the Background section (taxonomy, biology and life history, habitat and soil preferences, spatial distribution, historical range, and population size) of the proposed rule.

*Response:* We appreciate the suggestions and clarifying information provided by the peer reviewer and the opportunity to incorporate the best available scientific information into the final rule. The information provided by the peer reviewer is related to a section of the proposed rule that is not repeated in this final rule. Nevertheless, we have made use of this information in other sections of this final rule, where appropriate, and it informs our final determination. Moreover, we will similarly use this information in future actions related to Vandenberg monkeyflower. The information did not alter our determination for Vandenberg monkeyflower as an endangered species. The following three comments and responses (i.e., Comments 2(a), 2(b), and 2(c)) are a summary of the peer reviewer's three clarifications and our responses.

*Comment 2(a):* The peer reviewer noted that in the ''Life History'' section of the proposed rule, *Layia glandulosa* (tidytips) and *Plantago erecta* (plantain) would be better species to provide as examples of other plants that, like Vandenberg monkeyflower, respond to winter rains and bloom earlier in the growing season. The peer reviewer stated that the example we referenced as being similar to Vandenberg monkeyflower, *Lessingia glandulifera* (lessingia), may not be as good of a comparison because it is a much larger and robust annual that often blooms later in the season and may respond to the occasional summer rain event.

*Response:* We acknowledge the peer reviewer's comment. While we made reference to lessingia because it is an often co-occurring annual in sandy openings with Vandenberg monkeyflower, we agree that its phenology and response to occasional summer rain events is different than that of Vandenberg monkeyflower, and that some of the other co-occurring annual plant species may be more similar.

*Comment 2(b):* The peer reviewer noted in the ''Distribution'' section of the proposed rule conflicting terminology; specifically, we referred to a historical occurrence of Vandenberg monkeyflower located in the Santa Rita Valley also as the Santa Ynez Valley.

*Response:* We used the descriptions of valley names interchangeably; however, the Santa Rita Valley watershed is a tributary of the larger Santa Ynez Valley watershed, and so the former is a more precise reference to the historical location of this species. We have now clarified this description in this final rule as Santa Rita Valley, where appropriate.

*Comment 2(c):* The peer reviewer commented that the historical occurrence in the Santa Rita Valley mentioned in the ''Distribution'' section

should be shown on the map of the distribution of Vandenberg monkeyflower occurrences (Figure 2), and we should consider that this historical occurrence may have persisted for a long time and was extirpated by land-use conversion in the area.

*Response:* We chose to include only the known extant occurrences of Vandenberg monkeyflower in the distribution map presented in the proposed rule (78 FR 64840, 64846). In the *Distribution of Vandenberg Monkeyflower—Historical Occurrences* section of the proposed rule, we noted that Vandenberg monkeyflower has been extirpated at this location because no suitable habitat remains due to agricultural conversion (including vineyards and berries (Elvin 2009, pers. obs.)) and heavily grazed pastureland (Wilken and Wardlaw 2010, Appendix 2).

*Comment 3:* One peer reviewer commented on our discussion in the Summary of Factors Affecting the Species section of the proposed rule regarding habitat threats (Factor A) from private land development and the impact to the soil seed bank. The following statement from the proposed rule was unclear to the commenter: ''Data are not available on the specific acreage of sandy openings expected to be lost as a result of these projects, but data are provided on the loss of Burton Mesa chaparral and the number of individuals of Vandenberg monkeyflower observed at, or adjacent to, these project sites.''

*Response:* We appreciate the comment regarding the importance of the soil seed bank for Vandenberg monkeyflower. To clarify the statement mentioned above, it is meant to lay out what information we have about habitat loss resulting from the private land developments. We describe that Vandenberg monkeyflower occurs in sandy openings within Burton Mesa chaparral habitat. Because data measuring specific acreages of sandy openings expected to be lost as a result of these projects are not available (reporting of the loss of Burton Mesa chaparral typically does not include a separate breakdown of loss of sandy openings), we discuss the threat of habitat loss in terms of loss of overall chaparral habitat and the threats to the amount and quality of sandy openings where Vandenberg monkeyflower grows.

*Public Comments*

We received two public comments. Both were supportive of our proposed listing of Vandenberg monkeyflower as an endangered species, although no specific comments were provided.

**Determination**

Section 4 of the Act (16 U.S.C. 1533), and its implementing regulations at 50 CFR part 424, set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, we may list a species based on: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. Listing actions may be warranted based on any of the above threat factors, singly or in combination.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to Vandenberg monkeyflower. We considered the five factors identified in section 4(a)(1) of the Act in determining whether Vandenberg monkeyflower meets the Act's definition of an endangered species (section 3(6)) or a threatened species (section 3(20)). We determined that Vandenberg monkeyflower is endangered by the present or threatened destruction, modification, or curtailment of its habitat or range (Factor A), and other natural or manmade factors affecting its continued existence (Factor E). The greatest threat to Vandenberg monkeyflower is the presence and expansion of invasive, nonnative plants that are abundant on Burton Mesa, particularly occurring within or adjacent to all known occurrences of Vandenberg monkeyflower. Additionally, many of the threats act in concert, and the resulting effects to Vandenberg monkeyflower are amplified.

We did not identify threats to Vandenberg monkeyflower due to overutilization for commercial, recreational, scientific, or educational purposes (Factor B); or disease or predation (Factor C). Although regulatory mechanisms (Factor D) are in place that provide some protection to Vandenberg monkeyflower and its habitat, these mechanisms do not completely alleviate all of the threats currently acting on the species.

In the summary of the threats described in detail above, we found that Vandenberg monkeyflower suitable habitat on Burton Mesa has been displaced by military, residential, and commercial development, although the most significant ongoing threat to Vandenberg monkeyflower is the loss of habitat due to the presence and continual spread of invasive, nonnative plants (Factor A). Approximately 53 percent of Burton Mesa chaparral habitat has been lost, with only 10,057 ac (4,070 ha) of the 23,550 ac (9,350 ha) that existed before 1938 remaining. Additionally, invasive, nonnative plants, in particular veldt grass, are present and continuing to expand at all nine extant locations. No Vandenberg monkeyflower individuals have been observed at the three smallest extant locations in the last 3 years at one location and the last 6 years at the other two locations even though a residual seed bank is likely present. Burton Mesa chaparral is also subject to an anthropogenic fire regime that can increase the presence of invasive plants (Factor A). Casual human recreational use and utility maintenance activities can contribute to habitat disturbance that facilitates pathways for nonnative species to invade Burton Mesa chaparral habitat (Factor A).

Furthermore, invasive, nonnative plants are likely competing with Vandenberg monkeyflower for sunlight, water, and soil resources, and the species' restricted range and small population size make it vulnerable to changing environmental conditions due to climate change and other random, naturally occurring events (Factor E). Small population size is a highlighted concern in part due to the low number of individuals found to exist at the 3 smallest extant occurrences; in particular, 3 of the 9 occurrences have a range of 0 to 25 individuals documented between 2003 and 2012. The threats described above for Vandenberg monkeyflower occur across its entire range, resulting in a negative impact on the species' distribution, abundance, and probability of long-term persistence. Existing regulatory mechanisms are not adequate to protect the species or its habitat from these identified threats (Factor D).

The Act defines an endangered species as any species that is ''in danger of extinction throughout all or a significant portion of its range'' and a threatened species as any species ''that is likely to become endangered throughout all or a significant portion of its range within the foreseeable future.'' We find that Vandenberg monkeyflower is facing ongoing and projected threats across its range, and because of its restricted range and population size, it is vulnerable to extinction from elevated threats. We conclude that it meets the definition of an endangered species throughout its entire range due

primarily to: (1) The invasion, spread, and competition of invasive, nonnative species at all nine extant locations; (2) the species occurs only on Burton Mesa and over one-half of the habitat has been lost; and (3) its small population size makes it vulnerable to stochastic events. These impacts are heightened due to anthropogenic fire conditions that promote further invasion of nonnative species; recreation and other human activities that contribute to the spread of invasive, nonnative species; and continued development on private lands that further reduces and fragments the remaining suitable habitat. The threats to its continued existence are not commencing in the foreseeable future (which would result in a status determination of a threatened species), but are immediate and ongoing. We base this determination on the immediacy, severity, and scope of the threats described above. Therefore, on the basis of the best available scientific and commercial information, we are listing Vandenberg monkeyflower as an endangered species in accordance with sections 3(6) and 4(a)(1) of the Act.

Under the Act and our implementing regulations, a species may warrant listing if it meets the definition of an endangered or threatened species throughout all or a significant portion of its range. The Vandenberg monkeyflower that is proposed for listing in this rule is highly restricted in its range and the threats occur throughout its range. Therefore, we assessed the status of Vandenberg monkeyflower throughout its entire range. The threats to the survival of the species occur throughout the species' range and are not restricted to any particular significant portion of that range. Accordingly, our assessment and proposed determination applies to the species throughout its entire range.

**Available Conservation Measures**

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness and conservation by Federal, State, Tribal, and local agencies, private organizations, and individuals. The Act encourages cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required by Federal agencies and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Subsection 4(f) of the Act requires the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The recovery planning process involves the identification of actions that are necessary to halt or reverse the species' decline by addressing the threats to its survival and recovery. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

Recovery planning includes the development of a recovery outline shortly after a species is listed and preparation of a draft and final recovery plan. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process to be used to develop a recovery plan. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery plan identifies site-specific management actions that set a trigger for review of the five factors that control, for example, whether a species remains endangered or may be downlisted or delisted, and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) are often established to develop recovery plans; however, we have not coordinated a team nor initiated efforts on a recovery plan at this time. When completed, a recovery outline, draft recovery plan, and the final recovery plan for Vandenberg monkeyflower will be available on our Web site (*http://www.fws.gov/endangered*), or from our Ventura Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (e.g., restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands.

Based on this final listing rule, funding for recovery actions may be available from a variety of sources, including Federal budgets, State programs, and cost-share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the State of California will be eligible for Federal funds to implement management actions that promote the protection or recovery of Vandenberg monkeyflower. Information on our grant programs that are available to aid species recovery can be found at: *http://www.fws.gov/grants.*

Please let us know if you are interested in participating in recovery efforts for Vandenberg monkeyflower. Additionally, we invite you to submit any new information on this species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

Federal agency actions within the species' habitat that may require conference or consultation or both as described in the preceding paragraph include the Department of Defense, the Bureau of Prisons, Army Corps of Engineers, the Federal Energy Regulatory Commission, and the Federal Highway Administration. Activities potentially include management and any other landscape-altering activities

on Federal lands administered by the Department of Defense or the Bureau of Prisons, issuance of section 404 Clean Water Act permits by the Army Corps of Engineers, construction and management of gas pipeline and power line rights-of-way licensed by the Federal Energy Regulatory Commission, and funding by the Federal Highway Administration for the construction and maintenance of roads or highways.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a listing on proposed and ongoing activities within the range of listed species. The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to endangered and threatened plants. The Service codified the Act's prohibitions applicable to endangered plants at 50 CFR 17.71. The regulations at 50 CFR 17.71(a) make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale in interstate or foreign commerce, or remove and reduce the species to possession from areas under Federal jurisdiction, but 50 CFR 17.71(a) contains an exception for the seeds of cultivated specimens, provided that a statement that the seeds are of ''cultivated origin'' accompanies the seeds or their container. The following activities could potentially result in a violation of section 9 of the Act; this list is not comprehensive:

(1) Removing and reducing to possession Vandenberg monkeyflower from areas under Federal jurisdiction.

(2) Malicious damage or destruction of Vandenberg monkeyflower on areas under Federal jurisdiction.

(3) Unauthorized collecting, handling, possessing, selling, delivering, carrying, or transporting across State lines and importing or exporting across international boundaries, except for properly documented antique specimens of these taxa at least 100 years old, as defined by section 10(h)(1) of the Act.

Questions regarding whether specific activities would constitute a violation of section 9 of the Act should be directed to the Ventura Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

## Required Determinations

*National Environmental Policy Act (42 U.S.C. 4321 et seq.)*

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), need not be prepared in connection with listing a species as an endangered or threatened species under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

*Government-to-Government Relationship With Tribes*

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes. With regard to Vandenberg monkeyflower, there are no tribal lands affected by this final rule.

## References Cited

A complete list of references cited in this rulemaking is available on the Internet at *http://www.regulations.gov* and upon request from the Ventura Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

## Authors

The primary authors of this final rule are the staff members of the Service's Ventura Fish and Wildlife Office and Region 8 Regional Office.

## List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

## Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

## PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 1531–1544; 4201–4245, unless otherwise noted.

■ 2. Amend § 17.12(h) by adding an entry for ''*Diplacus vandenbergensis*'' in alphabetical order under Flowering Plants to the List of Endangered and Threatened Plants to read as follows:

**§ 17.12 Endangered and threatened plants.**

* * * * *

(h) * * *

| Species | | Historic range | Family | Status | When listed | Critical habitat | Special rules |
|---|---|---|---|---|---|---|---|
| Scientific name | Common name | | | | | | |
| FLOWERING PLANTS | | | | | | | |
| * | * | * | * | * | * | | * |
| *Diplacus vandenbergensis.* | Vandenberg monkeyflower. | U.S.A. (CA) | Phrymaceae | E | 847 | NA | NA |
| * | * | * | * | * | * | | * |

* * * * *

Dated: July 24, 2014.

**Stephen Guretin,**

*Acting Director, U.S. Fish and Wildlife Service.*

[FR Doc. 2014–20054 Filed 8–25–14; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 635

**[Docket No. 140115049–4528–02]**

**RIN 0648–XD456**

## Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

**ACTION:** Temporary rule; inseason General category retention limit adjustment.

**SUMMARY:** NMFS is adjusting the Atlantic bluefin tuna (BFT) General category daily retention limit from the default limit of one large medium or giant BFT to four large medium or giant BFT for the September, October through November, and December time periods of the 2014 fishing year. This action is based on consideration of the regulatory determination criteria regarding inseason adjustments, and applies to Atlantic tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted vessels when fishing commercially for BFT.

**DATES:** Effective September 1, 2014, through December 31, 2014.

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

**SUPPLEMENTARY INFORMATION:** Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Atlantic Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006) and in accordance with implementing regulations. NMFS is required under ATCA to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

The 2010 ICCAT recommendation regarding western BFT management resulted in baseline U.S. quotas for 2011 and for 2012 of 923.7 mt (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). Among other things, the 2011 BFT quota rule (76 FR 39019, July 5, 2011) implemented the base quota of 435.1 mt for the General category fishery (a commercial tunas fishery in which handgear is used). Each of the General category time periods (January, June through August, September, October through November, and December) is allocated a portion of the annual General category quota. As published in the final 2014 BFT quota specifications (79 FR 38255, July 7, 2014), the baseline General category quota and subquotas as codified have not been modified. The baseline General category subquotas include 115.3 mt for September, 56.6 mt for October through November, and 22.6 mt for December.

Unless changed, the General category daily retention limit starting on September 1 would be the default retention limit of one large medium or giant BFT (measuring 73 inches (185 cm) curved fork length (CFL) or greater) per vessel per day/trip (§ 635.23(a)(2)). This default retention limit would apply to General category permitted vessels and to HMS Charter/Headboat category permitted vessels when fishing commercially for BFT.

For the 2013 fishing year, NMFS adjusted the General category limit from the default level of one large medium or giant BFT as follows: Two large medium or giant BFT for the January subquota period (77 FR 74612, December 17, 2012), which closed February 15, 2013, when the subquota was met (78 FR 11788, February 20, 2013); three large medium or giant BFT for June through August (78 FR 26708, May 8, 2013); three large medium or giant BFT for September 1 through November 26 (78 FR 50346, August 19, 2013); and five large medium or giant BFT for November 27 through December 31 (78 FR 72584, December 3, 2013). NMFS adjusted the daily retention limit from the default level of one large medium or giant BFT to two large medium or giant BFT for the 2014 January subquota period (78 FR 77362, December 23, 2013), which closed March 21, 2014, when the subquota was met (79 FR 15924, March 24, 2014). For the June through August 2014 period, NMFS adjusted the daily retention limit to four large medium or giant BFT (79 FR 30745, May 29, 2014).

### Adjustment of General Category Daily Retention Limit

Under § 635.23(a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range of zero to a maximum of five per vessel based on consideration of the relevant criteria provided under § 635.27(a)(8), which include: the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; effects of the adjustment on BFT rebuilding and overfishing; effects of the adjustment on accomplishing the objectives of the fishery management plan; variations in seasonal BFT distribution, abundance, or migration patterns; effects of catch rates in one area precluding vessels in another area from having a reasonable opportunity to harvest a portion of the category's quota; and review of dealer reports, daily landing trends, and the availability of BFT on the fishing grounds.

NMFS has considered these criteria and their applicability to the General category BFT retention limit for the September through December 2014 General category fishery. These include, but are not limited to, the following considerations.

Biological samples collected from BFT landed by General category fishermen and provided by BFT dealers continue to provide NMFS with valuable data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. As this action would be taken consistent with the quotas previously implemented and analyzed in the 2011 BFT quota final rule (76 FR 39019, July 5, 2011), consistent with the objectives of the 2006 Consolidated HMS FMP, it is not expected to negatively impact stock health. A principal consideration is the objective of providing opportunities to harvest the full General category quota without exceeding it based upon the 2006 Consolidated HMS FMP goal: ''Consistent with other objectives of this FMP, to manage Atlantic HMS fisheries for continuing optimum yield so as to provide the greatest overall benefit to the Nation, particularly with respect to food production, providing recreational

opportunities, preserving traditional fisheries, and taking into account the protection of marine ecosystems.'' Commercial-sized BFT migrated to the fishing grounds off New England by early June and are actively being landed.

As of August 13, 2014, 111.5 mt of the 2014 General category quota of 435.1 mt have been landed, and landings rates remain at approximately 1 mt per day. Given the rollover of unused quota from one time period to the next, current catch rates, and the fact that the daily retention limit will automatically revert to one large medium or giant BFT per vessel per day on September 1, 2014, absent agency action, NMFS anticipates the full 2014 General category quota may not be harvested.

A limit lower than four fish could result in unused quota being added to the later portion of the General category season (i.e., rolling forward to the subsequent subquota time period). Increasing the daily retention limit from the default may mitigate rolling an excessive amount of unused quota from one time-period subquota to the next. Increasing the daily limit to five fish may risk exceeding the available General category quota. Further, less than 4 mt remain in the Reserve category for potential transfer to fishing quota categories following a recent transfer of 15 mt to the Harpoon category (79 FR 47381, August 13, 2014) and anticipating the accounting for authorized landings made under exempted fishing permits. Increasing the daily retention limit to four fish will increase the likelihood that the General category BFT landings will approach, but not exceed, the annual quota, as well as increase the opportunity for catching BFT harvest during the September through December period. Increasing (and sometimes maximizing) opportunity within each subquota period is also important because of the migratory nature and seasonal distribution of BFT. In a particular geographic region, or waters accessible from a particular port, the amount of fishing opportunity for BFT may be constrained by the short amount of time the BFT are present.

Based on all of these considerations, NMFS has determined that a four-fish General category retention limit is warranted. It would provide a reasonable opportunity to harvest the U.S. BFT quota, without exceeding it, while maintaining an equitable distribution of fishing opportunities; help achieve optimum yield in the BFT fishery; allow the collection of a broad range of data for stock monitoring purposes; and be consistent with the objectives of the 2006 Consolidated HMS FMP. Therefore, NMFS increases the General category retention limit from the default limit (one) to four large medium or giant BFT per vessel per day/trip, effective September 1, 2014, through December 31, 2014.

Regardless of the duration of a fishing trip, the daily retention limit applies upon landing. For example, whether a vessel fishing under the General category limit takes a two-day trip or makes two trips in one day, the daily limit of four fish may not be exceeded upon landing. This General category retention limit is effective in all areas, except for the Gulf of Mexico, and applies to those vessels permitted in the General category, as well as to those HMS Charter/Headboat permitted vessels fishing commercially for BFT.

## Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely through the mandatory dealer landing reports, which NMFS requires to be submitted within 24 hours of a dealer receiving BFT. Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional retention limit adjustment or closure is necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas.

Closures or subsequent adjustments to the daily retention limits, if any, will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (888) 872–8862 or (978) 281–9260, or access *hmspermits.noaa.gov,* for updates on quota monitoring and retention limit adjustments.

## Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons.

The regulations implementing the 2006 Consolidated HMS FMP provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of the species, and the regional variations in the BFT fishery. Affording prior notice and opportunity for public comment to implement these retention limits is impracticable as NMFS needs to wait until it has necessary data and information about the fishery before it can select the appropriate retention limit for a time period prescribed by regulation. By the time NMFS has the necessary data, implementing the retention limit following a public comment period would preclude fishermen from harvesting BFT that are legally available consistent with all of the regulatory criteria. Analysis of available data shows that the General category BFT retention limits may be increased with minimal risks of exceeding the ICCAT-allocated quota.

Delays in increasing these retention limits would adversely affect those General and Charter/Headboat category vessels that would otherwise have an opportunity to harvest more than the default retention limit of one BFT per day/trip and may exacerbate the problem of low catch rates and quota rollovers. Limited opportunities to harvest the respective quotas may have negative social and economic impacts for U.S. fishermen that depend upon catching the available quota within the time periods designated in the 2006 Consolidated HMS FMP. Adjustment of the retention limit needs to be effective September 1, 2014, or as soon as possible thereafter, to minimize any unnecessary disruption in fishing patterns, to allow the impacted sectors to benefit from the adjustment, and to not preclude fishing opportunities for fishermen in geographic areas with access to the fishery only during this time period. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For these reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under § 635.23(a)(4) and is exempt from review under Executive Order 12866.

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

Dated: August 20, 2014.

**Alan D. Risenhoover,**

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

[FR Doc. 2014–20281 Filed 8–25–14; 8:45 am]

BILLING CODE 3510–22–P

# Proposed Rules

Federal Register

Vol. 79, No. 165

Tuesday, August 26, 2014

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

## DEPARTMENT OF ENERGY

### 10 CFR Part 460

**[Docket No. EERE–2011–BT–CE–0077]**

### Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC)—Central Air Conditioner Regional Standards Enforcement Working Group

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

**ACTION:** Notice of open meetings.

**SUMMARY:** This notice announces open meetings for the Central Air Conditioner Regional Standards Enforcement Working Group (RSE Working Group). The purpose of the working group will be to discuss and, if possible, reach consensus on a proposed rule for the enforcement of regional energy efficiency standards for split-system and single package air conditioners, as authorized by the Energy Policy and Conservation Act (EPCA) of 1975, as amended.

**DATES:** The meetings will be held on:

- August 26–27, 2014—9:00 a.m. to 5:00 p.m.;
- August 28, 2014—9:00 a.m. to 3:00 p.m.;
- September 3–4, 2014—9:00 a.m. to 5:00 p.m.;
- September 24–25, 2014—9:00 a.m. to 5:00 p.m.;
- TENTATIVE—October 1–2, 2014—9:00 a.m. to 5:00 p.m.; and
- TENTATIVE—October 15–16, 2014—9:00 a.m. to 5:00 p.m.

**ADDRESSES:** The meeting on August 27, 2014 will be held at the offices of the American Council for an Energy Efficient Economy (ACEEE), National Press Building, 529 14th St. NW., Suite 600, Washington, DC 20045. All other meeting dates, unless otherwise specified in a subsequent **Federal Register** notice and email blasts, will be held at U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585. Individuals will also have the opportunity to participate by webinar. To register for the webinar and receive call-in information, please register at *http://energy.gov/eere/buildings/appliance-standards-and-rulemaking-federal-advisory-committee*.

**FOR FURTHER INFORMATION CONTACT:** Doug Rawald, U.S. Department of Energy (DOE), Office of Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585. Phone: 202–586–6734; Email: *asrac@ee.doe.gov*.

**SUPPLEMENTARY INFORMATION:**

#### Purpose of Meeting

The purpose of the working group will be to discuss and, if possible, reach consensus on a proposed rule for the enforcement of regional energy efficiency standards for split-system and single package air conditioners, as authorized by the Energy Policy and Conservation Act (EPCA) of 1975, as amended.

#### Public Participation

Members of the public are welcome to observe the business of the meeting and, if time allows, may make oral statements during the specified period for public comment. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, email *asrac@ee.doe.gov*. In the email, please indicate your name, organization (if appropriate), citizenship, and contact information. Please note that foreign nationals visiting DOE Headquarters are subject to advance security screening procedures. Any foreign national wishing to participate in the meeting should advise ASRAC staff as soon as possible by emailing *asrac@ee.doe.gov* to initiate the necessary procedures. Anyone attending the meeting will be required to present a government photo identification, such as a passport, driver's license, or government identification. Due to the required security screening upon entry, individuals attending should arrive early to allow for the extra time needed.

Due to the REAL ID Act implemented by the Department of Homeland Security (DHS) recent changes regarding ID requirements for individuals wishing to enter Federal buildings from specific states and U.S. territories. Driver's licenses from the following states or territory will not be accepted for building entry and one of the alternate forms of ID listed below will be required.

DHS has determined that regular driver's licenses (and ID cards) from the following jurisdictions are not acceptable for entry into DOE facilities: Alaska, Louisiana, New York, American Samoa, Maine, Oklahoma, Arizona, Massachusetts, Washington, and Minnesota.

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 Federal government issued Photo-ID card.

Members of the public will be heard in the order in which they request to make a statement at the public meeting. Time allotted per speaker will depend on the number of individuals who wish to speak but will not exceed five minutes. Reasonable provision will be made to include the scheduled oral statements on the agenda. A third-party neutral facilitator will make every effort to allow the presentations of views of all interested parties and to facilitate the orderly conduct of business.

Participation in the meeting is not a prerequisite for submission of written comments. Written comments are welcome from all interested parties during the course of the negotiations. Any comments submitted must identify the Manufactured Housing Working Group, and provide docket number EERE–2011–BT–CE–0077. Comments may be submitted using any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov*. Follow the instructions for submitting comments.

2. *Email: asrac@ee.doe.gov*. Include docket number EERE–2011–BT–CE–0077 in the subject line of the message.

3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy,

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

No telefacsimilies (faxes) will be accepted.

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

Issued in Washington, DC, on August 19, 2014.

**Kathleen B. Hogan,**

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

[FR Doc. 2014–20271 Filed 8–25–14; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2014–0586; Directorate Identifier 2013–NM–255–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (Embraer) Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all Empresa Brasileira de Aeronautica S.A. (Embraer) Model EMB–135BJ airplanes. This proposed AD was prompted by a determination that more restrictive fuel limitations are needed. This proposed AD would require revising the maintenance or inspection program to incorporate new compliance times and fuel limitations. We are proposing this AD to detect and correct fatigue cracking of various structural elements and prevent ignition sources in the fuel system.

**DATES:** We must receive comments on this proposed AD by October 10, 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 service information identified in this proposed AD, contact Empresa Brasileira de Aeronautica S.A. (Embraer), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—Brasil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br;* Internet *http://www.flyembraer.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–2014–0586; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket 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:** Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1175; fax 425–227–1149.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0586; Directorate Identifier 2013–NM–255–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

### Discussion

The Agência Nacional De Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian Airworthiness Directive 2013–12–02, effective December 27, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Empresa Brasileira de Aeronautica S.A. (Embraer) Model EMB–135BJ airplanes. The MCAI states:

> This [Brazilian] AD was prompted by a new revision to the Airworthiness Limitations Requirements of the Maintenance Planning Guide (MPG–1483). We are issuing this [Brazilian] AD to allow timely detection and correction of fatigue cracking of various structural elements, and to allow the necessary preclusion of ignition sources in the fuel system.

Required actions include revising the maintenance or inspection program, as applicable, to incorporate new compliance times and fuel limitations. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0586.

### Relevant Service Information

Embraer has issued the following service information. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

- Temporary Revision (TR) 8–1, dated October 26, 2012, to the Embraer Legacy BJ Maintenance Planning Guide (MPG), MPG–1483.
- TR 8–2, dated December 5, 2012, to the Embraer Legacy BJ MPG, MPG–1483.
- TR 8–3, dated April 8, 2013, to the Embraer Legacy BJ MPG, MPG–1483.

### FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of

Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

**''Contacting the Manufacturer'' Paragraph in This Proposed AD**

Since late 2006, we have included a standard paragraph titled ''Airworthy Product'' in all MCAI ADs in which the FAA develops an AD based on a foreign authority's AD.

The MCAI or referenced service information in an FAA AD often directs the owner/operator to contact the manufacturer for corrective actions, such as a repair. Briefly, the Airworthy Product paragraph allowed owners/operators to use corrective actions provided by the manufacturer if those actions were FAA-approved. In addition, the paragraph stated that any actions approved by the State of Design Authority (or its delegated agent) are considered to be FAA-approved.

In an NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013), we proposed to prevent the use of repairs that were not specifically developed to correct the unsafe condition, by requiring that the repair approval provided by the State of Design Authority or its delegated agent specifically refer to the FAA AD. This change was intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we proposed to change the phrase ''its delegated agent'' to include a design approval holder (DAH) with State of Design Authority design organization approval (DOA), as applicable, to refer to a DAH authorized to approve required repairs for the proposed AD.

One commenter to the NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013) stated the following: ''The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of an AD mandated Airbus service bulletin.''

This comment has made the FAA aware that some operators have misunderstood or misinterpreted the Airworthy Product paragraph to allow the owner/operator to use messages provided by the manufacturer as approval of deviations during the accomplishment of an AD-mandated action. The Airworthy Product paragraph does not approve messages or other information provided by the manufacturer for deviations to the requirements of the AD-mandated actions. The Airworthy Product paragraph only addresses the requirement to contact the manufacturer for corrective actions for the identified unsafe condition and does not cover deviations from other AD requirements. However, deviations to AD-required actions are addressed in 14 CFR 39.17, and anyone may request the approval for an alternative method of compliance to the AD-required actions using the procedures found in 14 CFR 39.19.

To address this misunderstanding and misinterpretation of the Airworthy Product paragraph, we have changed the paragraph and retitled it ''Contacting the Manufacturer.'' This paragraph now clarifies that for any requirement in this proposed AD to obtain corrective actions from a manufacturer, the actions must be accomplished using a method approved by the FAA, the Agência Nacional de Aviação Civil (ANAC), or ANAC's authorized Designee.

The Contacting the Manufacturer paragraph also clarifies that, if approved by the ANAC Designee, the approval must include the Designee's authorized signature. The Designee signature indicates that the data and information contained in the document are ANAC-approved, which is also FAA-approved. Messages and other information provided by the manufacturer that do not contain the ANAC Designee's authorized signature approval are not ANAC-approved, unless ANAC directly approves the manufacturer's message or other information.

This clarification does not remove flexibility previously afforded by the Airworthy Product paragraph. Consistent with long-standing FAA policy, such flexibility was never intended for required actions. This is also consistent with the recommendation of the Airworthiness Directive Implementation Aviation Rulemaking Committee to increase flexibility in complying with ADs by identifying those actions in manufacturers' service instructions that are ''Required for Compliance'' with ADs. We continue to work with manufacturers to implement this recommendation. But once we determine that an action is required, any deviation from the requirement must be approved as an alternative method of compliance.

**Costs of Compliance**

We estimate that this proposed AD affects 53 airplanes of U.S. registry.

We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $4,505, or $85 per product.

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

**List of Subjects in 14 CFR Part 39**

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

## The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**Empresa Brasileira de Aeronautica S.A. (Embraer):** Docket No. FAA–2014–0586; Directorate Identifier 2013–NM–255–AD.

**(a) Comments Due Date**

We must receive comments by October 10, 2014.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to all Empresa Brasileira de Aeronautica S.A. (Embraer) Model EMB–135BJ airplanes, certificated in any category.

**(d) Subject**

Air Transport Association (ATA) of America Code 28, Fuel; 53, Fuselage; 54, Nacelles/Pylon.

**(e) Reason**

This AD was prompted by a determination that more restrictive fuel limitations are needed. We are issuing this AD to detect and correct fatigue cracking of various structural elements and prevent ignition sources in the fuel system.

**(f) Compliance**

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

**(g) Maintenance or Inspection Program Revision**

Within 60 days after the effective date of this AD, do the actions specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD.

(1) Revise the maintenance or inspection program, as applicable, by incorporating the Critical Design Configuration Control Limitations (CDCCLs) specified in Embraer Temporary Revision (TR) 8–1, dated October 26, 2012, to the Embraer Legacy BJ Maintenance Planning Document (MPG), MPG–1483, into Appendix 2,''Airworthiness Limitations Requirements,'' of the Embraer Legacy BJ MPG, MPG–1483.

(2) Revise the maintenance or inspection program, as applicable, by incorporating the tasks and compliance times specified in Embraer TR 8–3, dated April 8, 2013, of Embraer Legacy BJ MPG, MPG–1483; and Embraer TR 8–2, dated December 5, 2012, to the Embraer Legacy BJ MPG, MPG–1483; into Appendix 2, ''Airworthiness Limitations Requirements,'' of the Embraer Legacy BJ MPG, MPG–1483. The initial compliance times for the tasks start at the applicable time specified in Embraer TR 8–2, dated December 5, 2012, and TR 8–3, dated April 8, 2013; or within 500 flight cycles after the effective date of this AD, whichever occurs later. Where Embraer TR 8–2, dated December 5, 2012, specifies a compliance time in ''flight cycles'' for the pre-mod service bulletin, those compliance times are total flight cycles.

(3) Revise the maintenance or inspection program, as applicable, by incorporating the new fuel system limitations specified in Embraer TR 8–1, dated October 26, 2012, to the Embraer Legacy BJ MPG, MPG–1483, into Appendix 2, ''Airworthiness Limitations Requirements,'' of the Embraer Legacy BJ MPG, MPG–1483. The initial compliance times for the tasks are specified in paragraphs (g)(3)(i) and (g)(3)(ii) of this AD.

(i) For tasks with reference numbers 28–50–01–220–001–A02, 28–50–08–212–001–A00, 28–50–09–212–001–A00, and 28–50–10–212–001–A00, at the later of the times specified in paragraph (g)(3)(i)(A) or (g)(3)(i)(B) of this AD.

(A) Before the accumulation of 10,000 total flight hours or within 48 months since the date of issuance of the original Brazilian standard airworthiness certificate or date of issuance of the original Brazilian export certificate of airworthiness, whichever occurs first.

(B) Within 60 months after the effective date of this AD.

(ii) For task reference number 28–50–01–720–001–A00, at the later of the times specified in paragraph (g)(3)(ii)(A) or (g)(3)(ii)(B) of this AD.

(A) Before the accumulation of 20,000 total flight hours or within 96 months since the date of issuance of the original Brazilian standard airworthiness certificate or date of issuance of the original Brazilian export certificate of airworthiness, whichever occurs first.

(B) Within 60 months after the effective date of this AD.

**(h) Incorporation of TRs Into General Revisions**

When the information from Embraer TR 8–1, dated October 26, 2012; TR 8–2, dated December 5, 2012; and TR 8–3, dated April 8, 2013; to the Embraer Legacy BJ MPG, MPG–1483, has been included in the general revisions of Embraer Legacy BJ MPG, MPG–1483, the general revisions may be inserted in the MPG, provided that the relevant information in the general revision is identical to that in Embraer TR 8–1, dated October 26, 2012; TR 8–2, dated December 5, 2012; and TR 8–3, dated April 8, 2013; and the TRs may be removed.

**(i) No Alternative Actions, Intervals, and/or Critical Design Configuration Control Limitations (CDCCLs)**

After accomplishing the revision required by paragraph (g) of this AD, no alternative actions (e.g., inspections), intervals, and/or CDCCLs may be used unless the actions, intervals, and/or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j) of this AD.

**(j) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1175; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* 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.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the Agência Nacional de Aviação Civil (ANAC); or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

**(k) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Brazilian Airworthiness Directive 2013–12–02, effective December 27, 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–2014–0586.

(2) For service information identified in this AD, contact Empresa Brasileira de Aeronautica S.A. (Embraer), Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—Brasil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br*; Internet *http://www.flyembraer.com.* 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.

Issued in Renton, Washington, on August 15, 2014.

**Jeffrey E. Duven,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2014–20260 Filed 8–25–14; 8:45 am]

BILLING CODE 4910–13–P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA–2014–0583; Directorate Identifier 2013–NM–130–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Bombardier, Inc. Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc. Model DHC–8–400 series airplanes. This proposed AD was prompted by reports of chafing of the fuel lines due to contact with the surrounding structures in the fuel tank. This proposed AD would require replacing and modifying fuel lines, revising the maintenance or inspection program, as applicable, to include critical design configuration control limitations (CDCCL) and airworthiness limitation (AWL) items, and, for certain airplanes removing certain clamps and mounting hardware. We are proposing this AD to prevent chafing of the fuel lines in the fuel tank, which could result in potential ignition sources in the fuel tank in the event of a lightning strike and consequent fire or explosion.

**DATES:** We must receive comments on this proposed AD by October 10, 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 service information identified in this proposed AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.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–2014–0583; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket 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:** Kent Fredrickson, Aerospace Engineer, Propulsion and Services Branch, ANE–173, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7364; fax 516–794–5531.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0583; Directorate Identifier 2013–NM–130–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

### Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2013–09R1, dated May 28, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Reports from operators have revealed a number of instances of chafing of the fuel lines due to contact with the surrounding structures in the fuel tank. An internal audit conducted by Bombardier revealed a number of locations in the fuel tank where low clearances were noted between fuel lines and the surrounding structure. Low clearances between fuel lines and the surrounding structures may result in ignition sources in the fuel tank in the event of a lightning strike, creating an unacceptable level of safety.
>
> Bombardier had issued Service Bulletin (SB) 84–28–09 to introduce new fuel line assemblies that include new fuel lines and Teflon protective sleeves, and SBs 84–28–10 and 84–28–13 to remove unnecessary hardware in the wing fuel tanks, in order to eliminate potential fouling conditions on the affected fuel lines.
>
> Upon an operator's incorporation of SB 84–28–09, an additional fouling condition was identified on the post-modification fuel lines. In order to address this concern on the aeroplane, Bombardier has issued SBs 84–28–14 and 84–28–15, along with ModSum IS4Q2800012 to rectify this problem.
>
> This [Canadian] AD mandates the replacement of fuel lines and the installation of fuel line Teflon protective sleeves. In addition, the fuel line Teflon protective sleeves have been added to the Critical Design Configuration Control Limitations (CDCCL) along with the introduction of associated Fuel System Limitations tasks, to ensure integrity of the new assembly.
>
> Since the original issue of this [Canadian] AD, it was found that there were editorial errors in Parts IB and II A of this [Canadian] AD. In addition, the Temporary Revisions (TR) Airworthiness Limitation Items (ALI)-111/-112 referenced in Parts III and IV of this AD had been superseded by later revisions. This [Canadian] AD is revised to correct the editorial errors and accept the later TR approved by Transport Canada.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0583.

### Relevant Service Information

Bombardier has issued the following service information:

- Service Bulletin 84–28–09, Revision D, dated December 21, 2012;
- Service Bulletin 84–28–10, Revision B, dated March 19, 2013;
- Service Bulletin 84–28–13, dated August 17, 2012;
- Service Bulletin 84–28–14, dated August 15, 2012;
- Service Bulletin 84–28–15, dated August 15, 2012;
- Temporary Revision ALI–111, dated January 11, 2011, to Section 4–1, ''Fuel System Limitations,'' of Part 2, ''Airworthiness Limitation Items,'' of the Airworthiness Limitation Items section of Bombardier Q400 Dash 8 Maintenance Requirements Manual PSM 1–84–7; and
- Temporary Revision ALI–112, dated January 11, 2011, to Section 5–1,

''Critical Design Configuration Control Limitations,'' of Part 2, ''Airworthiness Limitation Items,'' of the Airworthiness Limitation Items section of Bombardier Q400 Dash 8 Maintenance Requirements Manual PSM 1–84–7.

The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

**FAA's Determination and Requirements of This Proposed AD**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

**Compliance With the Required Actions and Sections of Maintenance Documents**

This proposed AD would require revisions to certain operator maintenance documents to include new actions (e.g., inspections) and Critical Design Configuration Control Limitations (CDCCLs). Compliance with these actions and CDCCLs is required by section 91.403(c) of the Federal Aviation Regulations (14 CFR 91.403(c)). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, an operator might not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval of an alternative method of compliance (AMOC) in accordance with the provisions of paragraph (o)(1) of this proposed AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

**''Contacting the Manufacturer'' Paragraph in This Proposed AD**

Since late 2006, we have included a standard paragraph titled ''Airworthy Product'' in all MCAI ADs in which the FAA develops an AD based on a foreign authority's AD.

The MCAI or referenced service information in an FAA AD often directs the owner/operator to contact the manufacturer for corrective actions, such as a repair. Briefly, the Airworthy Product paragraph allowed owners/operators to use corrective actions provided by the manufacturer if those actions were FAA-approved. In addition, the paragraph stated that any actions approved by the State of Design Authority (or its delegated agent) are considered to be FAA-approved.

In an NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013), we proposed to prevent the use of repairs that were not specifically developed to correct the unsafe condition, by requiring that the repair approval provided by the State of Design Authority or its delegated agent specifically refer to the FAA AD. This change was intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we proposed to change the phrase ''its delegated agent'' to include a design approval holder (DAH) with State of Design Authority design organization approval (DOA), as applicable, to refer to a DAH authorized to approve required repairs for the proposed AD.

One commenter to the NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013) stated the following: ''The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of an AD mandated Airbus service bulletin.''

This comment has made the FAA aware that some operators have misunderstood or misinterpreted the Airworthy Product paragraph to allow the owner/operator to use messages provided by the manufacturer as approval of deviations during the accomplishment of an AD-mandated action. The Airworthy Product paragraph does not approve messages or other information provided by the manufacturer for deviations to the requirements of the AD-mandated actions. The Airworthy Product paragraph only addresses the requirement to contact the manufacturer for corrective actions for the identified unsafe condition and does not cover deviations from other AD requirements. However, deviations to AD-required actions are addressed in 14 CFR 39.17, and anyone may request the approval for an alternative method of compliance to the AD-required actions using the procedures found in 14 CFR 39.19.

To address this misunderstanding and misinterpretation of the Airworthy Product paragraph, we have changed the paragraph and retitled it ''Contacting the Manufacturer.'' This paragraph now clarifies that for any requirement in this proposed AD to obtain corrective actions from a manufacturer, the actions must be accomplished using a method approved by the FAA, TCCA, or Bombardier, Inc.'s TCCA Design Approval Organization (DAO).

The Contacting the Manufacturer paragraph also clarifies that, if approved by the DAO, the approval must include the DAO-authorized signature. The DAO signature indicates that the data and information contained in the document are TCCA-approved, which is also FAA-approved. Messages and other information provided by the manufacturer that do not contain the DAO-authorized signature approval are not TCCA-approved, unless TCCA directly approves the manufacturer's message or other information.

This clarification does not remove flexibility previously afforded by the Airworthy Product paragraph. Consistent with long-standing FAA policy, such flexibility was never intended for required actions. This is also consistent with the recommendation of the Airworthiness Directive Implementation Aviation Rulemaking Committee to increase flexibility in complying with ADs by identifying those actions in manufacturers' service instructions that are ''Required for Compliance'' with ADs. We continue to work with manufacturers to implement this recommendation. But once we determine that an action is required, any deviation from the requirement must be approved as an alternative method of compliance.

We also have decided not to include a generic reference to either the ''delegated agent'' or ''design approval holder (DAH) with State of Design Authority design organization approval,'' but instead we have provided the specific delegation approval granted by the State of Design Authority for the DAH throughout this proposed AD.

**Costs of Compliance**

We estimate that this proposed AD affects 72 airplanes of U.S. registry.

We also estimate that it would take about 80 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost up to $2,845 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be up to $694,440, or $9,645 per product.

## Authority for This Rulemaking

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

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

## Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

## List of Subjects in 14 CFR Part 39

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

## The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**Bombardier, Inc.:** Docket No. FAA–2014–0583; Directorate Identifier 2013–NM–130–AD.

**(a) Comments Due Date**

We must receive comments by October 10, 2014.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes, certificated in any category, having serial numbers 4001, and 4003 through 4417 inclusive.

**(d) Subject**

Air Transport Association (ATA) of America Code 28, Fuel.

**(e) Reason**

This AD was prompted by reports of chafing of the fuel lines due to contact with the surrounding structures in the fuel tank. We are issuing this AD to prevent chafing of the fuel lines in the fuel tank, which could result in potential ignition sources in the fuel tank in the event of a lightning strike and consequent fire or explosion.

**(f) Compliance**

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

**(g) Installation of New Fuel Tube Assemblies**

For airplanes having serial numbers 4001, 4003, 4004, 4006, and 4008 through 4417 inclusive: Within 6,000 flight hours or 3 years after the effective date of this AD, whichever occurs first, install new, improved fuel tube assemblies in accordance with the Accomplishment Instructions of the applicable service information identified in paragraphs (g)(1) and (g)(2) of this AD.

(1) For airplanes on which Bombardier Service Bulletin 84–28–09 was incorporated prior to the effective date of this AD, or on which Bombardier Modification Summary (ModSum) 4–113643 was incorporated in production: Bombardier Service Bulletin 84–28–14, dated August 15, 2012.

(2) For airplanes on which Bombardier Service Bulletin 84–28–09 was not incorporated prior to the effective date of this AD, or on which Bombardier ModSum 4–113643 was incorporated in production, use the service information identified in paragraph (g)(2)(i) or (g)(2)(ii) of this AD.

(i) Bombardier Service Bulletin 84–28–09, Revision D, dated December 21, 2012; and Bombardier Service Bulletin 84–28–14, dated August 15, 2012.

(ii) Bombardier Service Bulletin 84–28–15, dated August 15, 2012.

**(h) Prior Incorporation of Bombardier ModSum IS4Q2800012**

For airplanes on which Bombardier Service Bulletin 84–28–09, and Bombardier ModSum IS4Q2800012 were incorporated before the effective date of this AD; and for airplanes on which Bombardier ModSum 4–113643 was incorporated in production, and Bombardier ModSum IS4Q2800012 was incorporated prior to the effective date of this AD: The requirements of paragraph (g) are not required.

**(i) Removal of Clamps and Mounting Hardware**

For airplanes having serial numbers 4003 through 4151 inclusive, and 4332 through 4417 inclusive: Within 6,000 flight hours or 3 years after the effective date of this AD, whichever occurs first, do the actions required by paragraphs (i)(1) and (i)(2) of this AD, as applicable.

(1) For airplanes having serial numbers 4003 through 4151 inclusive, on which Bombardier ModSum IS4Q2800010 was incorporated: Inspect for the presence of certain clamps and hardware, and, if present, remove certain clamps and mounting hardware, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–28–10, Revision B, dated March 19, 2013.

(2) For airplanes having serial numbers 4332 through 4417 inclusive: Remove certain clamps and mounting hardware, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–28–13, dated August 17, 2012.

**(j) Incorporation of Fuel System Limitations (FSL) Tasks**

Within 60 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate the information in FSL task numbers 284000–406 and 284000–418 as specified in Bombardier Temporary Revision ALI–111, dated January 11, 2011, to Section 4–1, ''Fuel System Limitations,'' of Part 2, ''Airworthiness Limitation Items,'' of the Airworthiness Limitation Items section of the Airworthiness Limitation Items section of Bombardier Q400 Dash 8 Maintenance Requirements Manual PSM 1–84–7. The initial compliance time for Task 284000–418 is within 108 months or 18,000 flight hours after accomplishing the requirements of paragraph (g) of this AD, whichever occurs first, for airplanes identified in paragraphs (g)(1) and (g)(2) of this AD; or, for those airplanes identified in paragraph (h) of this AD, within 108 months or 18,000 flight hours after the incorporation of Bombardier ModSum IS4Q2800012. The maintenance program revision required by this paragraph may be done by inserting a copy of Bombardier Temporary Revision ALI–111, dated January 11, 2011, into the Airworthiness Limitation Items section of Bombardier Q400 Dash 8 Maintenance Requirements Manual PSM 1–84–7. When Bombardier Temporary Revision ALI–111, dated January 11, 2011, has been included in the general revisions of the manual, the general revisions may be inserted into the manual, and this temporary revision may be removed, provided the relevant information in the general revision is identical to that in Bombardier Temporary Revision ALI–111.

**(k) Incorporation of Critical Design Configuration Control Limitations (CDCCL) Items**

Within 60 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate the CDCCL items specified in Bombardier Temporary Revision ALI–112, dated January 11, 2011, to Section 5–1, ''Critical Design Configuration Control Limitations,'' of Part 2, ''Airworthiness Limitation Items,'' of Bombardier Q400 Dash 8 Maintenance Requirements Manual PSM 1–84–7. The maintenance program revision required by this paragraph may be done by inserting a copy of Bombardier Temporary Revision ALI–112, dated January 11, 2011, into the Airworthiness Limitation Items section of Bombardier Q400 Dash 8 Maintenance Requirements Manual PSM 1–84–7. When Bombardier Temporary Revision ALI–112, dated January 11, 2011, has been included in the general revisions of the manual, the general revisions may be inserted into the manual, and this temporary revision may be removed, provided the relevant information in the general revision is identical to that in Bombardier Temporary Revision ALI–112.

**(l) No Alternative Actions, Intervals, and CDCCLs**

After the maintenance or inspection program, as applicable, has been revised as required by paragraphs (j) and (k) of this AD, no alternative actions (e.g., inspections), intervals, or CDCCLs may be used unless the actions, intervals, or CDCCL are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (o)(1) of this AD.

**(m) Exception to Certain Service Information**

Where the service information, Bombardier Service Bulletin 84–28–09, Revision D, dated December 21, 2012; and Bombardier Service Bulletin 84–28–15, dated August 15, 2012; specify contacting the manufacturer for corrective action during accomplishment of the actions in those service bulletins: Before further flight, repair the discrepancy using a method approved by the Manager, New York Aircraft Certification Office (ACO), FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

**(n) Credit for Previous Actions**

This paragraph provides credit for actions required by paragraph (i)(1) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 84–28–10, dated December 6, 2011; or Revision A, dated May 15, 2012; which are not incorporated by reference in this AD.

**(o) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (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.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, Engine and Propeller Directorate, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

**(p) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2013–09R1, dated May 28, 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–2014–0583.

(2) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.* 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.

Issued in Renton, Washington, on August 15, 2014.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2014–20263 Filed 8–25–14; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2014–0584; Directorate Identifier 2014–NM–092–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Airbus Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to supersede Airworthiness Directive (AD) 2014–09–05, for certain Airbus Model A330–200 and –300 series airplanes, and Model A340–200 and –300 series airplanes. AD 2014–09–05 currently requires repetitive inspections of certain sidestay upper cardan pins of the main landing gear (MLG), and associated nuts and retainer assemblies, and pin replacement if necessary. Since we issued AD 2014–09–05, we have determined that a previously optional measurement is necessary to address the identified unsafe condition. We are proposing this AD to detect and correct migration of the sidestay upper cardan pin, which could result in disconnection of the sidestay upper arm from the airplane structure, and could result in a landing gear collapse and consequent damage to the airplane and injury to occupants.

**DATES:** We must receive comments on this proposed AD by October 10, 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 service information identified in this proposed AD, contact Airbus SAS—Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.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–2014–0584; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday,

except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket 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:** Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

**SUPPLEMENTARY INFORMATION:**

## Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0584; Directorate Identifier 2014–NM–092–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

## Discussion

On April 16, 2014, we issued AD 2014–09–05, Amendment 39–17840 (79 FR 23909, April 29, 2014). AD 2014–09–05 requires actions intended to address an unsafe condition on certain Airbus Model A330–200 and –300 series airplanes, and Model A340–200 and –300 series airplanes.

Since we issued AD 2014–09–05, Amendment 39–17840 (79 FR 23909, April 29, 2014), we have determined that the optional measurement specified in that AD is necessary to address the identified unsafe condition.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2014–0066, corrected March 20, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on certain Airbus Model A330–200 and –300 series airplanes, and Model A340–200 and –300 series airplanes. The MCAI states:

An A330 aeroplane equipped with Basic (main landing gear) MLG was rolling out after landing when it experienced a nose wheel steering fault (unrelated to the safety subject addressed by this [EASA] AD), which resulted in the crew stopping the aeroplane on the taxiway after vacating the runway.

The subsequent investigation revealed that the right-hand MLG sidestay upper cardan pin had migrated out of position. The sidestay upper cardan nut and retainer were found in the landing gear bay detached from the upper cardan pin. The nut and the retainer were still bolted together.

This condition, if not detected and corrected, could lead to a complete migration of the sidestay upper cardan pin and a disconnection of the sidestay upper arm from the aeroplane structure, possibly resulting in MLG collapse with consequent damage to the aeroplane and injury to occupants.

To address this potential condition, Airbus published Alert Operators Transmission (AOT) A32L003–14, providing inspection instructions.

For the reasons described above, this [EASA] AD requires accomplishment of repetitive [detailed inspections for visible chrome] of the MLG upper cardan pin, nut and retainer [and pin replacement if necessary]. This [EASA] AD also requires accomplishment of a gap check between wing rear spar fitting lugs and the bush flanges [and corrective actions if necessary. Corrective actions include repair or replacement of the cardan pin assembly].

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0584.

## FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

## ''Contacting the Manufacturer'' Paragraph in This Proposed AD

Since late 2006, we have included a standard paragraph titled ''Airworthy Product'' in all MCAI ADs in which the FAA develops an AD based on a foreign authority's AD.

The MCAI or referenced service information in an FAA AD often directs the owner/operator to contact the manufacturer for corrective actions, such as a repair. Briefly, the Airworthy Product paragraph allowed owners/operators to use corrective actions provided by the manufacturer if those actions were FAA-approved. In addition, the paragraph stated that any actions approved by the State of Design Authority (or its delegated agent) are considered to be FAA-approved.

In an NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013), we proposed to prevent the use of repairs that were not specifically developed to correct the unsafe condition, by requiring that the repair approval provided by the State of Design Authority or its delegated agent specifically refer to the FAA AD. This change was intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we proposed to change the phrase ''its delegated agent'' to include a design approval holder (DAH) with State of Design Authority design organization approval (DOA), as applicable, to refer to a DAH authorized to approve required repairs for the proposed AD.

One commenter to the NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013) stated the following: ''The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of an AD mandated Airbus service bulletin.''

This comment has made the FAA aware that some operators have misunderstood or misinterpreted the Airworthy Product paragraph to allow the owner/operator to use messages provided by the manufacturer as approval of deviations during the accomplishment of an AD-mandated action. The Airworthy Product paragraph does not approve messages or other information provided by the manufacturer for deviations to the requirements of the AD-mandated actions. The Airworthy Product paragraph only addresses the requirement to contact the manufacturer for corrective actions for the identified unsafe condition and does not cover deviations from other AD requirements. However, deviations to AD-required actions are addressed in 14 CFR 39.17, and anyone may request the approval for an alternative method of compliance to the AD-required actions using the procedures found in 14 CFR 39.19.

To address this misunderstanding and misinterpretation of the Airworthy Product paragraph, we have changed the paragraph and retitled it ''Contacting the

Manufacturer.'' This paragraph now clarifies that for any requirement in this proposed AD to obtain corrective actions from a manufacturer, the actions must be accomplished using a method approved by the FAA, the European Aviation Safety Agency (EASA), or Airbus's EASA DOA.

The Contacting the Manufacturer paragraph also clarifies that, if approved by the DOA, the approval must include the DOA-authorized signature. The DOA signature indicates that the data and information contained in the document are EASA-approved, which is also FAA-approved. Messages and other information provided by the manufacturer that do not contain the DOA-authorized signature approval are not EASA-approved, unless EASA directly approves the manufacturer's message or other information.

This clarification does not remove flexibility previously afforded by the Airworthy Product paragraph. Consistent with long-standing FAA policy, such flexibility was never intended for required actions. This is also consistent with the recommendation of the Airworthiness Directive Implementation Aviation Rulemaking Committee to increase flexibility in complying with ADs by identifying those actions in manufacturers' service instructions that are ''Required for Compliance'' with ADs. We continue to work with manufacturers to implement this recommendation. But once we determine that an action is required, any deviation from the requirement must be approved as an alternative method of compliance.

We also have decided not to include a generic reference to either the ''delegated agent'' or ''design approval holder (DAH) with State of Design Authority design organization approval,'' but instead we have provided the specific delegation approval granted by the State of Design Authority for the DAH throughout this proposed AD.

## Costs of Compliance

We estimate that this proposed AD affects 83 airplanes of U.S. registry.

The actions that are required by AD 2014–09–05, Amendment 39–17840 (79 FR 23909, April 29, 2014), and retained in this proposed AD take about 1 work-hour per product, at an average labor rate of $85 per work-hour. Required parts cost $0 per product. Based on these figures, the estimated cost of the actions that are required by AD 2014–09–05 is $85 per product.

We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $7,055, or $85 per product.

In addition, we estimate that any necessary follow-on actions would take about 4 work-hours and require parts costing $7,530, for a cost of $7,870 per product. We have no way of determining the number of aircraft that might need these actions.

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

For the reasons discussed above, I certify this proposed regulation:

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

## List of Subjects in 14 CFR Part 39

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

## The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

■ 2. Amend § 39.13 by removing Airworthiness Directive (AD) 2014–09–05, Amendment 39–17840 (79 FR 23909, April 29, 2014), and adding the following new AD:

**Airbus:** Docket No. FAA–2014–0584; Directorate Identifier 2014–NM–092–AD.

**(a) Comments Due Date**

We must receive comments by October 10, 2014.

**(b) Affected ADs**

This AD replaces AD 2014–09–05, Amendment 39–17840 (79 FR 23909, April 29, 2014).

**(c) Applicability**

This AD applies to the airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) Airbus Model A330–201, A330–202, A330–203, A330–223, A330–243, A330–301, A330–302, A330–303, A330–321, A330–322, A330–323, A330–341, A330–342, and A330–343 airplanes, all manufacturer serial numbers (MSNs), equipped with basic (201252 series) main landing gear (MLG), or growth (201490 series) MLG.

(2) Airbus Model A340–211, A340–212, A340–213, A340–311, A340–312, and A340–313 airplanes, all MSNs, equipped with basic (201252 series) MLG or growth (201490 series) MLG.

**(d) Subject**

Air Transport Association (ATA) of America Code 32, Landing Gear.

**(e) Reason**

This AD was prompted by a report of a sidestay upper cardan pin of the MLG migrating out of position. We are issuing this AD to detect and correct migration of the sidestay upper cardan pin, which could result in disconnection of the sidestay upper arm from the airplane structure, and which could result in a landing gear collapse and consequent damage to the airplane and injury to occupants.

**(f) Compliance**

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

**(g) Retained Repetitive Detailed Inspections With No Changes**

This paragraph restates the requirements of paragraph (g) of AD 2014–09–05, Amendment 39–17840 (79 FR 23909, April 29, 2014), with no changes.

(1) For airplanes identified in paragraphs (g)(1)(i) and (g)(1)(ii) of this AD on which the affected MLG has exceeded 8 years since first overhaul, as of May 14, 2014 (the effective date of AD 2014–09–05, Amendment 39–17840 (79 FR 23909, April 29, 2014), except those MLG that have had a second overhaul: Within 30 days after May 14, 2014, accomplish a detailed inspection for visible chrome of each affected MLG sidestay upper cardan pin, and associated nut and retainer assembly, in accordance with the instructions of Airbus Alert Operators Transmission (AOT) A32L003–14, dated March 10, 2014, including Appendices 1, 2, and 3 (the issue date is not specified on the appendices).

(i) Airplanes equipped with any MLG sidestay upper cardan pin subassembly part number (P/N) 201267202 (on 201252 series MLG).

(ii) Airplanes equipped with any MLG sidestay upper cardan pin subassembly P/N 201483202 (on 201490 series MLG).

(2) If, during any inspection required by paragraph (g)(1) of this AD, no pin chrome is visible inboard of the wing rear spar fitting lug, repeat the detailed inspection for visible chrome specified in paragraph (g)(1) of this AD thereafter at intervals not to exceed 10 days.

(3) If, during any inspection required by paragraphs (g)(1) or (g)(2) of this AD, pin chrome is visible inboard of the wing rear spar fitting lug, before further flight, replace the affected cardan pin assembly, in accordance with the instructions of Airbus AOT A32L003–14, dated March 10, 2014, including Appendices 1, 2, and 3 (the issue date is not specified on the appendices). Replacement of the affected cardan pin assembly terminates the repetitive inspections required by paragraph (g)(2) of this AD.

Note 1 to paragraph (g) of this AD: MLG sidestay upper cardan pin subassembly P/N 201267202 (found in Airbus Illustrated Parts Catalogue (IPC) as item 32–11–18–01) includes the cardan pin P/N 201267600. MLG sidestay upper cardan pin subassembly P/N 201483202 (found in Airbus IPC as item 32–11–18–01) includes the cardan pin P/N 201483600.

**(h) New Terminating Action—Gap Check**

Within 4 months after the effective date of this AD: Measure the cardan pin clearance dimensions (gap check) and do the applicable corrective action specified in paragraph (h)(1) or (h)(2) of this AD. Measuring the gap check and doing the applicable corrective action specified in paragraph (h)(1) or (h)(2) of this AD, as applicable, terminates the repetitive inspections required by paragraphs (g)(1) and (g)(2) of this AD for that sidestay upper cardan pin, nut, and retainer only. The measurement must be done in accordance with Airbus AOT A32L003–14, dated March 10, 2014, including Appendices 1, 2, and 3 (the issue date is not specified on the appendices).

(1) If the total clearance dimension (gap check result) is equal to or greater than 1.5 mm, before further flight, replace the cardan pin assembly, in accordance with Airbus AOT A32L003–14, dated March 10, 2014, including Appendices 1, 2, and 3 (the issue date is not specified on the appendices).

(2) If the total clearance dimension (gap check) is less than 1.5 mm but greater than 0.6 mm, do the actions specified in paragraphs (h)(2)(i) and (h)(2)(ii) of this AD.

(i) Before further flight, send the information (Appendix 2 proforma, photographs, and the movement traceability sheet) specified in paragraph 4.2.3, ''Findings,'' of Airbus AOT A32L003–14, dated March 10, 2014, including Appendices 1, 2, and 3, to Airbus at the address specified in Appendix 2 of Airbus AOT A32L003–14, dated March 10, 2014.

(ii) Within 30 days after accomplishing the gap check, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

**(i) New Reporting of Inspection Results**

For airplanes on which a gap check specified in paragraph (h) of this AD has been done: Except as required by paragraph (h)(2)(i) of this AD, at the applicable time specified in paragraphs (i)(1) and (i)(2) of this AD, report all findings (including no findings) to Airbus, in accordance with Airbus AOT A32L003–14, dated March 10, 2014, including Appendices 1, 2, and 3, (the issue date is not specified on the appendices).

(1) If the gap check was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the gap check was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

**(j) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* 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.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Reporting Requirements:* 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.

**(k) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2014–0066 (Corrected March 20, 2014), 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–2014–0584.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33

5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* Internet *http://www.airbus.com.* 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.

Issued in Renton, Washington, on August 15, 2014.

**Jeffrey E. Duven,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2014–20262 Filed 8–25–14; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2014–0572; Directorate Identifier 2014–NM–027–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to supersede Airworthiness Directive (AD) 98–22–10, which applies to certain The Boeing Company Model 737–100, –200, –200C, and –300 series airplanes. AD 98–22–10 currently requires repetitive inspections for cracking of the aft frame and frame support structure of the forward service doorway, and repair if necessary. AD 98–22–10 also provides for an optional terminating action for the repetitive inspection requirements of that AD. Since we issued AD 98–22–10, we have determined that additional inspections are needed, and that additional airplanes may be subject to the identified unsafe condition. This proposed AD would add inspections and add airplanes to the applicability. For certain airplanes, this proposed AD provides a preventive modification, which would terminate the repetitive inspections. We are proposing this AD to detect and correct fatigue cracking of the aft frame and frame support structure of the forward service doorway around the six doorstop fittings, which could result in door deflection and loss of pressurization.

**DATES:** We must receive comments on this proposed AD by October 10, 2014.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may review 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–2014–0572; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone 425–917–6450; fax 425–917–6590; email: *alan.pohl@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0572; Directorate Identifier 2014–NM–027–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

### Discussion

On October 19, 1998, we issued AD 98–22–10, Amendment 39–10858 (63 FR 57240, October 27, 1998), for certain The Boeing Company Model 737–100, –200, –200C, and –300 series airplanes. AD 98–22–10 requires repetitive inspections to detect cracking of the aft frame and aft frame support structure of the forward service doorway, and repair if necessary. AD 98–22–10 resulted from reports of fatigue cracking of the aft frame and frame support structure of the forward service doorway. We issued AD 98–22–10 to prevent fatigue cracking of the aft frame and frame support structure of the forward service doorway, which could result in loss of the door, and consequent rapid decompression of the fuselage.

Tables 9 through 12 in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1108, Revision 7, dated July 7, 2014, specify post-repair inspections, which may be used in support of compliance with section 121.1109(c)(2) or 129.109(b)(2) of the Federal Aviation Regulations (14 CFR 121.1109(c)(2) or 129.109(b)(2)). However, this NPRM does not propose to require those post-repair inspections. This difference has been coordinated with Boeing.

### Actions Since AD 98–22–10, Amendment 39–10858 (63 FR 57240, October 27, 1998), Was Issued

Since we issued AD 98–22–10, Amendment 39–10858 (63 FR 57240, October 27, 1998), we received reports of cracking in the forward galley service doorway surround structure between body station (STA) 332.1 and STA 344, which are outside the inspection area of AD 98–22–10, and we have received reports that cracking has been discovered on airplanes outside the applicability of AD 98–22–10. We have determined that additional inspections are needed, and that additional airplanes are subject to the identified unsafe condition.

### Relevant Service Information

We reviewed Boeing Alert Service Bulletin 737–53A1108, Revision 7, dated July 7, 2014. For information on the procedures and compliance times,

see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0572.

**FAA's Determination**

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

**Proposed AD Requirements**

Although this proposed AD does not explicitly state the requirements of AD 98–22–10, Amendment 39–10858 (63 FR 57240, October 27, 1998), this proposed AD would retain certain requirements of AD 98–22–10. Those requirements are referenced in the service information identified previously, which, in turn, is referenced in paragraphs (g) and (h) of this proposed AD. This proposed AD would require additional inspections and add airplanes to the applicability. This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between This Proposed AD and the Service Information.''

The phrase ''related investigative actions'' is used in this proposed AD. ''Related investigative actions'' are follow-on actions that (1) are related to the primary actions, and (2) further investigate the nature of any condition found. Related investigative actions in an AD could include, for example, inspections.

The phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

**Differences Between This Proposed AD and the Service Information**

Where Boeing Alert Service Bulletin 737–53A1108, Revision 7, dated July 7, 2014, specifies to contact the manufacturer for instructions on how to repair certain conditions, this proposed AD would require repairing those conditions in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

**Costs of Compliance**

We estimate that this proposed AD affects 419 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Inspection | Up to 28 work-hours × $85 per hour = $2,380 per inspection cycle. | None | Up to $2,380 per inspection cycle. | Up to $997,220 per inspection cycle. |

ESTIMATED COSTS FOR OPTIONAL MODIFICATION

| Action | Labor cost | Parts cost | Cost per product |
|---|---|---|---|
| Repair/preventive modification | 12 to 17 work-hours × $85 per hour = up to $1,445. | $90 to $913 | Up to $2,358. |

We have received no definitive data that would enable us to provide cost estimates for any on-condition actions specified in this proposed AD. We have no way of determining the number of aircraft that might need this repair.

**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 proposed 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

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

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

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

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

**List of Subjects in 14 CFR Part 39**

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

**The Proposed Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 98–22–10, Amendment 39–10858 (63 FR 57240, October 27, 1998), and adding the following new AD:

**The Boeing Company:** Docket No. FAA–2014–0572; Directorate Identifier 2014–NM–027–AD.

**(a) Comments Due Date**

The FAA must receive comments on this AD action by October 10, 2014.

**(b) Affected ADs**

This AD supersedes AD 98–22–10, Amendment 39–10858 (63 FR 57240, October 27, 1998).

**(c) Applicability**

This AD applies to The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1108, Revision 7, dated July 7, 2014.

**(d) Subject**

Air Transport Association (ATA) of America Code 53, Fuselage.

**(e) Unsafe Condition**

This AD was prompted by reports of fatigue cracking of the aft frame and frame support structure of the forward service doorway around the six doorstop fittings; a determination that additional inspections are needed; and that additional airplanes may be subject to the identified unsafe condition. We are issuing this AD to detect and correct fatigue cracking of the aft frame and frame support structure of the forward service doorway around the six doorstop fittings, which could result in door deflection and loss of pressurization.

**(f) Compliance**

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

**(g) Inspections and Corrective Actions**

At the applicable times specified in tables 1 through 6 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1108, Revision 7, dated July 7, 2014, except as required by paragraph (j)(1) of this AD: Do detailed inspections of the frame web between body station (STA) 332.1 and STA 344, intercostal T-brackets, intercostal T-chords, intercostals, and stringers, as applicable; and do high frequency eddy current (HFEC) inspections for cracking of door stop intercostal T-brackets, intercostal web, door stop intercostal T-chords, intercostals, and stringers, as applicable; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1108, Revision 7, dated July 7, 2014, except as required by paragraph (j)(2) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspections at the applicable times specified in tables 1 through 6 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1108, Revision 7, dated July 7, 2014, until a terminating action specified in paragraph (h) of this AD is done.

**(h) Optional Terminating Action**

For Group 1, Configuration 1; Group 1, Configuration 2; Group 2; Group 3; Group 4, Configuration 1; and Group 4, Configuration 2 airplanes identified in Boeing Alert Service Bulletin 737–53A1108, Revision 7, dated July 7, 2014: Accomplishment of a preventative modification in accordance with Part 5 of Boeing Alert Service Bulletin 737–53A1108, Revision 7, dated July 7, 2014, terminates the repetitive inspections required by paragraph (g) of this AD.

**(i) Inspections and Corrective Actions for Group 5 Airplanes**

For Group 5 airplanes identified in Boeing Alert Service Bulletin 737–53A1108, Revision 7, dated July 7, 2014: Within 120 days after the effective date of this AD, inspect and repair any cracking using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

**(j) Exceptions to the Service Information**

(1) Where Boeing Alert Service Bulletin 737–53A1108, Revision 7, dated July 7, 2014, specifies a compliance time ''after the issue date of Revision 6 of this service bulletin,'' this AD requires compliance within the specified time after the effective date of this AD.

(2) Where Boeing Alert Service Bulletin 737–53A1108, Revision 7, dated July 7, 2014, specifies to contact Boeing for repair instructions: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

**(k) Credit for Previous Actions**

This paragraph provides credit for the actions required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–53A1108, Revision 6, dated January 9, 2014.

**(l) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (m)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved for AD 98–22–10, Amendment 39–10858 (63 FR 57240, October 27, 1998), are approved as AMOCs for the corresponding provisions of this AD.

(5) Accomplishment of the preventative modification in accordance with Boeing Service Bulletin 737–53A1108, Revision 7, dated July 7, 2014, as required by paragraph (h) of this AD, is an AMOC to the structural modification specified in Boeing Service Bulletin 737–53A1108 that is required by paragraph A. of AD 90–06–02, Amendment 39–6489, (55 FR 8372, March 7, 1990).

**(m) Related Information**

(1) For more information about this AD, contact Alan Pohl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone 425–917–6450; fax 425–917–6590; email: *alan.pohl@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on August 15, 2014.

**Jeffrey E. Duven,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2014–20204 Filed 8–25–14; 8:45 am]

BILLING CODE P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2014–0587; Directorate Identifier 2013–NM–219–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Airbus Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to supersede Airworthiness Directive (AD) 2011–13–09 for all Airbus Model A330–200 and –300 series airplanes. AD 2011–13–09 currently requires revising the maintenance program to incorporate new limitations and maintenance tasks for certain certification management requirements (CMRs). Since we issued AD 2011–13–09, we have determined that more restrictive maintenance requirements and airworthiness limitations are necessary. This proposed

AD would require revising the maintenance or inspection program to incorporate new maintenance requirements and airworthiness limitations. We are proposing this AD to prevent safety-significant latent failures that would, in combination with one or more other specific failures or events, result in a hazardous or catastrophic failure condition.

**DATES:** We must receive comments on this proposed AD by October 10, 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 service information identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330@airbus.com;* Internet *http://www.airbus.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–2014–0587; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket 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:** Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

**SUPPLEMENTARY INFORMATION:**

## Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0587; Directorate Identifier 2013–NM–219–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

## Discussion

On June 14, 2011, we issued AD 2011–13–09, Amendment 39–16732 (76 FR 37255, June 27, 2011). AD 2011–13–09 requires actions intended to address an unsafe condition for all Airbus Model A330–200 and –300 series airplanes.

Since we issued AD 2011–13–09, Amendment 39–16732 (76 FR 37255, June 27, 2011), we have determined that more restrictive maintenance requirements and airworthiness limitations are necessary.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0245, dated October 2, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A330–200 and –300 series airplanes. The MCAI states:

> The airworthiness limitations are currently distributed in the Airbus A330 Airworthiness Limitations Section (ALS).
>
> The mandatory instructions and airworthiness limitations applicable to the Certification Maintenance Requirements (CMR) are specified in Airbus A330 ALS Part 3, which is approved by the European Aviation Safety Agency (EASA).
>
> The revision 04 of Airbus A330 ALS Part 3 introduces more restrictive maintenance requirements and/or airworthiness limitations. Failure to comply with this revision constitutes an unsafe condition.
>
> For the reason described above, this new AD retains the requirements of EASA AD 2010–0264 (*http://ad.easa.europa.eu/blob/easa_ad_2010_0264.pdf*), which is superseded, and requires the implementation of the maintenance requirements as specified in Airbus A330 ALS Part 3 revision 04.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0587.

## Relevant Service Information

Airbus has issued A330 Airworthiness Limitations Section (ALS) Part 3—Certification Maintenance Requirements (CMR), Revision 04, dated August 27, 2013. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

## FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

## Difference Between MCAI and This Proposed AD

The EASA MCAI specifies that if there are findings from the ALS inspection tasks, corrective actions must be accomplished in accordance with Airbus maintenance documentation. However, this proposed AD does not include that requirement. Operators of U.S.-registered airplanes are required by general airworthiness and operational regulations to perform maintenance using methods that are acceptable to the FAA. We consider those methods to be adequate to address any corrective actions necessitated by the findings of ALS inspections required by this proposed AD.

## Costs of Compliance

We estimate that this proposed AD affects 76 airplanes of U.S. registry.

The ALS revision required by AD 2011–13–09, Amendment 39–16732 (76 FR 37255, June 27, 2011), and retained in this proposed AD takes 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 that were required by AD 2011–13–09 is $85 per product.

We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on

these figures, we estimate the cost of this proposed AD on U.S. operators to be $6,460, or $85 per product.

## Authority for This Rulemaking

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

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

## Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

## List of Subjects in 14 CFR Part 39

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

## The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

■ 2. Amend § 39.13 by removing Airworthiness Directive (AD) 2011–13–09, Amendment 39–16732 (76 FR 37255, June 27, 2011), and adding the following new AD:

**Airbus:** Docket No. FAA–2014–0587; Directorate Identifier 2013–NM–219–AD.

**(a) Comments Due Date**

We must receive comments by October 10, 2014.

**(b) Affected ADs**

This AD supersedes AD 2011–13–09, Amendment 39–16732 (76 FR 37255, June 27, 2011).

**(c) Applicability**

This AD applies to all Airbus Model A330–201, –202, –203, –223, –223F –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes, certificated in any category, all manufacturer serial numbers.

**(d) Subject**

Air Transport Association (ATA) of America Code 05, Periodic inspections.

**(e) Reason**

This AD was prompted by a determination that more restrictive maintenance requirements and airworthiness limitations are necessary. We are issuing this AD to prevent safety-significant latent failures that would, in combination with one or more other specific failures or events, result in a hazardous or catastrophic failure condition.

**(f) Compliance**

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

**(g) Retained Revision of the Maintenance Program**

This paragraph restates the requirements of paragraph (g) of AD 2011–13–09, Amendment 39–16732 (76 FR 37255, June 27, 2011). Within 90 days after August 1, 2011 (the effective date of AD 2011–13–09): Revise the maintenance program, which ensures the continuing airworthiness of each operated airplane, by incorporating Airbus A330 ALS, Part 3—Certification Maintenance Requirements, Revision 03, dated July 29, 2010. Within the times specified in the Airbus A330 ALS, Part 3—Certification Maintenance Requirements, Revision 03, dated July 29, 2010, comply with all applicable maintenance requirements and associated airworthiness limitations included in Airbus A330 ALS, Part 3—Certification Maintenance Requirements, Revision 03, dated July 29, 2010, except as provided by paragraphs (h) and (i) of this AD.

**(h) Retained Exceptions to the Certification Maintenance Requirements (CMR) Tasks**

This paragraph restates the requirements of paragraph (h) of AD 2011–13–09, Amendment 39–16732 (76 FR 37255, June 27, 2011). At the latest of the times specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD: Do the first accomplishment of Airbus A330 CMR Task 213100–00001–2–C, Pressure Control Monitoring, of Airbus A330 ALS, Part 3—Certification Maintenance Requirements, Revision 03, dated July 29, 2010.

(1) Before the accumulation of 48,000 total flight hours.

(2) Within 48,000 flight hours after the most recent accomplishment of Airbus A330 Maintenance Review Board Report (MRBR) Task 21.31.00/05.

(3) Within 3 months after August 1, 2011 (the effective date of AD 2011–13–09, Amendment 39–16732 (76 FR 37255, June 27, 2011).

**(i) Retained Exceptions to the CMR Tasks**

This paragraph restates the requirements of paragraph (i) of AD 2011–13–09, Amendment 39–16732 (76 FR 37255, June 27, 2011). At the latest of the times specified in paragraph (i)(1), (i)(2), or (i)(3) of this AD: Do the first accomplishment of Airbus A330 CMR Tasks 242000–00005–1–C, AC Generation; 243000–00001–1–C, DC Generation; and 243000–00002–1–C, DC Generation; of Airbus A330 ALS, Part 3—Certification Maintenance Requirements, Revision 03, dated July 29, 2010.

(1) Before the accumulation of 12,000 total flight hours.

(2) Within 12,000 flight hours after the most recent accomplishment of Airbus A330 MRBR Task 24.20.00/17, 24.30.00/04, or 24.30.00/05 respectively.

(3) Within 3 months after August 1, 2011 (the effective date of AD 2011–13–09, Amendment 39–16732 (76 FR 37255, June 27, 2011).

**(j) Retained Limitation of Alternative Inspections or Intervals**

This paragraph restates the limitation specified in paragraph (j) of AD 2011–13–09, Amendment 39–16732 (76 FR 37255, June 27, 2011). After accomplishing the action required by paragraph (g) of this AD, no alternative inspections or inspection intervals may be used, other than those specified in Airbus A330 ALS, Part 3—Certification Maintenance Requirements, Revision 03, dated July 29, 2010, unless the inspections or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (m) of this AD.

**(k) New Requirements of This AD: Revise the Maintenance or Inspection Program**

(1) Within 90 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, to incorporate Airbus A330 ALS Part 3—Certification Maintenance Requirements, Revision 04, dated August 27, 2013. Within the applicable compliance time defined in the ''Record of Revisions'' section of Airbus A330 ALS Part 3—Certification Maintenance

Requirements, Revision 04, dated August 27, 2013, except as provided by paragraph (k)(2) of this AD, accomplish all applicable maintenance tasks. Accomplishing these actions terminates the requirements of paragraphs (g), (h), (i), and (j) of this AD.

(2) Where paragraph 3 of the ''Record of Revisions'' section of Airbus A330 ALS Part 3—Certification Maintenance Requirements, Revision 04, dated August 27, 2013, specifies accomplishing the actions ''from 27 August 2013,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

**(l) No Alternative Inspections or Intervals**

After accomplishing the action required by paragraph (k)(1) of this AD, no alternative inspections or inspection intervals may be used, other than those specified in Airbus A330 ALS, Part 3—Certification Maintenance Requirements, Revision 04, dated August 27, 2013, except as provided by paragraph (k)(2) of this AD, unless the inspections or intervals are approved as an AMOC in accordance with the procedures specified in paragraph (m) of this AD.

**(m) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, 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 International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1138; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov*. 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.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

**(n) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0245, dated October 2, 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–2014–0587.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330@airbus.com;* Internet *http://www.airbus.com*. 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.

Issued in Renton, Washington, on August 18, 2014.

**Kevin Hull,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2014–20257 Filed 8–25–14; 8:45 am]

**BILLING CODE 4910–13–P**

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2014–0585; Directorate Identifier 2013–NM–248–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Airbus Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all Airbus Model A318, A319, and A321 series airplanes; and Model A320–211, –212, –214, –231, –232, and –233 airplanes. This proposed AD was prompted by a report of corrosion found during the manufacturing process for some oxygen pipe assemblies that are used to supply oxygen to the flight crew. This proposed AD would require an inspection to determine the batch number or installation date of the oxygen pipe assembly that is installed at the end of the right-hand crew distribution line, and, if necessary, replacement of the pipe. We are proposing this AD to detect and correct corrosion, which could lead to blocked or reduced oxygen supply to a flight crew member during a decompression event or a smoke/fire event in the cockpit. Under certain conditions, corrosion particles could increase the risk of fire in the cockpit.

**DATES:** We must receive comments on this proposed AD by October 10, 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 service information identified in this proposed AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.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–2014–0585; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket 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:** Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0585; Directorate Identifier 2013–NM–248–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

**Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0278, dated November 26, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A318, A319, and A321 series airplanes; and Model A320–211, –212, –214, –231, –232, and –233 airplanes. The MCAI states:

Some oxygen pipe assemblies, Part Number (P/N) D3511032000640, have been found corroded during manufacturing at supplier level. The affected pipe assembly is installed at the end of the right hand (RH) crew distribution line, just upstream of the First Officer and RH Observer oxygen mask boxes.

The investigation showed that the affected pipes had been heat treated just 4 weeks before the summer factory closure and were only cleaned after re-opening of the factory. During this interruption, corrosion developed in these pipes.

This condition, if not detected and corrected, could lead to blocked or reduced oxygen supply to one flight crew member in case of decompression or smoke/fire in the cockpit. In addition, the presence of particles in oxygen lines, under certain conditions, increases the risk of fire in the cockpit.

The parts manufacturer identified the batch numbers of the potentially affected pipes that were manufactured in a specific period in 2011. Based on that information, Airbus has identified the aeroplanes on which those pipes have been installed on the production line and has issued Service Bulletin (SB) A320–35–1069, containing instructions to remove the affected pipes from service.

For the reasons described above, this [EASA] AD requires the identification of the affected oxygen pipes P/N D3511032000640, and for those included in the affected batches, replacement of the oxygen pipe. This [EASA] AD also prohibits installation of any of the affected pipes on other aeroplanes.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0585.

**Relevant Service Information**

Airbus has issued Service Bulletin A320–35–1069, dated April 26, 2013. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

**FAA's Determination and Requirements of This Proposed AD**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

**''Contacting the Manufacturer'' Paragraph in This Proposed AD**

Since late 2006, we have included a standard paragraph titled ''Airworthy Product'' in all MCAI ADs in which the FAA develops an AD based on a foreign authority's AD.

The MCAI or referenced service information in an FAA AD often directs the owner/operator to contact the manufacturer for corrective actions, such as a repair. Briefly, the Airworthy Product paragraph allowed owners/operators to use corrective actions provided by the manufacturer if those actions were FAA-approved. In addition, the paragraph stated that any actions approved by the State of Design Authority (or its delegated agent) are considered to be FAA-approved.

In an NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013), we proposed to prevent the use of repairs that were not specifically developed to correct the unsafe condition, by requiring that the repair approval provided by the State of Design Authority or its delegated agent specifically refer to the FAA AD. This change was intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we proposed to change the phrase ''its delegated agent'' to include a design approval holder (DAH) with State of Design Authority design organization approval (DOA), as applicable, to refer to a DAH authorized to approve required repairs for the proposed AD.

One commenter to the NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013) stated the following: ''The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of an AD mandated Airbus service bulletin.''

This comment has made the FAA aware that some operators have misunderstood or misinterpreted the Airworthy Product paragraph to allow the owner/operator to use messages provided by the manufacturer as approval of deviations during the accomplishment of an AD-mandated action. The Airworthy Product paragraph does not approve messages or other information provided by the manufacturer for deviations to the requirements of the AD-mandated actions. The Airworthy Product paragraph only addresses the requirement to contact the manufacturer for corrective actions for the identified unsafe condition and does not cover deviations from other AD requirements. However, deviations to AD-required actions are addressed in 14 CFR 39.17, and anyone may request the approval for an alternative method of compliance to the AD-required actions using the procedures found in 14 CFR 39.19.

To address this misunderstanding and misinterpretation of the Airworthy Product paragraph, we have changed the paragraph and retitled it ''Contacting the Manufacturer.'' This paragraph now clarifies that for any requirement in this proposed AD to obtain corrective actions from a manufacturer, the actions must be accomplished using a method approved by the FAA, the European Aviation Safety Agency (EASA), or Airbus's EASA DOA.

The Contacting the Manufacturer paragraph also clarifies that, if approved by the DOA, the approval must include the DOA-authorized signature. The DOA signature indicates that the data and information contained in the document are EASA-approved, which is also FAA-approved. Messages and other information provided by the manufacturer that do not contain the DOA-authorized signature approval are not EASA-approved, unless EASA directly approves the manufacturer's message or other information.

This clarification does not remove flexibility previously afforded by the Airworthy Product paragraph. Consistent with long-standing FAA policy, such flexibility was never intended for required actions. This is also consistent with the recommendation of the Airworthiness Directive Implementation Aviation Rulemaking Committee to increase flexibility in complying with ADs by identifying those actions in manufacturers' service instructions that are ''Required for Compliance'' with

ADs. We continue to work with manufacturers to implement this recommendation. But once we determine that an action is required, any deviation from the requirement must be approved as an alternative method of compliance.

**Costs of Compliance**

We estimate that this proposed AD affects 2 airplanes of U.S. registry.

We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $340, or $170 per product.

In addition, we estimate that any necessary follow-on actions would take about 5 work-hours, for a cost of $425 per product. We have no way of determining the number of aircraft that might need this action.

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

**List of Subjects in 14 CFR Part 39**

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

**The Proposed Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

**Airbus:** Docket No. FAA–2014–0585; Directorate Identifier 2013–NM–248–AD.

**(a) Comments Due Date**

We must receive comments by October 10, 2014.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –231, –232, and –233 airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

**(d) Subject**

Air Transport Association (ATA) of America Code 35, Oxygen.

**(e) Reason**

This AD was prompted by a report of corrosion found during the manufacturing process for some oxygen pipe assemblies that are used to supply oxygen to the flight crew. We are issuing this AD to detect and correct corrosion, which could lead to blocked or reduced oxygen supply to a flight crew member during a decompression event or a smoke/fire event in the cockpit. Under certain conditions, corrosion particles could increase the risk of fire in the cockpit.

**(f) Compliance**

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

**(g) Inspecting for Part Numbers and Replacement**

For airplanes identified in paragraph 1.A. of Airbus Service Bulletin A320–35–1069, dated April 26, 2013: Within 7,500 flight hours or 26 months after the effective date of this AD, whichever occurs first, inspect the crew oxygen pipe, having part number (P/N) D3511032000640, to determine the batch number of that pipe, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–35–1069, dated April 26, 2013. A review of airplane maintenance records is acceptable in lieu of this inspection if the batch number of the pipe can be conclusively determined from that review. If the batch number of the oxygen pipe is 19356252, 40008586, 40076689, 40187414, 40292749, 40405164, 40649383, 40724994, 40820410, or 40911832, within 7,500 flight hours or 26 months after the effective date of this AD, whichever occurs first, replace the oxygen pipe with a serviceable part, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–35–1069, dated April 26, 2013.

**(h) Inspection for Part Number of Crew Oxygen Pipe**

For airplanes not identified in paragraph 1.A. of Airbus Service Bulletin A320–35–1069, dated April 26, 2013: Within 7,500 flight hours or 26 months after the effective date of this AD, whichever occurs first, inspect the crew oxygen pipe to determine whether P/N D3511032000640 was installed after June 2011. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and installation date of the pipe can be conclusively determined from that review. If the pipe was installed after June 2011, or the date cannot be conclusively determined, before further flight, do the actions required in paragraph (g) of this AD.

**(i) Parts Installation Prohibition**

As of the effective date of this AD, do not install, on any airplane, a crew oxygen pipe P/N D3511032000640, that is identified as belonging to batch number 19356252, 40008586, 40076689, 40187414, 40292749, 40405164, 40649383, 40724994, 40820410, or 40911832.

**(j) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer,

International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov*. 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.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

**(k) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0278, dated November 26, 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 it in Docket No. FAA–2014–0585.

(2) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* 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.

Issued in Renton, Washington, on August 15, 2014.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2014–20261 Filed 8–25–14; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2014–0575; Directorate Identifier 2014–NM–086–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 747–8F and 747–8 series airplanes. This proposed AD was prompted by reports of delamination damage to leading edge (LE) variable camber krueger (VCK) flaps. This proposed AD would require repetitive inspections to detect delamination damage of the lightning strike applique (LSA) on the LE VCK flaps, and corrective actions if necessary. We are proposing this AD to detect and correct delamination damage to the LE VCK flaps, which can reduce the lightning strike protection capability on the LE VCK flaps and result in an uncommanded motion of the trailing edge flap system. Such uncommanded flap motion, without shutdown of the trailing edge or leading edge flaps, may cause unexpected changes in lift, potentially resulting in asymmetric lift and loss of control of the airplane.

**DATES:** We must receive comments on this proposed AD by October 10, 2014.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*. You may review 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–2014–0575; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Frey, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6468; fax: 425–917–6190; email: *kenneth.frey@faa.gov*.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0575; Directorate Identifier 2014–NM–086–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

### Discussion

We have received multiple reports of damage to the LSA on the LE VCK flaps found during ground inspections on Model 747–8F and 747–8 series airplanes. The damage included delamination of topcoat and metal foil layers from the underlying dielectric layer of the LSA. In some cases, the LSA damage was incorrectly identified as missing or peeling paint.

Excessive delamination damage can reduce the lightning strike protection capability on LE VCK flaps. Loss of lightning strike protection could expose the electrical traces of the leading edge failure indication (LEFI) system on the back side of the LE VCK flaps to a direct lightning strike. A direct lightning strike to the LE VCK flaps with existing LSA damage could result in direct lightning attachment to the high lift flap control units (FCUs), potentially resulting in an uncommanded motion of the trailing edge flap system. Such uncommanded flap motion, without shutdown of the trailing edge or leading edge flaps, may cause unexpected changes in lift, potentially resulting in asymmetric lift and loss of control of the airplane.

**Relevant Service Information**

We reviewed Boeing Special Attention Service Bulletin 747–57–2338, dated January 14, 2014. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2014–0575.

**FAA's Determination**

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

**Proposed AD Requirements**

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.''

The phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

**Differences Between This Proposed AD and the Service Information**

The applicability in this proposed AD does not refer to paragraph 1.A.1. ''Effectivity,'' of Boeing Alert Service Bulletin 747–57–2338, dated January 14, 2014. This service bulletin does not contain a comprehensive list of the airplanes affected by the identified unsafe condition. Therefore, the applicability of this proposed AD is all Model 747–8F and 747–8 series airplanes.

**Costs of Compliance**

We estimate that this proposed AD affects 6 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Inspection | 8 work-hours × $85 per hour = $680 per inspection cycle. | $0 | $680 per inspection cycle | $4,080 per inspection cycle. |

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

**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 proposed regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

**List of Subjects in 14 CFR Part 39**

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

**The Proposed Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

**The Boeing Company:** Docket No. FAA–2014–0575; Directorate Identifier 2014–NM–086–AD.

**(a) Comments Due Date**

We must receive comments by October 10, 2014.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to all The Boeing Company Model 747–8F and 747–8 series airplanes, certificated in any category.

**(d) Subject**

Air Transport Association (ATA) of America Code 57, Wings.

**(e) Unsafe Condition**

This AD was prompted by reports of delamination damage to leading edge (LE) variable camber krueger (VCK) flaps. We are issuing this AD to detect and correct delamination damage to the LE VCK flaps, which can reduce the lightning strike protection capability on LE VCK flaps and result in an uncommanded motion of the trailing edge flap system. Such uncommanded flap motion, without shutdown of the trailing edge or leading edge flaps, may cause unexpected changes in lift, potentially resulting in asymmetric lift and loss of control of the airplane.

**(f) Compliance**

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

**(g) Inspections and Corrective Actions**

Except as specified in paragraph (h) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 747–57–2338, dated January 14, 2014: Do a general visual inspection to detect delamination damage of the lightning strike applique (LSA) on the LE VCK flaps; and do all applicable corrective actions before further flight; in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–57–2338, dated January 14, 2014. Repeat the inspection of the LSA on the LE VCK flaps thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–57–2338, dated January 14, 2014.

**(h) Exception to Service Information**

Where Paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–57–2338, dated January 14, 2014, specifies a compliance time ''after the Original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

**(i) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane.

**(j) Related Information**

(1) For more information about this AD, contact Kenneth Frey, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6468; fax: 425–917–6190; email: *kenneth.frey@faa.gov*.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*. You may review this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on August 15, 2014.

**Jeffrey E. Duven,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2014–20218 Filed 8–25–14; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2014–0580; Directorate Identifier 2014–NM–081–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to supersede Airworthiness Directive (AD) 2011–09–11, which applies to certain The Boeing Company Model 777–200 and –300 series airplanes. AD 2011–09–11 currently requires repetitive inspections for hydraulic fluid contamination of the interior of the strut disconnect assembly; repetitive inspections for discrepancies of the interior of the strut disconnect assembly, if necessary; repetitive inspections of the exterior of the strut disconnect assembly for cracks, if necessary; corrective action if necessary; and an optional terminating action for the inspections. Since we issued AD 2011–09–11, we have received reports of side and top cover plates installed with missing fastener bolts, which results in an unsealed opening on the system disconnect assembly. This proposed AD would add, for certain airplanes, an inspection of the side and top cover plates to determine if all cover plate attach fasteners have been installed, and installing any missing fasteners including doing an inspection for damage, and repair if necessary. We are proposing this AD to detect and correct hydraulic fluid contamination, which can cause cracking of titanium parts in the system disconnect assembly; and also to detect and correct missing fasteners, which results in unsealed openings on the system disconnect assembly. Both unsafe conditions can compromise the engine firewall and result in fire hazards for both the engine compartment and the strut.

**DATES:** We must receive comments on this proposed AD by October 10, 2014.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

### Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0580; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Kevin Nguyen, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6501; fax: 425–917–6590; email: *kevin.nguyen@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the

**ADDRESSES** section. Include ''Docket No. FAA–2014–0580; Directorate Identifier 2014–NM–081–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

**Discussion**

On April 12, 2011, we issued AD 2011–09–11, Amendment 39–16673 (76 FR 24354, May 2, 2011), for The Boeing Company Model 777–200 and –300 series airplanes equipped with Pratt and Whitney engines. AD 2011–09–11 requires repetitive inspections for hydraulic fluid contamination of the interior of the strut disconnect assembly; repetitive inspections for discrepancies of the interior of the strut disconnect assembly, if necessary; repetitive inspections of the exterior of the strut disconnect assembly for cracks, if necessary; corrective action if necessary; and an optional terminating action for the inspections. AD 2011–09–11 resulted from reports of system disconnect boxes contaminated with hydraulic fluid, which led to subsequent cracking of titanium parts in the system disconnect assembly. We issued AD 2011–09–11 to detect and correct hydraulic fluid contamination, which can cause cracking of titanium parts in the system disconnect assembly, resulting in compromise of the engine firewall. A cracked firewall can allow fire in the engine area to enter the strut and can lead to an uncontained engine strut fire if flammable fluid is present. Cracking of the disconnect box may also reduce the effectiveness of the fire extinguishing system in the engine compartment and could contribute to an uncontained engine fire. In addition, a cracked disconnect box can leak flammable fluids into the engine compartment, which can initiate an engine fire, and lead to one or both fire conditions discussed above.

**Actions Since AD 2011–09–11, Amendment 39–16673 (76 FR 24354, May 2, 2011) Was Issued**

Since we issued AD 2011–09–11, Amendment 39–16673 (76 FR 24354, May 2, 2011), we have received reports of side and top cover plates installed with two fastener bolts on airplanes on which a replacement of the titanium system disconnect assembly was accomplished in accordance with AD 2011–09–11. An operator reported that the side and top cover plates were only temporarily installed with two fasteners for each cover plate; additional bolts were not in the kits, and the service bulletin did not provide instructions to install the remaining bolts. Missing fasteners will allow for fastener holes on the cover plates to be not closed off, and cover plates to be loose and not sealed tightly against the disconnect box assembly, resulting in compromise of the engine firewall. This compromise of the engine firewall can lead to a fire breach and hazardous effects that have the same effects as the disconnect box with cracks. In addition, loose cover plates on the electrical side of the disconnect box, and vibration from the airplane and engine can cause damage to the electrical connectors and wire routing into, through, and out of the disconnect box. Damaged electrical connectors or wires can cause unwanted engine indication and crew alerting system (EICAS) messages or non-responsive action by the crew when there are actual EICAS messages. Damaged electrical connectors or wires can create an ignition source for flammable fluids and result in an uncontained strut fire or fuel explosion.

**Relevant Service Information**

We reviewed Boeing Service Bulletin 777–54A0024, Revision 2, dated January 23, 2014. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0580.

**FAA's Determination**

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

**Proposed AD Requirements**

This proposed AD would retain all requirements of AD 2011–09–11, Amendment 39–16673 (76 FR 24354, May 2, 2011). This proposed AD would add, for certain airplanes, an inspection of the side and top cover plates to determine if all cover plate attach fasteners have been installed, and installing any missing fasteners including doing an inspection for damage, and repair if necessary.

**Costs of Compliance**

We estimate that this proposed AD affects 54 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Inspections [retained actions from AD 2011–09–11, Amendment 39–16673 (76 FR 24354, May 2, 2011)]. | 18 work-hours × $85 per hour = $1,530 ..... | $0 | $1,530 | $82,620 |
| Inspection of cover plate fasteners [new proposed action]. | 8 work-hours × $85 per hour = $680 ..... | 0 | 680 | 36,720 |

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

ON-CONDITION COSTS

| Action | Labor cost | Parts cost | Cost per product |
|---|---|---|---|
| Replacement [retained actions from AD 2011–09–11, Amendment 39–16673 (76 FR 24354, May 2, 2011)]. | 35 work-hours × $85 per hour = $2,975 | $420,440 | $423,415 |
| Inspection of electrical components and installation of new fasteners [new proposed actions]. | 14 work-hours × $85 per hour = $1,190 | 458 | 1,648 |

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

## 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 proposed 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

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

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

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

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

## List of Subjects in 14 CFR Part 39

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

## The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2011–09–11, Amendment 39–16673 (76 FR 24354, May 2, 2011), and adding the following new AD:

**The Boeing Company:** Docket No. FAA–2014–0580; Directorate Identifier 2014–NM–081–AD.

**(a) Comments Due Date**

The FAA must receive comments on this AD action by October 10, 2014.

**(b) Affected ADs**

This AD replaces AD 2011–09–11, Amendment 39–16673 (76 FR 24354, May 2, 2011).

**(c) Applicability**

This AD applies to The Boeing Company Model 777–200 and –300 series airplanes, certificated in any category; equipped with Pratt and Whitney engines; as identified in Boeing Service Bulletin 777–54A0024, Revision 2, dated January 23, 2014.

**(d) Subject**

Air Transport Association (ATA) of America Code 54, Nacelles/Pylons.

**(e) Unsafe Condition**

This AD was prompted by reports of system disconnect boxes that have been contaminated with hydraulic fluid and, in one incident, led to subsequent cracking of titanium parts in the system disconnect assembly. We have received reports of side and top cover plates installed with missing fastener bolts, which results in an unsealed opening on the system disconnect assembly. We are issuing this AD to detect and correct hydraulic fluid contamination, which can cause cracking of titanium parts in the system disconnect assembly; and also to detect and correct missing fasteners, which results in unsealed openings on the system disconnect assembly. Both unsafe conditions can compromise the engine firewall and result in fire hazards for both the engine compartment and the strut.

**(f) Compliance**

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

**(g) Retained Inspections and Corrective Actions With Revised Service Information**

This paragraph restates the requirements of paragraph (g) of AD 2011–09–11, Amendment 39–16673 (76 FR 24354, May 2, 2011), with revised service information. Within 12 months after June 6, 2011 (the effective date of AD 2011–09–11): Do a general visual inspection for hydraulic fluid contamination of the interior of the strut disconnect assembly, in accordance with Part 1 of the Accomplishment Instructions of Boeing Service Bulletin 777–54A0024, Revision 1, dated November 4, 2010; or Revision 2, dated January 23, 2014. As of the effective date of this AD, use only Boeing Service Bulletin 777–54A0024, Revision 2, dated January 23, 2014, for accomplishing the actions in this paragraph.

(1) For airplanes on which no hydraulic fluid contamination is found (Condition 1): Repeat the general visual inspection required by paragraph (g) of this AD thereafter at intervals not to exceed 6,000 flight cycles or 750 days, whichever occurs first.

(2) For airplanes on which hydraulic fluid contamination is found (Condition 2): Before further flight, do a detailed inspection for discrepancies (e.g., hydraulic fluid coking, heat discoloration, cracks, and etching or pitting) of the interior of the strut disconnect assembly, in accordance with Part 2 of the Accomplishment Instructions of Boeing Service Bulletin 777–54A0024, Revision 1, dated November 4, 2010; or Revision 2, dated January 23, 2014. As of the effective date of this AD, use only Boeing Service Bulletin 777–54A0024, Revision 2, dated January 23, 2014, for accomplishing the actions in this paragraph.

(i) For airplanes on which no discrepancy is found during the inspection required by paragraph (g)(2) of this AD (Condition 2A): Repeat the detailed inspection required by paragraph (g)(2) of this AD thereafter at

intervals not to exceed 6,000 flight cycles or 750 days, whichever occurs first.

(ii) For airplanes on which hydraulic fluid coking or heat discoloration is found but no cracking, etching, or pitting is found during the inspection required by paragraph (g)(2) of this AD (Condition 2B): Do the actions required by paragraph (g)(2)(ii)(A) and (g)(2)(ii)(B) of this AD.

(A) Within 300 flight cycles after doing the inspection required by paragraph (g)(2) of this AD: Do a detailed inspection of the exterior of the strut disconnect assembly for cracks, in accordance with Part 3 of the Accomplishment Instructions of Boeing Service Bulletin 777–54A0024, Revision 1, dated November 4, 2010; or Revision 2, dated January 23, 2014; and repeat the detailed inspection thereafter at intervals not to exceed 300 flight cycles. As of the effective date of this AD, use only Boeing Service Bulletin 777–54A0024, Revision 2, dated January 23, 2014, for accomplishing the actions in this paragraph.

(B) Within 6,000 flight cycles or 750 days after hydraulic fluid coking and/or heat discoloration was found during the inspection required by paragraph (g)(2) of this AD, whichever occurs first: Replace the titanium system disconnect assembly with an Inconel system, in accordance with Part 4 of the Accomplishment Instructions of Boeing Service Bulletin 777–54A0024, Revision 1, dated November 4, 2010; or Revision 2, dated January 23, 2014. As of the effective date of this AD, use only Boeing Service Bulletin 777–54A0024, Revision 2, dated January 23, 2014, for accomplishing the actions in this paragraph.

**(h) Retained Corrective Action With Revised Service Information**

This paragraph restates the requirements of paragraph (h) of AD 2011–09–11, Amendment 39–16673 (76 FR 24354, May 2, 2011), with revised service information. For airplanes on which any crack, etching, or pitting is found during any inspection required by paragraph (g)(2) or (g)(2)(ii)(A) of this AD (Condition 3): Before further flight, replace the titanium system disconnect assembly with an Inconel system, in accordance with Part 4 of the Accomplishment Instructions of Boeing Service Bulletin 777–54A0024, Revision 1, dated November 4, 2010; or Revision 2, dated January 23, 2014. As of the effective date of this AD, use only Boeing Service Bulletin 777–54A0024, Revision 2, dated January 23, 2014, for accomplishing the actions in this paragraph.

**(i) Retained Optional Terminating Action With Revised Service Information**

This paragraph restates the requirements of paragraph (i) of AD 2011–09–11, Amendment 39–16673 (76 FR 24354, May 2, 2011), with revised service information. Replacing the titanium system disconnect assembly with an Inconel system disconnect assembly in accordance with Part 4 of the Accomplishment Instructions of Boeing Service Bulletin 777–54A0024, Revision 1, dated November 4, 2010; or Revision 2, dated January 23, 2014; terminates the actions required by paragraphs (g) and (h) of this AD. As of the effective date of this AD, use only Boeing Service Bulletin 777–54A0024, Revision 2, dated January 23, 2014, for accomplishing the actions in this paragraph.

**(j) New Inspection and Corrective Action**

For airplanes on which the system disconnect assembly has been replaced in accordance with Part 4 of the Accomplishment Instructions of Boeing Service Bulletin 777–54A0024, dated April 1, 2010; or Revision 1, dated November 4, 2010: Within 1,125 days after the effective date of this AD, do a detailed inspection of the cover plate fasteners to determine if all cover plate attach fasteners are installed, in accordance with Part 5 of the Accomplishment Instructions of Boeing Service Bulletin 777–54A0024, Revision 2, dated January 23, 2014. If any fastener is missing, before further flight, install fasteners (including doing a detailed inspection for damage of the electrical components and repairing any damaged components), in accordance with Part 6 of the Accomplishment Instructions of Boeing Service Bulletin 777–54A0024, Revision 2, dated January 23, 2014.

**(k) Credit for Previous Actions**

This paragraph restates the credit provided by paragraph (j) of AD 2011–09–11, Amendment 39–16673 (76 FR 24354, May 2, 2011). This paragraph provides credit for the corresponding actions required by paragraphs (g), (h), and (i) of this AD, if those actions were performed before June 6, 2011 (the effective date of AD 2011–09–11) using Boeing Service Bulletin 777–54A0024, dated April 1, 2010, which is not incorporated by reference in this AD.

**(l) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (m)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

**(m) Related Information**

(1) For more information about this AD, contact Kevin Nguyen, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6501; fax: 425–917–6590; email: *kevin.nguyen@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on August 15, 2014.

**Jeffrey E. Duven,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2014–20221 Filed 8–25–14; 8:45 am]

**BILLING CODE 4910–13–P**

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2014–0582; Directorate Identifier 2014–NM–065–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Bombardier, Inc. Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to supersede Airworthiness Directive (AD) 2014–03–05, for certain Bombardier, Inc. Model BD–700–1A10 airplanes. AD 2014–03–05 currently requires modification of the air data probes and sensors. Since we issued AD 2014–03–05, we have determined that additional airplanes are affected by the unsafe condition. This proposed AD would add airplanes to the applicability. We are proposing this AD to detect and correct an unannunciated failure of two pitot static probe heaters, which could affect controllability of the airplane in icing conditions.

**DATES:** We must receive comments on this proposed AD by October 10, 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 service information identified in this proposed AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.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–2014–0582; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket 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 Flight Test Branch, ANE–172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7301; fax 516–794–5531.

**SUPPLEMENTARY INFORMATION:**

## Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0582; Directorate Identifier 2014–NM–065–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

## Discussion

On January 22, 2014, we issued AD 2014–03–05, Amendment 39–17742 (79 FR 10331, February 25, 2014). AD 2014–03–05 requires actions intended to address an unsafe condition on certain Bombardier, Inc. Model BD–700–1A10 airplanes.

Since we issued AD 2014–03–05, Amendment 39–17742 (79 FR 10331, February 25, 2014), we have determined that airplanes have been inadvertently omitted from the applicability; there are additional airplanes that are on the FAA supplemental type certificate, but not the Canadian supplemental type certificate, that are subject to the unsafe condition. For airplanes equipped with any electrical wiring heater current/brake temperature monitor unit (HBMU) installed in accordance with any FAA supplemental type certificate specified in table 2 of paragraph 1.A., ''Effectivity,'' of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012, the modification of the air data probes and sensors must be done to address the unsafe condition. We have coordinated this issue with Transport Canada Civil Aviation.

## FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

## ''Contacting the Manufacturer'' Paragraph in This Proposed AD

Since late 2006, we have included a standard paragraph titled ''Airworthy Product'' in all MCAI ADs in which the FAA develops an AD based on a foreign authority's AD.

The MCAI or referenced service information in an FAA AD often directs the owner/operator to contact the manufacturer for corrective actions, such as a repair. Briefly, the Airworthy Product paragraph allowed owners/operators to use corrective actions provided by the manufacturer if those actions were FAA-approved. In addition, the paragraph stated that any actions approved by the State of Design Authority (or its delegated agent) are considered to be FAA-approved.

In an NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013), we proposed to prevent the use of repairs that were not specifically developed to correct the unsafe condition, by requiring that the repair approval provided by the State of Design Authority or its delegated agent specifically refer to the FAA AD. This change was intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we proposed to change the phrase ''its delegated agent'' to include a design approval holder (DAH) with State of Design Authority design organization approval (DOA), as applicable, to refer to a DAH authorized to approve required repairs for the proposed AD.

One commenter to the NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013) stated the following: ''The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of an AD mandated Airbus service bulletin.''

This comment has made the FAA aware that some operators have misunderstood or misinterpreted the Airworthy Product paragraph to allow the owner/operator to use messages provided by the manufacturer as approval of deviations during the accomplishment of an AD-mandated action. The Airworthy Product paragraph does not approve messages or other information provided by the manufacturer for deviations to the requirements of the AD-mandated actions. The Airworthy Product paragraph only addresses the requirement to contact the manufacturer for corrective actions for the identified unsafe condition and does not cover deviations from other AD requirements. However, deviations to AD-required actions are addressed in 14 CFR 39.17, and anyone may request the approval for an alternative method of compliance to the AD-required actions using the procedures found in 14 CFR 39.19.

To address this misunderstanding and misinterpretation of the Airworthy Product paragraph, we have changed the paragraph and retitled it ''Contacting the Manufacturer.'' This paragraph now clarifies that for any requirement in this proposed AD to obtain corrective actions from a manufacturer, the actions must be accomplished using a method

approved by the FAA, Transport Canada Civil Aviation (TCCA), or Bombardier, Inc.'s TCCA Design Approval Organization (DAO).

The Contacting the Manufacturer paragraph also clarifies that, if approved by the DAO, the approval must include the DAO-authorized signature. The DAO signature indicates that the data and information contained in the document are TCCA-approved, which is also FAA-approved. Messages and other information provided by the manufacturer that do not contain the DAO-authorized signature approval are not TCCA-approved, unless TCCA directly approves the manufacturer's message or other information.

This clarification does not remove flexibility previously afforded by the Airworthy Product paragraph. Consistent with long-standing FAA policy, such flexibility was never intended for required actions. This is also consistent with the recommendation of the Airworthiness Directive Implementation Aviation Rulemaking Committee to increase flexibility in complying with ADs by identifying those actions in manufacturers' service instructions that are ''Required for Compliance'' with ADs. We continue to work with manufacturers to implement this recommendation. But once we determine that an action is required, any deviation from the requirement must be approved as an alternative method of compliance.

## Costs of Compliance

We estimate that this proposed AD affects 79 airplanes of U.S. registry.

The actions that are required by AD 2014–03–05, Amendment 39–17742 (79 FR 10331, February 25, 2014), and retained in this proposed AD take about 35 work-hours per product, at an average labor rate of $85 per work-hour. Required parts cost about $0 per product. Based on these figures, the estimated cost of the actions that were required by AD 2014–03–05 is $2,975 per product.

We also estimate that it would take about 35 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $0 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $235,025, or $2,975 per product.

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

## 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 proposed regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

## Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

## List of Subjects in 14 CFR Part 39

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

## The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) AD 2014–03–05, Amendment 39–17742 (79 FR 10331, February 25, 2014), and adding the following new AD:

**Bombardier, Inc.:** Docket No. FAA–2014–0582; Directorate Identifier 2014–NM–065–AD.

**(a) Comments Due Date**

We must receive comments by October 10, 2014.

**(b) Affected ADs**

This AD replaces AD 2014–03–05, Amendment 39–17742 (79 FR 10331, February 25, 2014).

**(c) Applicability**

(1) This AD applies to Bombardier, Inc. Model BD–700–1A10 airplanes, certificated in any category, equipped with any electrical wiring heater current/brake temperature monitor unit (HBMU) installed in accordance with any FAA supplemental type certificate specified in table 1 and table 2 of paragraph 1.A., ''Effectivity,'' of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012.

(2) For airplanes on which the applicable service request for product support action (SRPSA) specified in table 3 and table 4 of paragraph 1.A., ''Effectivity,'' of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012, has been incorporated, the requirements of this AD have been met.

**(d) Subject**

Air Transport Association (ATA) of America Code 30, Ice and Rain Protection.

**(e) Reason**

This AD was prompted by a report that the manufacturer has determined that some completion centers used the HBMU logic circuit to control the line voltage of the drain mast heaters. This same logic circuit is also used to control the line voltage of the number 2 pitot static (PS) probe heater. Since the drain mast heaters are connected in parallel with the number 2 PS probe heater circuit, a number 2 PS probe heater failure may not be detected by the fault monitoring capabilities of the HBMU. We are issuing this AD to detect and correct an unannunciated failure of two PS probe heaters, which could affect controllability of the airplane in icing conditions.

**(f) Compliance**

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

**(g) Retained Modification**

This paragraph restates the requirements of paragraph (g) of AD 2014–03–05,

Amendment 39–17742 (79 FR 10331, February 25, 2014). For airplanes equipped with any electrical wiring HBMU installed in accordance with any FAA supplemental type certificate specified in table 1 of paragraph 1.A., ''Effectivity,'' of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012: Within 800 flight hours or 15 months after April 1, 2014 (the effective date of AD 2014–03–05), whichever occurs first, modify the air data probes and sensors, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012.

**(h) New Modification**

For airplanes equipped with any electrical wiring HBMU installed in accordance with any FAA supplemental type certificate specified in table 2 of paragraph 1.A., ''Effectivity,'' of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012: Within 800 flight hours or 15 months after the effective date of this AD, whichever occurs first, modify the air data probes and sensors, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 700–30–021, Revision 01, dated November 21, 2012.

**(i) Credit for Previous Actions**

This paragraph provides credit for actions required by paragraph (g) or (h) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 700–30–021, dated August 28, 2012, which is not incorporated by reference in this AD.

**(j) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (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.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, Engine and Propeller Directorate, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

**(k) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2012–32, dated December 13, 2012, 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–2014–0582.

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* 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.

Issued in Renton, Washington, on August 15, 2014.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2014–20223 Filed 8–25–14; 8:45 am]

BILLING CODE 4910–13–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R08–OAR–2013–0006; FRL–9915–74–Region 8]**

## Approval and Promulgation of Air Quality Implementation Plans; Wyoming; Revisions to the Wyoming Air Quality Standards and Regulations; Ambient Standards for Particulate Matter and for Lead

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Wyoming. The revision affects Wyoming's Air Quality Standards and Regulations (WAQSR) regarding ambient standards for particulate matter and for lead (Pb). This action is being taken under section 110 of the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before September 25, 2014.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R08–OAR–2013–0006, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: pratt.steven@epa.gov.*
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Director, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- *Hand Delivery:* Director, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the Rules Section of this **Federal Register** for detailed instruction on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:** Steven Pratt, Air Program, EPA, Region 8, Mailcode 8P–AR, 1595 Wynkoop, Denver, Colorado 80202–1129, (303) 312–6575, *pratt.steven@epa.gov.*

**SUPPLEMENTARY INFORMATION:** In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving Wyoming's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

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

Dated: August 5, 2014.

**Shaun L. McGrath,**

*Regional Administrator, Region 8.*

[FR Doc. 2014–20224 Filed 8–25–14; 8:45 am]

BILLING CODE 6560–50–P

# Notices

Federal Register

Vol. 79, No. 165

Tuesday, August 26, 2014

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

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. APHIS–2014–0072]**

### Notice of Request for Extension of Approval of an Information Collection; Importation of Clementines From Spain

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Extension of approval of an information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with regulations for the importation of clementines from Spain.

**DATES:** We will consider all comments that we receive on or before October 27, 2014.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0072.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0072, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0072* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** For information on the importation of clementines from Spain, contact Mr. William Wesela, AGM Program Director, QPAS, PHP, PPQ, APHIS, 4700 River Road Unit 60, Riverdale, MD 20737; (301) 851–2229. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

**SUPPLEMENTARY INFORMATION:**

*Title:* Importation of Clementines From Spain.

*OMB Control Number:* 0579–0203.

*Type of Request:* Extension of approval of an information collection.

*Abstract:* The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests, including fruit flies, into the United States or their dissemination within the United States. Regulations authorized by the PPA concerning the importation of fruits and vegetables into the United States from certain parts of the world are contained in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–69).

In accordance with § 319.56–34, clementines from Spain are subject to certain conditions before entering the United States to ensure that exotic plant pests, such as Mediterranean fruit fly, are not introduced into the United States. The regulations require the use of information collection activities, including a trust fund agreement, grower registration and agreement, a Mediterranean fruit fly management program, fruit fly trapping and control activities, recordkeeping, a phytosanitary certificate, and box labeling.

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

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

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

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

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

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

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average 0.0033 hours per response.

*Respondents:* Growers and shippers of clementines and the national plant protection organization of Spain.

*Estimated annual number of respondents:* 4,508.

*Estimated annual number of responses per respondent:* 434.54.

*Estimated annual number of responses:* 1,958,919.

*Estimated total annual burden on respondents:* 6,507 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 20th day of August 2014.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2014–20227 Filed 8–25–14; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. APHIS–2014–0064]**

### Notice of Request for Extension of Approval of an Information Collection; Infectious Salmon Anemia; Payment of Indemnity

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Extension of approval of an information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the regulations for the payment of indemnity due to infectious salmon anemia.

**DATES:** We will consider all comments that we receive on or before October 27, 2014.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0064.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0064, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0064* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** For information on the regulations for the payment of indemnity due to infectious salmon anemia, contact Dr. William G. Smith, Assistant District Director, VS–SPRS District 1, APHIS, 160 Worcester-Providence Road, Sutton, MA 01590; (508) 363–2278. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

**SUPPLEMENTARY INFORMATION:**

*Title:* Infectious Salmon Anemia; Payment of Indemnity.

*OMB Control Number:* 0579–0192.

*Type of Request:* Extension of approval of an information collection.

*Abstract:* Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is authorized, among other things, to prevent the interstate spread of serious diseases and pests of livestock within the United States when feasible. In connection with this mission, APHIS established regulations in 9 CFR part 53 to pay indemnity to salmon producers in Maine whose fish are destroyed because of infectious salmon anemia (ISA). However, payment is subject to the availability of funding.

ISA is a foreign animal disease of Atlantic salmon that is caused by an orthomyxovirus. The disease affects wild and farmed Atlantic salmon. ISA poses a substantial threat to the economic viability and sustainability of salmon aquaculture in the United States.

In order to take part in the indemnity program, producers must enroll in the cooperative ISA control program administered by APHIS and the State of Maine. Program participants must inform the ISA Program Veterinarian in writing of the name of their accredited veterinarian, develop biosecurity protocols and a site-specific ISA action plan, submit fish inventory and mortality information, complete an appraisal and indemnity claim form, and assist APHIS or State officials with onsite disease surveillance, testing, and biosecurity audits.

Since the last extension of approval for these information collection activities, APHIS has decreased the estimated annual number of responses from 718 to 182 for two reasons. APHIS overestimated the estimated annual number of responses per respondent by listing 16 responses per respondent for 2 items when it should have been 1 response per respondent. In addition, there has been a decrease in the number of aquaculture operations, which has resulted in a change in the estimated annual number of respondents from 16 to 12.

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

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

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

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

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

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

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average 2.66 hours per response.

*Respondents:* ISA program participants, such as certain aquaculture industry business owners, managers, site employees, accredited veterinarians, or laboratory personnel.

*Estimated annual number of respondents:* 12.

*Estimated annual number of responses per respondent:* 15.17.

*Estimated annual number of responses:* 182.

*Estimated total annual burden on respondents:* 484 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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

Done in Washington, DC, this 20th day of August 2014.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2014–20228 Filed 8–25–14; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Tongass Advisory Committee Meeting

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Tongass Advisory Committee (Committee) will meet in Juneau, Alaska. The Committee is established consistent with the Federal Advisory Committee Act of 1972 (5 U.S.C. App. 2). Additional information concerning the Committee, including the meeting agenda, can be found by visiting the Committee's Web site at: *http://www.fs.usda.gov/goto/R10/Tongass/TAC.*

**DATES:** The meetings will be held on the following dates:

- Wednesday, September 10, 2014—8:30 a.m. to 5:00 p.m. (AKDT)
- Thursday, September 11, 2014—8:30 a.m. to 5:00 p.m. (AKDT)
- Friday, September 12, 2014—8:30 a.m. to 1:00 p.m. (AKDT)

All meetings are subject to cancellation. For status of the meetings

prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** The meetings will be held at the Travelodge Hotel Conference Room, 9200 Glacier Highway, Juneau, Alaska. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the Tongass National Forest Office. Please call ahead to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** Nicole McMurren, Committee Coordinator, by phone at 907–772–5875, or by email at *nmcmurren@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to:

(1) Provide informational presentations and discussions regarding the substantive issues before the TAC; and

(2) Review the types of elements and components to be included in recommendations.

The meeting is open to the public. The agenda will include time for oral public comment. Those interested in providing comment orally can register at the meeting. Anyone who would like to bring related matters to the attention of the Committee may file written statements with the Committee's staff before or after the meeting. Written comments may be sent to Jason Anderson, Designated Federal Officer, Tongass National Forest, P.O. Box 309, Petersburg, Alaska 99833; by email to *jasonanderson@fs.fed.us,* or via facsimile to 907–772–5895. Summary/minutes of the meeting will be posted on the Web site listed above within 45 days after the meeting.

*Meeting Accommodations:* If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 15, 2014.

**Forrest Cole,**

*Tongass Forest Supervisor.*

[FR Doc. 2014–20292 Filed 8–25–14; 8:45 am]

**BILLING CODE 3410–11–P**

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## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

### Opportunity for Designation in the Montgomery, AL; Saginaw, TX; Essex, IL; Savage, MN; and Olympia, WA Areas; Request for Comments on the Official Agencies Serving These Areas

**AGENCY:** Grain Inspection, Packers and Stockyards Administration (GIPSA), USDA.

**ACTION:** Notice.

**SUMMARY:** The designations of the official agencies listed below will end on December 31, 2014. We are asking persons or governmental agencies interested in providing official services in the areas currently served by these agencies to submit an application for designation. In addition, we are asking for comments on the quality of services provided by the following designated agencies: Alabama Department of Agriculture and Industries (Alabama); Gulf Country Grain Inspection Service, Inc. (Gulf Country); Kankakee Grain Inspection, Inc. (Kankakee); State Grain Inspection, Inc. (State); and Washington Department of Agriculture (Washington).

**DATE:** Applications and comments must be received by September 25, 2014.

**ADDRESSES:** Submit applications and comments concerning this Notice using any of the following methods:

- Applying for Designation on the Internet: Use FGISonline (*https://fgis.gipsa.usda.gov/default_home_FGIS.aspx*) and then click on the Delegations/Designations and Export Registrations (DDR) link. You will need to obtain an FGISonline customer number and USDA eAuthentication username and password prior to applying.
- Submit Comments Using the Internet: Go to Regulations.gov (*http://www.regulations.gov*). Instructions for submitting and reading comments are detailed on the site.
- Mail, Courier or Hand Delivery: Eric J. Jabs, Deputy Director, USDA, GIPSA, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.
- Fax: Eric J. Jabs, 816–872–1257.
- Email: *Eric.J.Jabs@usda.gov.*

*Read Applications and Comments:* All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

**FOR FURTHER INFORMATION CONTACT:** Eric J. Jabs, 816–659–8408 or *Eric.J.Jabs@usda.gov.*

**SUPPLEMENTARY INFORMATION:** Section 79(f) of the United States Grain Standards Act (USGSA) authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79(f)). Under section 79(g) of the USGSA, designations of official agencies are effective for three years unless terminated by the Secretary, but may be renewed according to the criteria and procedures prescribed in section 79(f) of the USGSA.

Areas Open for Designation:

**Alabama**

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the State of Alabama, is assigned to this official agency:

*In Alabama*

The entire State, except those export port locations within the State, which are served by GIPSA.

**Gulf Country**

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the State of Texas, is assigned to this official agency:

*In Texas*

Bounded on the north by the northern Young, Jack, Montague, Cooke, Grayson, Fannin, Lamar, Red River, Morris, and Marion County Lines.

Bounded on the east by the eastern Red River, Morris, Marion, Harrison, Panola, Shelby, Sabine, Newton, Orange, Jefferson, Chambers, Galveston, Brazoria, Matagorda, Jackson, Calhoun, Refugio, Aransas, San Patricio, Nueces, Kleberg, Kennedy, Willacy, and Cameron County Lines.

Bounded on the south by the Southern Texas State Line.

Bounded on the west by the western Cameron, Hidalgo, Starr, Zapata, Duval, McMullen, Atascosa, Bexar, Comal, Blanco, Burnet, Lampasas, Mills, Comanche, Eastland, Stephens, Young, and Montague County Lines.

Excludes export port locations served by GIPSA's League City Field Office, Beaumont Sub-office, and Corpus Christi Duty Point.

**Kankakee**

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the State of Illinois, is assigned to this official agency:

*In Illinois*

Bounded on the North by the northern Bureau County line; the northern LaSalle and Grundy County lines; the northern Will County line east-southeast to Interstate 57;

Bounded on the East by Interstate 57 south to U.S. Route 52; U.S. Route 52 south to the Kankakee County line;

Bounded on the South by the southern Kankakee and Grundy County lines; the southern LaSalle County line west to State Route 17; State Route 17 west to U.S. Route 51; U.S. Route 51 north to State Route 18; State Route 18 west to State Route 26; State Route 26 south to State Route 116; State Route 116 south to Interstate 74; Interstate 74 west to the western Peoria County line;

Bounded on the West by the western Peoria and Stark County lines; the northern Stark County line east to State Route 40; State Route 40 north to the Bureau County line.

**State**

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the State of Minnesota, is assigned to this official agency:

*In Minnesota*

Hennepin, Ramsey, Washington, Carver, Scott, Dakota, Brown, Nicollet, Le Sueur, Rice, Goodhue, Watonwan, Blue Earth, Waseca, Steele, Dodge, McLeod, and Sibley Counties.

**Washington**

Pursuant to Section 79(f)(2) of the United States Grain Standards Act, the following geographic area, in the States of Idaho, Oregon, and Washington, are assigned to this official agency:

*In Idaho*

The northern half of the State of Idaho down to the northern boundaries of Adams, Valley, and Lemhi Counties.

*In Oregon*

The entire State of Oregon, except those export port locations within the State that are served by GIPSA.

*In Washington*

The entire State of Washington, except those export port locations within the State that are served by GIPSA.

**Opportunity for Designation**

Interested persons or governmental agencies may apply for designation to provide official services in the geographic areas specified above under the provisions of section 79(f) of the USGSA and 7 CFR 800.196. Designation in the specified geographic areas is for the period beginning January 1, 2015 and ending December 31, 2017. To apply for designation or for more information, contact Eric J. Jabs at the address listed above or visit GIPSA's Web site at *http://www.gipsa.usda.gov.*

**Request for Comments**

We are publishing this Notice to provide interested persons the opportunity to comment on the quality of services provided by the Alabama, Gulf Country, Kankakee, State, and Washington official agencies. In the designation process, we are particularly interested in receiving comments citing reasons and pertinent data supporting or objecting to the designation of the applicants. Submit all comments to Eric J. Jabs at the above address or at *http://www.regulations.gov.*

We consider applications, comments, and other available information when determining which applicants will be designated.

**Authority:** 7 U.S.C. 71–87k.

**Larry Mitchell,**

*Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. 2014–20226 Filed 8–25–14; 8:45 am]

BILLING CODE 3410–KD–P

## BROADCASTING BOARD OF GOVERNORS

### Sunshine Act Meeting

**DATE AND TIME:** Monday, August 25, 2014, 11:00 a.m. E.D.T.

**PLACE:** Broadcasting Board of Governors, Cohen Building, Room 3321, 330 Independence Ave. SW., Washington, DC 20237.

**SUBJECT:** Notice of Closed Meeting of the Broadcasting Board of Governors.

**SUMMARY:** The members of the Broadcasting Board of Governors (BBG) will meet in a special session, to be conducted telephonically, to discuss and approve a budget submission for Fiscal Year 2016. According to Office of Management and Budget (OMB) Circular A–11, Section 22.1, all agency budgetary materials and data are considered confidential prior to the President submitting a budget to Congress. In accordance with section 22.5 of Circular A–11, the BBG has determined that its meeting should be closed to public observation pursuant to 5 U.S.C. 552b(c)(9)(B). In accordance with the Government in the Sunshine Act and BBG policies, the meeting will be recorded and a transcript of the proceedings, subject to the redaction of information protected by 5 U.S.C. 552b(c)(9)(B), will be made available to the public. The publicly-releasable transcript will be available for download at *www.bbg.gov* within 21 days of the date of the meeting.

Information regarding member votes to close the meeting and expected attendees can also be found on the Agency's public Web site.

**CONTACT PERSON FOR MORE INFORMATION:** Persons interested in obtaining more information should contact Paul Kollmer-Dorsey at (202) 203–4545.

**Paul Kollmer-Dorsey,**

*General Counsel.*

[FR Doc. 2014–20412 Filed 8–22–14; 4:15 pm]

BILLING CODE 8610–01–P

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Missouri Advisory Committee for a Meeting on Discussing the Events of Ferguson, Missouri, and the Committee Response

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Illinois Advisory Committee (Committee) will hold a meeting on Monday, August 25, 2014, for the purpose of discussing the recent events in Ferguson, Missouri, and determining what the appropriate next steps for the committee should be in light of these events.

Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–523–1225, conference ID: 2925785. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the

proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Member of the public are also entitled to submit written comments; the comments must be received in the regional office by September 25, 2014. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Missouri Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

*Agenda:*

Welcome and Introductions

10:00 a.m. to 10:10 a.m.

S. David Mitchell, Chairman, Missouri Advisory Committee

Discussion of Events in Ferguson, MO

10:10 a.m. to 10:45 a.m.

Missouri Advisory Committee

Planning Next Steps

10:45 a.m. to 11:00 a.m.

Adjournment

11:00 a.m.

**DATES:** The meeting will be held on Monday, August 25, 2014, at 10:00 a.m.

*Public Call Information:*

Dial: 888–523–1225

Conference ID: 2925785

*Exceptional Circumstance:* Pursuant to 41 C.F.R. § 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstances currently happening in Ferguson, MO. Given the exceptional urgency of the events, the agency and advisory committee deem it important for the advisory committee to begin planning an appropriate response immediately.

Dated: August 20, 2014.

**David Mussatt,**

*Chief, Regional Programs Unit.*

[FR Doc. 2014–20229 Filed 8–25–14; 8:45 am]

**BILLING CODE 6335–01–P**

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## DEPARTMENT OF COMMERCE

### International Trade Administration

### Notice of Renewal of and Solicitation of Nominations for Membership on the Civil Nuclear Trade Advisory Committee

**AGENCY:** International Trade Administration, U.S. Department of Commerce

**ACTION:** Notice of Renewal of and Solicitation of Nominations for Membership on the Civil Nuclear Trade Advisory Committee.

**SUMMARY:** The Department of Commerce (the Department) announces the renewal of the Civil Nuclear Trade Advisory Committee (CINTAC or ''Committee'') on August 13, 2014 for a two-year term to expire on August 13, 2016, and is seeking nominations for 40 members to be appointed for the new charter term. The purpose of the CINTAC is to advise the Secretary of Commerce regarding the development and administration of programs to expand U.S. exports of civil nuclear goods and services in accordance with applicable U.S. laws and regulations, for use by the Department in its role as a member of the Civil Nuclear Trade Working Group of the Trade Promotion Coordinating Committee and the Department's active participation in the Atoms for Prosperity interagency group to promote U.S. civil nuclear trade.

**DATES:** All applications for immediate consideration for appointment must be received by 5:00 p.m. Eastern Daylight Time (EDT) on September 25, 2014. After that date, ITA will continue to accept applications under this notice through July 1, 2016 to fill any vacancies that may arise.

**ADDRESSES:** All nominations should be submitted in pdf or MS Word format via email to *jonathan.chesebro@trade.gov,* via FAX to 202–482–5665, or via mail to Jonathan Chesebro, Office of Energy & Environmental Industries, Room 4053, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Chesebro, Office of Energy and Environmental Industries, Room 4053, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; phone 202–482–1297 or email *jonathan.chesebro@trade.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background and Authority

The Department renewed the CINTAC charter on August 13, 2014 for an additional two years, pursuant to the Department of Commerce authority under 15 U.S.C. 1512 and the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. The CINTAC functions solely as an advisory committee in accordance with the provisions of FACA. As noted in the **SUMMARY**, CINTAC advises the Secretary of Commerce regarding the development and administration of programs to expand U.S. exports of civil nuclear goods and services for use by the Department in its role as a member of the Civil Nuclear Trade Working Group of the Trade Promotion Coordinating Committee and the Department's active participation in the Atoms for Prosperity interagency group to promote U.S. civil nuclear trade. In particular, the Committee advises on matters including, but not limited to:

(1) Matters concerning trade policy development and negotiations relating to U.S. civil nuclear exports;

(2) The effect of U.S. Government policies, regulations, programs, and foreign government policies and practices on the export of U.S. civil nuclear goods and services;

(3) The competitiveness of U.S. industry and its ability to compete for civil nuclear products and services opportunities in international markets, including specific problems in exporting, and provide specific recommendations regarding U.S. Government and public/private actions to assist civil nuclear companies in expanding their exports;

(4) The identification of priority civil nuclear products and services markets with the potential for high immediate returns for U.S. exports, as well as emerging markets with a longer-term potential for U.S. exports;

(5) Strategies to increase private sector awareness and effective use of U.S. Government export promotion programs, and recommendations on how U.S. Government programs may be more efficiently designed and coordinated;

(6) The development of complementary industry and trade association export promotion programs, including ways for greater and more effective coordination of U.S. Government efforts with private sector organizations' civil nuclear industry export promotion efforts; and

(7) The development of U.S. Government programs to encourage producers of civil nuclear products and services to enter new foreign markets, in connection with which CINTAC may advise on how to gather, disseminate, and promote awareness of information on civil nuclear exports and related trade issues.

**II. Membership**

CINTAC shall consist of approximately 40 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 shall represent U.S. entities involved in the export of civil nuclear products and services and reflect the diversity of this sector, including in terms of entities' size and geographic location. The Committee shall also represent the diversity of company or organizational roles in the development of civil nuclear energy projects, including, for example, U.S. civil nuclear manufacturing and services companies, U.S. utilities, U.S. trade associations, and other U.S. organizations in the U.S. civil nuclear sector. The Secretary shall appoint to the Committee at least one individual representing each of the following:

a. Civil nuclear manufacturing and services companies;

b. small businesses;

c. utilities;

d. trade associations in the civil nuclear sector;

e. research institutions and universities; and

f. private sector organizations involved in strengthening the export competitiveness of U.S. civil nuclear products and services.

Members shall serve in a representative capacity, expressing the views and interests of a U.S. entity, as well as its particular subsector; they are, therefore, not Special Government Employees. Each member of the Committee must be a U.S. citizen and must not be registered as a foreign agent under the Foreign Agents Registration Act. No member may represent a U.S. entity that is majority owned or controlled by a foreign government entity (or foreign government entities).

Members shall 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 on August 13, 2016. The Secretary shall designate the Committee Chair and Vice Chair. The Chair and Vice Chair shall serve in those positions at the pleasure of the Secretary. Members must attend a minimum of fifty percent of Committee meetings and a majority of subcommittee and working group activities to remain members. Failure to meet this minimum participation requirement could result in membership termination.

**III. Compensation**

Members of the CINTAC will not be compensated for their services or reimbursed for their travel expenses.

**IV. Nominations**

The Secretary of Commerce invites nominations to the CINTAC for the charter term consistent with the above membership requirements. Self-nominations will be accepted. If you are interested in nominating someone to become a member of the CINTAC, please provide the following information (2 pages maximum):

(1) Name;

(2) Title;

(3) Work phone, fax, and, email address;

(4) Name of entity to be represented and address including Web site address;

(5) Short biography of nominee including credentials;

(6) Brief description of the entity and its business activities, size (number of employees and annual sales), and export markets served; and,

(7) An affirmative statement that the applicant and entity to be represented meet all eligibility criteria, specifically addressing that the applicant:

(a) Is a U.S. citizen; and

(b) Is not required to register as a foreign agent under the Foreign Agents Registration Act of 1938, as amended.

Please do not send organization brochures or any other information.

All nominations should be submitted in pdf or MS Word format via email to *jonathan.chesebro@trade.gov,* via FAX to 202–482–5665, or via mail to Jonathan Chesebro, Office of Energy & Environmental Industries, Room 4053, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Nominations for immediate consideration must be received by 5:00 p.m. EDT September 25, 2014. Nominees selected for appointment to CINTAC will be notified by return mail.

Dated: August 20, 2014.

**Jonathan Chesebro,**

*Energy Team Leader, Office of Energy and Environmental Industries (Acting).*

[FR Doc. 2014–20288 Filed 8–25–14; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

### Proposed Information Collection; Comment Request; Organization of Scientific Area Committees (OSAC) Membership Application

**AGENCY:** National Institute of Standards and Technology, 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.

**DATES:** Written comments must be submitted on or before October 27, 2014.

**ADDRESSES:** Direct all written comments to 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 Richard Cavanagh, Director, Office of Special Programs, NIST, 100 Bureau Drive, Gaithersburg, MD 20899–4701; 301–975–4447; *richard.cavanagh@nist.gov.*

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

NIST established an Organization of Scientific Area Committees (OSAC) to enable a coordinated U.S. approach to Standards for the Forensic Science Disciplines. NIST seeks broad participation from Forensic Science Practitioners, Researchers, Metrologists, Accreditation Bodies, Defense, and Prosecution. NIST solicits self-nominations from these communities, using the OSAC Membership Application, to identify individuals interested and qualified to contribute.

**II. Method of Collection**

The OSAC Membership Application may be completed and submitted only via web-based application.

**III. Data**

*OMB Control Number:* 0693–0070.

*Form Number(s):* None.

*Type of Review:* Regular submission (reinstatement without change of a previously approved collection).

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 2,500.

*Estimated Time per Response:* 30 minutes.

*Estimated Total Annual Burden Hours:* 1,250.

*Estimated Total Annual Cost to Public:* $0.

**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 20, 2014.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2014–20230 Filed 8–25–14; 8:45 am]

**BILLING CODE 3510–04–P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

### Smart Grid Advisory Committee Meeting

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Smart Grid Advisory Committee (SGAC or Committee) will hold an open meeting via teleconference/webinar on Tuesday, September 9, 2014 from 12:00 p.m. to 2:00 p.m. Eastern Time (ET). The primary purposes of this meeting are to provide an update on the NIST Smart Grid Program, provide a recap and analysis of the June 3–4, 2014 meeting, and plan for the next face to face SGAC meeting. The agenda may change to accommodate Committee business. The final agenda will be posted on the Smart Grid Web site at *http://www.nist.gov/smartgrid.*

**DATES:** The SGAC will hold an open meeting via teleconference on Tuesday, September 9, 2014 from 12:00 p.m. to 2:00 p.m. ET.

**ADDRESSES:** Questions regarding the meeting should be sent to Smart Grid and Cyber-Physical Systems Program Office, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8200, Gaithersburg, MD 20899–8200. For instructions on how to participate in the meeting via teleconference/webinar, please see the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Mr. Cuong Nguyen, Smart Grid and Cyber-Physical Systems Program Office, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8200, Gaithersburg, MD 20899–8200; telephone 301–975–2254, fax 301–948–5668; or via email at *cuong.nguyen@nist.gov.*

**SUPPLEMENTARY INFORMATION:** The Committee was established in accordance with the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The Committee is composed of nine to fifteen members, appointed by the Director of NIST, who were selected on the basis of established records of distinguished professional service in their professional community and knowledge of issues affecting Smart Grid deployment and operations. The Committee advises the Director of NIST in carrying out duties authorized by section 1305 of the Energy Independence and Security Act of 2007 (Pub. L. 110–140). The Committee provides input to NIST on Smart Grid standards, priorities, and gaps, on the overall direction, status, and health of the Smart Grid implementation by the Smart Grid industry, and on Smart Grid Interoperability Panel activities, including the direction of research and standards activities. Background information on the Committee is available at *http://www.nist.gov/smartgrid/committee.cfm.*

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Smart Grid Advisory Committee (SGAC or Committee) will hold a meeting via teleconference on Tuesday, September 9, 2014 from 12:00 p.m. to 2:00 p.m. ET. There will be no central meeting location. The public is invited to participate in the meeting by calling in from remote locations. The primary purposes of this meeting are to provide an update on the NIST Smart Grid Program, provide a recap and analysis of the June 3–4, 2014 meeting, and plan for the next face to face SGAC meeting. The agenda may change to accommodate Committee business. The final agenda will be posted on the Smart Grid Web site at *http://www.nist.gov/smartgrid.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda by submitting their request to Cuong Nguyen at *cuong.nguyen@nist.gov* or (301) 975–2254 no later than 5:00 p.m. ET, Tuesday, September 2, 2014. On Tuesday, September 9, 2014, approximately fifteen minutes will be reserved from 1:45 p.m.–2:00 p.m. ET for public comments, and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about three minutes each. Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to Mr. Cuong Nguyen, Smart Grid and Cyber-Physical Systems Program Office, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 8200, Gaithersburg, MD 20899–8200; telephone 301–975–2254, fax 301–948–5668; or via email at *cuong.nguyen@nist.gov.*

All meeting participants are required to pre-register. Anyone wishing to participate must register by 5:00 p.m. ET on Tuesday, September 2, 2014, in order to be included. Please submit your name, email address, and phone number to Cuong Nguyen at *cuong.nguyen@nist.gov* or (301) 975–2254. After pre-registering, participants will be provided with detailed instructions on how to join the teleconference/webinar from a remote location in order to participate.

Dated: August 20, 2014.

**Willie E. May,**

*Associate Director for Laboratory Programs.*

[FR Doc. 2014–20300 Filed 8–25–14; 8:45 am]

**BILLING CODE 3510–13–P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

### Manufacturing Extension Partnership Advisory Board

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice of Open Meeting.

**SUMMARY:** The National Institute of Standards and Technology (NIST) announces that the Manufacturing Extension Partnership (MEP) Advisory Board will hold an open meeting on Thursday, September 18, 2014 from 8:30 a.m. to 5:00 p.m. Eastern Time.

**DATES:** The meeting will be held Thursday, September 18, 2014, from 8:30 a.m. to 5:00 p.m. Eastern Time.

**ADDRESSES:** The meeting will be held at NIST, 100 Bureau Drive, Gaithersburg, MD 20899. Please note admittance instructions in the **SUPPLEMENTARY INFORMATION** section below.

**FOR FURTHER INFORMATION CONTACT:** Kari Reidy, Manufacturing Extension Partnership, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, Maryland 20899–4800, telephone number (301) 975–4919, email: *Kari.reidy@nist.gov.*

**SUPPLEMENTARY INFORMATION:** The MEP Advisory Board (Board) is authorized under Section 3003(d) of the America COMPETES Act (Pub. L. 110–69); codified at 15 U.S.C. 278k(e), as amended, in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The Board is composed of 10 members, appointed by the Director of NIST. Hollings MEP is a unique program, consisting of centers across the United States and Puerto Rico with partnerships at the state, federal, and local levels. The Board provides a forum for input and guidance from Hollings MEP program stakeholders in the formulation and implementation of tools and services focused on supporting and growing the U.S. manufacturing industry, provides advice on MEP programs, plans, and policies, assesses the soundness of MEP plans and strategies, and assesses current performance against MEP program plans.

Background information on the Board is available at *http://www.nist.gov/mep/advisory-board.cfm.*

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the MEP Advisory Board will hold an open meeting on Thursday, September 18, 2014 from 8:30 a.m. to 5:00 p.m. Eastern Time. This meeting will focus on (1) the MEP Advisory Board's review of the plans for implementing the recently adopted NIST MEP Strategic plan, (2) overview of Hollings MEP export initiatives and partnerships, and (3) an update on NIST Hollings MEP system competitions. The final agenda will be posted on the MEP Advisory Board Web site at *http://www.nist.gov/mep/advisory-board.cfm.*

*Admittance Instructions:* Anyone wishing to attend this meeting should submit their name, email address and phone number to Kari Reidy (*Kari.reidy@nist.gov* or 301–975–4919) no later than Thursday, September 11, 2014, 5:00 p.m. Eastern Time. Non-U.S. citizens must submit additional information; please contact Ms. Reidy. All attendees must pre-register in order to be admitted to the NIST campus. Also, please note that under the REAL ID Act of 2005 (Pub. L. 109–13), federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if issued by states that are REAL ID compliant or have an extension. NIST also currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. For detailed information please contact Ms. Reidy or visit: *http://www.nist.gov/public_affairs/visitor/.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the MEP Advisory Board's business are invited to request a place on the agenda. Approximately 15 minutes will be reserved for public comments at the beginning of the meeting. Speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received but is likely to be no more than three to five minutes each. The exact time for public comments will be included in the final agenda that will be posted on the MEP Advisory Board Web site as *http://www.nist.gov/mep/advisory-board.cfm.* Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to the MEP Advisory Board, National Institute of Standards and Technology, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, Maryland 20899–4800, or via fax at (301) 963–6556, or electronically by email to *kari.reidy@nist.gov*

Dated: August 11, 2014.

**Phillip Singerman,**

*Associate Director for Innovation & Industry Services.*

[FR Doc. 2014–20304 Filed 8–25–14; 8:45 am]

BILLING CODE 3510–13–P

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

**[Docket Number: 140721609–4609–01]**

### Experience With the Framework for Improving Critical Infrastructure Cybersecurity

**AGENCY:** National Institute of Standards and Technology, U.S. Department of Commerce.

**ACTION:** Notice; Request for Information (RFI).

**SUMMARY:** The National Institute of Standards and Technology (NIST) requests information about the level of awareness throughout critical infrastructure organizations, and initial experiences with the Framework for Improving Critical Infrastructure Cybersecurity (the ''Framework''). As directed by Executive Order 13636, ''Improving Critical Infrastructure Cybersecurity'' (the ''Executive Order''), the Framework consists of standards, methodologies, procedures, and processes that align policy, business, and technological approaches to address cyber risks. The Framework was released on February 12, 2014, after a year-long, open process involving private and public sector organizations, including extensive input and public comments.

Responses to this RFI—which will be posted at *http://www.nist.gov/cyberframework/cybersecurity-framework-rfi.cfm*—will inform NIST's planning and decision-making about possible tools and resources to help organizations to use the Framework more effectively and efficiently. They will also help inform future versions of the Framework. The responses will also inform the Department of Homeland Security's Critical Infrastructure Cyber Community C³ Voluntary Program. In addition, NIST is interested in receiving comments related to the Roadmap that accompanied publication of the Framework. All information provided will also assist in developing the agenda for a workshop on the Framework being planned for October 2014.

**DATES:** Comments must be received by 5:00 p.m. Eastern time on October 10, 2014.

**ADDRESSES:** Written comments may be submitted by mail to Diane Honeycutt, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899. Online submissions in electronic form may be sent to *cyberframework@nist.gov* in any of the following formats: HTML; ASCII; Word; RTF; or PDF. Please submit comments only and include your name, organization's name (if any), and cite ''Experience with the Framework for Improving Critical Infrastructure Cybersecurity'' in all correspondence. Comments containing references, studies, research, and other empirical data that are not widely published should include copies of the referenced materials.

All comments received in response to this RFI will be posted at *http://www.nist.gov/cyberframework/cybersecurity-framework-rfi.cfm* without change or redaction, so commenters should not include information they do not wish to be posted (e.g., personal or confidential business information).

**FOR FURTHER INFORMATION CONTACT:** For questions about this RFI contact: Adam Sedgewick, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, telephone (202) 482–0788, email *Adam.Sedgewick@nist.gov*. Please direct media inquiries to NIST's Office of Public Affairs at (301) 975–2762.

**SUPPLEMENTARY INFORMATION:** The national and economic security of the United States depends on the reliable functioning of critical infrastructure,[1] which has become increasingly dependent on information technology. Recent cyber attacks and publicized weaknesses reinforce the need for improved capabilities for defending against malicious cyber activity. This will be a long-term challenge. Additional steps must be taken to enhance existing efforts to increase the protection and resilience of critical infrastructure, while maintaining a cyber environment that encourages efficiency, innovation, and economic prosperity while also protecting privacy and civil liberties.

By Executive Order,[2] the Secretary of Commerce was tasked to direct the Director of the National Institute of Standards and Technology (NIST) to lead the development of a voluntary framework to reduce cyber risks to critical infrastructure (the ''Framework'').[3] The Framework consists of standards, methodologies, procedures and processes that align policy, business, and technological approaches to address cyber risks. The Framework was developed by NIST using information collected through the RFI that was published in the **Federal Register** on February 25, 2013, a series of open public workshops, and a 45-day public comment period announced in the **Federal Register** on October 29, 2013. It was published on February 12, 2014, after a year-long, open process involving private and public sector organizations, including extensive input and public comments, and announced in the **Federal Register** (79 FR 9167) on February 18, 2014.

Given the diversity of sectors in the Nation's critical infrastructure, the Framework development process was designed to build on cross-sector security standards and guidelines that are immediately applicable or likely to be applicable to critical infrastructure, to increase visibility and adoption of those standards and guidelines, and to find potential areas for improvement (i.e., where standards/guidelines are nonexistent or where existing standards/guidelines are inadequate) that need to be addressed through future collaboration with industry and industry-led standards bodies. The Cybersecurity Framework incorporates voluntary consensus standards and industry best practices to the fullest extent possible and is consistent with voluntary international consensus-based standards when such international standards advance the objectives of the Executive Order. The Framework is designed for compatibility with existing regulatory authorities and regulations, although it is intended for voluntary adoption.

While the focus of the Framework is on the Nation's critical infrastructure, it was developed in a manner to promote wide adoption of practices to increase risk management-based cybersecurity across all industry sectors and by all types of organizations.

NIST remains committed to helping organizations understand and use the Framework. In the five-plus months since the document was published, NIST has reached out and responded to a large number of organizations to raise awareness, answer questions, and learn about their experiences with the Framework.

NIST has worked closely with industry groups, associations, non-profits, government agencies, and international standards bodies to increase awareness of the Framework. NIST has promoted the use of the Framework as a basic, flexible, and adaptable tool for managing and reducing cybersecurity risks, most frequently working in partnership with leaders at all levels of stakeholder organizations.

While the initial focus was on cross-sector needs, Section 8(b) of the Executive Order called on ''Sector Coordinating Councils to review the Cybersecurity Framework and, if necessary, develop implementation guidance or supplemental materials to address sector-specific risks and operating environments.'' NIST has participated in these and similar industry-government collaborative activities, in some cases serving in an advisory capacity.

In the time since the Framework's publication, NIST's primary goal has been to raise awareness of the Framework and how it can be used to manage cyber risks, in order to assist industry sectors and organizations to gain experience with it. While NIST appreciates that widespread implementation of the Framework can only occur over time, NIST views extensive voluntary use as critical to achieving the goals of the Executive Order. For these reasons, NIST is interested in learning about individual companies' and other organizations' knowledge of and experiences with the Framework. NIST wants to better understand how companies and organizations in all critical infrastructure sectors are approaching and making specific use of the Framework, in accordance with Section 7(f) of the Executive Order. This includes learning about which aspects of the Framework have been helpful or challenging, and about whether and how the Framework has been used to modify and strengthen management of cyber risks. The RFI responses will also inform the Department of Homeland Security's Critical Infrastructure Cyber Community C³ Voluntary Program.[4]

NIST understands that at this early stage the Framework may be used in a variety of ways, including: participation

[1] For the purposes of this RFI the term ''critical infrastructure'' has the meaning given the term in 42 U.S.C. 5195c(e): ''systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.''

[2] Exec. Order No. 13636, Improving Critical Infrastructure Cybersecurity, 78 FR 11739 (February 19, 2013).

[3] *https://www.federalregister.gov/articles/2014/02/18/2014-03495/* cybersecurity-framework.

[4] *http://www.us-cert.gov/ccubedvp.*

in a sector group that is reviewing how the Framework can best be implemented and coordinated with ongoing or planned initiatives; initial high-level review of an organization's current management of cyber risk; and more intensive deployment as an organization's guiding approach to managing its cyber risk.

In addition to seeking comments from individual critical infrastructure owners and operators of all sizes and their representatives from sector and professional associations, NIST invites submissions from Federal agencies, state, local, territorial and tribal governments, standard-setting organizations,[5] other members of industry, consumers, solution providers, and other stakeholders.

**Request for Information**

The following questions cover the major areas about which NIST seeks comment. They are not intended to limit the topics that may be addressed. Responses may include any topic believed to have implications for the degree of awareness and voluntary use and subsequent improvement of the Framework, regardless of whether the topic is included in this document.

While the Framework and associated outreach activities by NIST have focused on critical infrastructure, given the broad diversity of sectors that may include parts of critical infrastructure and the intention to continue to involve a broad set of stakeholders in use and evolution of the Framework, the RFI generally uses the broader term ''organizations'' in seeking information. NIST is especially interested in comments that will help to determine the Framework's usefulness and potential applicability across all critical infrastructure sectors. In addition, considering the interwoven nature of our Internet-based economy and society, information from and about organizations not included in critical infrastructure sectors also will be valuable.

Comments containing references, studies, research, and other empirical data that are not widely published should include copies of the referenced materials. Do not include in comments or otherwise submit proprietary or confidential information, as all comments received in response to this RFI will be made available publically at *http://www.nist.gov/cyberframework/cybersecurity-framework-rfi.cfm*.

[5] As used herein, ''standard-setting organizations'' refers to the wide cross section of organizations that are involved in the development of standards and specifications, both domestically and abroad.

*Current Awareness of the Cybersecurity Framework*

Recognizing the critical importance of widespread voluntary usage of the Framework in order to achieve the goals of the Executive Order, and that usage initially depends upon awareness, NIST solicits information about awareness of the Framework and its intended uses among organizations.

1. What is the extent of awareness of the Framework among the Nation's critical infrastructure organizations? Six months after the Framework was issued, has it gained the traction needed to be a factor in how organizations manage cyber risks in the Nation's critical infrastructure?

2. How have organizations learned about the Framework? Outreach from NIST or another government agency, an association, participation in a NIST workshop, news media? Other source?

3. Are critical infrastructure owners and operators working with sector-specific groups, non-profits, and other organizations that support critical infrastructure to receive information and share lessons learned about the Framework?

4. Is there general awareness that the Framework:

a. Is intended for voluntary use?

b. Is intended as a cyber risk management tool for all levels of an organization in assessing risk and how cybersecurity factors into risk assessments?

c. Builds on existing cybersecurity frameworks, standards, and guidelines, and other management practices related to cybersecurity?

5. What are the greatest challenges and opportunities—for NIST, the Federal government more broadly, and the private sector—to improve awareness of the Framework?

6. Given that many organizations and most sectors operate globally or rely on the interconnectedness of the global digital infrastructure, what is the level of awareness internationally of the Framework?

7. If your sector is regulated, do you think your regulator is aware of the Framework, and do you think it has taken any visible actions reflecting such awareness?

8. Is your organization doing any form of outreach or education on cybersecurity risk management (including the Framework)? If so, what kind of outreach and how many entities are you reaching? If not, does your organization plan to do any form of outreach or awareness on the Framework?

9. What more can and should be done to raise awareness?

*Experiences With the Cybersecurity Framework*

NIST is seeking information on the experiences with, including but not limited to early implementation and usage of, the Framework throughout the Nation's critical infrastructure. NIST seeks information from and about organizations that have had direct experience with the Framework. Please provide information related to the following:

1. Has the Framework helped organizations understand the importance of managing cyber risk?

2. Which sectors and organizations are actively planning to, or already are, using the Framework, and how?

3. What benefits have been realized by early experiences with the Framework?

4. What expectations have not been met by the Framework and why? Specifically, what about the Framework is most helpful and why? What is least helpful and why?

5. Do organizations in some sectors require some type of sector specific guidance prior to use?

6. Have organizations that are using the Framework integrated it with their broader enterprise risk management program?

7. Is the Framework's approach of major components—Core, Profile, and Implementation Tiers—reasonable and helpful?

8. Section 3.0 of the Framework (''How to Use the Framework'') presents a variety of ways in which organizations can use the Framework.

a. Of these recommended practices, how are organizations initially using the Framework?

b. Are organizations using the Framework in other ways that should be highlighted in supporting material or in future versions of the Framework?

c. Are organizations leveraging Section 3.5 of the Framework (''Methodology to Protect Privacy and Civil Liberties'') and, if so, what are their initial experiences? If organizations are not leveraging this methodology, why not?

d. Are organizations changing their cybersecurity governance as a result of the Framework?

e. Are organizations using the Framework to communicate information about their cybersecurity risk management programs—including the effectiveness of those programs—to stakeholders, including boards, investors, auditors, and insurers?

f. Are organizations using the Framework to specifically express cybersecurity requirements to their partners, suppliers, and other third parties?

9. Which activities by NIST, the Department of Commerce overall (including the Patent and Trademark Office (PTO); National Telecommunications and Information Administration (NTIA); and the Internet Policy Taskforce (IPTF)) or other departments and agencies could be expanded or initiated to promote implementation of the Framework?

10. Have organizations developed practices to assist in use of the Framework?

*Roadmap for the Future of the Cybersecurity Framework*

NIST published a Roadmap [6] in February 2014 detailing some issues and challenges that should be addressed in order to improve future versions of the Framework. Information is sought to answer the following questions:

1. Does the Roadmap identify the most important cybersecurity areas to be addressed in the future?

2. Are key cybersecurity issues and opportunities missing that should be considered as priorities, and if so, what are they and why do they merit special attention?

3. Have there been significant developments—in the United States or elsewhere—in any of these areas since the Roadmap was published that NIST should be aware of and take into account as it works to advance the usefulness of the Framework?

Dated: August 21, 2014.

**Willie E. May,**

*Associate Director for Laboratory Programs.*

[FR Doc. 2014–20315 Filed 8–25–14; 8:45 am]

**BILLING CODE 3510–13–P**

[6] *http://www.nist.gov/cyberframework/upload/roadmap-021214.pdf*

## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

### Commerce Spectrum Management Advisory Committee Meeting

**AGENCY:** National Telecommunications and Information Administration, U.S. Department of Commerce.

**ACTION:** Notice of Open Meeting.

**SUMMARY:** This notice announces a public meeting of the Commerce Spectrum Management Advisory Committee (Committee). The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information and the National Telecommunications and Information Administration (NTIA) on spectrum management policy matters.

**DATES:** The meeting will be held on October 9, 2014, from 1:00 p.m. to 4:00 p.m., Eastern Daylight Time.

**ADDRESSES:** The meeting will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4830, Washington, DC 20230. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4099, Washington, DC 20230 or emailed to *BWashington@ntia.doc.gov.*

**FOR FURTHER INFORMATION CONTACT:** Bruce M. Washington, Designated Federal Officer, at (202) 482–6415 or *BWashington@ntia.doc.gov;* and/or visit NTIA's Web site at *http://www.ntia.doc.gov/category/csmac.*

**SUPPLEMENTARY INFORMATION:**

*Background:* The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information on needed reforms to domestic spectrum policies and management in order to: License radio frequencies in a way that maximizes their public benefits; keep wireless networks as open to innovation as possible; and make wireless services available to all Americans. *See* Charter at *http://www.ntia.doc.gov/other-publication/2013/csmac-2013-charter.* This Committee is subject to the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and is consistent with the National Telecommunications and Information Administration Act, 47 U.S.C. 904(b). The Committee functions solely as an advisory body in compliance with the FACA. For more information about the Committee visit: *http://www.ntia.doc.gov/category/csmac.*

*Matters To Be Considered:* The Committee will receive reports on the progress of the following subcommittees established to help NTIA develop new or revised strategies for responding more efficiently and effectively to fundamental technological, operational, and other trends to continue advancement of delivering spectrum products, services, and solutions that will support the ever-increasing demand for spectrum:

1. Enforcement
2. Transitional Sharing
3. General Occupancy Measurements and Quantification of Federal Spectrum Use
4. Spectrum Management via Databases
5. Federal Access to Non-federal Bands
6. Spectrum Sharing Cost Recovery Alternatives
7. Industry and Government Collaboration

NTIA will post a detailed agenda on its Web site, *http://www.ntia.doc.gov/category/csmac,* prior to the meeting. To the extent that the meeting time and agenda permit, any member of the public may speak to or otherwise address the Committee regarding the agenda items. *See Open Meeting and Public Participation Policy,* available at *http://www.ntia.doc.gov/category/csmac.*

*Time and Date:* The meeting will be held on October 9, 2014, from 1:00 p.m. to 4:00 p.m., Eastern Daylight Time. The times and the agenda topics are subject to change. The meeting will be available via two-way audio link and may be webcast. Please refer to NTIA's Web site, *http://www.ntia.doc.gov/category/csmac,* for the most up-to-date meeting agenda and access information.

*Place:* The meeting will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4830, Washington, DC 20230. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4099, Washington, DC 20230. The meeting will be open to the public and press on a first-come, first-served basis. Space is limited. The public meeting is physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Mr. Washington at (202) 482–6415 or *BWashington@ntia.doc.gov* at least ten (10) business days before the meeting.

*Status:* Interested parties are invited to attend and to submit written comments to the Committee at any time before or after the meeting. Parties wishing to submit written comments for consideration by the Committee in advance of a meeting must send them to NTIA's Washington, DC office at the above-listed address and comments must be received five (5) business days before the scheduled meeting date, to provide sufficient time for review. Comments received after this date will be distributed to the Committee, but may not be reviewed prior to the meeting. It would be helpful if paper submissions also include a compact disc (CD) in Word or PDF format. CDs should be labeled with the name and organizational affiliation of the filer. Alternatively, comments may be submitted electronically to *BWashington@ntia.doc.gov.* Comments provided via electronic mail also may be

submitted in one or more of the formats specified above.

*Records:* NTIA maintains records of all Committee proceedings. Committee records are available for public inspection at NTIA's Washington, DC office at the address above. Documents including the Committee's charter, member list, agendas, minutes, and any reports are available on NTIA's Committee Web page at *http://www.ntia.doc.gov/category/csmac.*

Dated: August 20, 2014.

**Kathy D. Smith,**

*Chief Counsel, National Telecommunications and Information Administration.*

[FR Doc. 2014–20219 Filed 8–25–14; 8:45 am]

BILLING CODE 3510–60–P

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### Request for Informal Public Comment

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice inviting informal public comment on operation AmeriCorps grant competition.

**SUMMARY:** The Corporation for National and Community Service (CNCS) is inviting informal public comment concerning the concept for a new grant competition. The concept paper describing this competition may be obtained via email to *Operation AmeriCorps@cns.gov*. The concept paper is also available on *www.regulations.gov*. Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

**ADDRESSES:** Comments may be submitted, identified as Comment on Operation AmeriCorps, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) Electronically via *www.regulations.gov*.

(2) By email to: *OperationAmeriCorps@cns.gov*.

**SUPPLEMENTARY INFORMATION:** CNCS is particularly interested in comments which:

- Lead to clarification of the funding priorities and other components of the concept.
- Deepen the impact of this initiative in achieving measurable change in communities.
- Make the concept more accessible to diverse audiences.
- Make it easier for applicants to apply.
- Add elements that would make it easier for an applicant with no experience with CNCS or national service to apply.

CNCS will not respond individually to those providing input, but will consider comments in preparing for a future competition.

Dated: August 18, 2014.

**Jed Herrmann,**

*Senior Advisor to the CEO.*

[FR Doc. 2014–20242 Filed 8–25–14; 8:45 am]

BILLING CODE 6050–28–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID: DoD–2014–OS–0129]**

### Notice of Availability (NOA) of an Environmental Assessment (EA) Addressing Implementation of the Real Property Master Plan at Defense Distribution Center Susquehanna, Pennsylvania

**AGENCY:** Defense Logistics Agency, Department of Defense.

**ACTION:** Notice of Availability (NOA) of an Environmental Assessment (EA) Addressing Implementation of the Real Property Master Plan at Defense Distribution Center Susquehanna, Pennsylvania.

**SUMMARY:** The Defense Logistics Agency (DLA) announces the availability of an Environmental Assessment (EA) Addressing Implementation of the Real Property Master Plan at Defense Distribution Center Susquehanna, Pennsylvania. The EA has been prepared as required under the National Environmental Policy Act (NEPA) (1969). In addition, the EA complies with DLA Regulation 1000.22. DLA has determined that the proposed action would not have a significant impact on the human environment within the context of NEPA. Therefore, the preparation of an environmental impact statement is not required.

**DATES:** Public comments will be accepted on or before September 25, 2014. Comments received by the end of the 30-day period will be considered when preparing the final version of the document.

**ADDRESSES:** You may submit comments to one of the following:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd floor, Suite 02G09, Alexandria, VA 22350–3100.

**FOR FURTHER INFORMATION CONTACT:** Ira Silverberg at (703) 767–0705 during normal business hours Monday through Friday, from 8:00 a.m. to 4:30 p.m. (EST) or by email: *Ira.Silverberg@dla.mil.*

**SUPPLEMENTARY INFORMATION:** The EA is available electronically at *http://www.dla.mil/InstallationSupport/Documents/DEA_Susquehanna%20RPMP_070814.pdf.* Hardcopies of the EA also are available at the Red Land Community Library, 48 Robin Hood Drive, Etters, PA 17319, and the Fairview Township Municipal Building, 599 Lewisberry Road, New Cumberland, PA 17070.

Dated: August 21, 2014.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2014–20238 Filed 8–25–14; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Acquisition University Board of Visitors; Notice of Federal Advisory Committee Meeting

**AGENCY:** Defense Acquisition University, DoD.

**ACTION:** Meeting notice.

**SUMMARY:** The Department of Defense is publishing this to notice to announce a Federal Advisory Committee meeting of the Defense Acquisition University Board of Visitors. This meeting will be open to the public.

**DATES:** Wednesday, September 24, 2014, from 9:00 a.m. to 2:00 p.m.

**ADDRESSES:** DAU Headquarters, 9820 Belvoir Road, Fort Belvoir, VA 22060.

**FOR FURTHER INFORMATION CONTACT:** Caren Hergenroeder, Protocol Director, DAU. Phone: 703–805–5134. Fax: 703–805–5940. Email: *caren.hergenroeder@dau.mil.*

**SUPPLEMENTARY INFORMATION:** This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended), and 41 CFR § 102–3.150.

*Purpose of the Meeting:* The purpose of this meeting is to report back to the Board of Visitors on continuing items of interest.

*Agenda:*

9:00 a.m. Welcome and Announcements

9:10 a.m. DAU Update

9:30 a.m. The New DAU Performance Learning Model

10:15 a.m. Break

10:30 a.m. Collaboration and Knowledge Management

11:15 a.m. Collaborative Classrooms

12:00 p.m. Working Lunch—review and discussion of action items

1:00 p.m. Open Forum

2:00 p.m. Adjourn

*Public's Accessibility to the Meeting:* Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. However, because of space limitations, allocation of seating will be made on a first-come, first served basis. Persons desiring to attend the meeting should call Ms. Caren Hergenroeder at 703–805–5134.

*Written Statements:* Pursuant to 41 CFR 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Defense Acquisition University Board of Visitors about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of a planned meeting of the Defense Acquisition University Board of Visitors.

All written statements shall be submitted to the Designated Federal Officer for the Defense Acquisition University Board of Visitors, and this individual will ensure that the written statements are provided to the membership for their consideration.

Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at least five calendar days prior to the meeting which is the subject of this notice. Written statements received after this date may not be provided to or considered by the Defense Acquisition University Board of Visitors until its next meeting. Committee's Designated Federal Officer or Point of Contact: Ms. Christen Goulding, 703–805–5412, *christen.goulding@dau.mil*.

Dated: August 21, 2014.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2014–20234 Filed 8–25–14; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF EDUCATION

**[Docket No.: ED–2014–ICCD–0092]**

## Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Migrant Education Program Regulations and Certificate of Eligibility

**AGENCY:** Office of Elementary and Secondary Education (OESE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before September 25, 2014.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0092 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Andrew Brake, 202–260–0998.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Migrant Education Program Regulations and Certificate of Eligibility.

*OMB Control Number:* 1810–0662.

*Type of Review:* An extension of an existing information collection.

*Respondents/Affected Public:* Individuals or households, State, Local, or Tribal Governments.

*Total Estimated Number of Annual Responses:* 150,847.

*Total Estimated Number of Annual Burden Hours:* 278,593.

*Abstract:* The regulations for Title I, Part C establish minimum requirements for a State Educational Agency (SEA) comprehensive needs assessment, plan for service delivery, and program evaluation. The regulations also establish minimum requirements for documenting eligibility, re-interviewing, and establishing a system of quality controls. The Secretary will use the information collected to monitor the accuracy of program eligibility determinations, make needed improvements, and adjust State Migrant Education Program (MEP) allocations based on reported defect rates.

Dated: August 20, 2014.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2014–20190 Filed 8–25–14; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

**[Docket No.: ED–2014–ICCD–0091]**

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Report of Dispute Resolution Under Part C of the Individuals With Disabilities Education Act

**AGENCY:** Office of Special Educations and Rehabilitative Services (OSERS), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before September 25, 2014.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0091 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Meredith Miceli, 202–245–6028.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Report of Dispute Resolution Under Part C of the Individuals with Disabilities Education Act.

*OMB Control Number:* 1820–0678.

*Type of Review:* An extension of an existing information collection.

*Respondents/Affected Public:* State, Local, or Tribal Governments.

*Total Estimated Number of Annual Responses:* 56.

*Total Estimated Number of Annual Burden Hours:* 3,360.

*Abstract:* This data collection provides instructions and forms necessary for States to report the number of written, signed complaints; mediation requests; and hearing requests and the status of these actions with regards to children served under Part C of Individuals with Disabilities Education Act (IDEA) initiated during the reporting year. The form satisfies reporting requirements and is used by OSEP to monitor SEAs and for Congressional reporting.

Dated: August 20, 2014.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2014–20189 Filed 8–25–14; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

**[Docket No.: ED–2014–ICCD–0090]**

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Report of Infants and Toddlers Receiving Early Intervention Services and of Program Settings Where Services Are Provided in Accordance With Part C

**AGENCY:** Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before September 25, 2014.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0090 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Meredith Miceli, 202–245–6028.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also

helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Report of Infants and Toddlers Receiving Early Intervention Services and of Program Settings Where Services are Provided in Accordance with Part C.

*OMB Control Number:* 1820–0557.

*Type of Review:* Revision of a currently approved collection.

*Respondents/Affected Public:* State, Local, or Tribal Governments.

*Total Estimated Number of Annual Responses:* 56.

*Total Estimated Number of Annual Burden Hours:* 6,697.

*Abstract:* This data collection provides instructions and forms necessary for States to report the number of children receiving early intervention services under Part C of Individuals with Disabilities Education Act (IDEA), the settings in which these children are provided services, and the reasons by which these children exit Part C of IDEA. The form satisfies reporting requirements and is used by OSEP to monitor State agencies and for Congressional reporting.

Dated: August 20, 2014.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2014–20188 Filed 8–25–14; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

**[Docket No.: ED–2014–ICCD–0093]**

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Annual Report of Children in State Agency and Locally Operated Institutions for Neglected and Delinquent Children

**AGENCY:** Office of Elementary and Secondary Education (OESE), Department of Education (ED).

**ACTION:** Notice

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before September 25, 2014.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0093 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Todd Stephenson, 202–205–1645.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Annual Report of Children in State Agency and Locally Operated Institutions for Neglected and Delinquent Children.

*OMB Control Number:* 1810–0060.

*Type of Review:* A revision of an existing information collection.

*Respondents/Affected Public:* State, Local, or Tribal Governments.

*Total Estimated Number of Annual Responses:* 3,252.

*Total Estimated Number of Annual Burden Hours:* 4,360.

*Abstract:* The U.S. Department of Education is requesting a three-year extension of ED Form 4376 Annual Report of Children in Institutions for Neglected or Delinquent Children, Adult Correctional Institutions, and Community Day Programs for Neglected and Delinquent Children. Approval of this form is needed in order to continue the on-going collection of data used to allocate funds authorized by Title I, Part A and Part D, Subparts 1 and 2 of the Elementary and Secondary Education Act of 1965, as amended, for school years 2015–16 and beyond.

Dated: August 20, 2014.

**Tomakie Washington,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2014–20191 Filed 8–25–14; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### National Advisory Committee on Institutional Quality and Integrity Meeting

**AGENCY:** National Advisory Committee on Institutional Quality and Integrity

(NACIQI), Office of Postsecondary Education, U.S. Department of Education.

**ACTION:** Announcement of an open meeting.

**SUMMARY:** This notice sets forth the agenda for the December 11, 2014, meeting of the National Advisory Committee on Institutional Quality and Integrity (NACIQI), and provides information to members of the public on submitting written comments and on requesting to make oral comments at the meeting. The notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act (FACA) and Section 114(d)(1)(B) of the Higher Education Act (HEA) of 1965, as amended.

**DATES:** The NACIQI meeting will be held on December 11, 2014, from 8 a.m. to 5:30 p.m. at a location to be determined in the Washington DC area.

**ADDRESSES:** U.S. Department of Education, Office of Postsecondary Education, 1990 K Street NW., Room 8080, Washington, DC 20006. The exact location of the meeting will be published in the **Federal Register** and on the Department's Web site at *http://www2.ed.gov/about/bdscomm/list/naciqi.html#meetings* by November 3, 2014.

**FOR FURTHER INFORMATION CONTACT:** Carol Griffiths, Executive Director, NACIQI, U.S. Department of Education, 1990 K Street NW., Room 8073, Washington, DC 20006–8129, telephone: (202) 219–7035, fax: (202) 502–7874, or email *Carol.Griffiths@ed.gov.*

**SUPPLEMENTARY INFORMATION:** *NACIQI's Statutory Authority and Function:* The NACIQI is established under Section 114 of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. 1011c. The NACIQI advises the Secretary of Education about:

- The establishment and enforcement of the criteria for recognition of accrediting agencies or associations under Subpart 2, Part H, Title IV of the HEA, as amended.
- The recognition of specific accrediting agencies or associations or a specific State public postsecondary vocational education or nurse education approval agency.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV of the HEA, together with recommendations for improvement in such process.
- The relationship between (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory function relating to accreditation and institutional eligibility that the Secretary may prescribe.

*Meeting Agenda:* In addition to its review of accrediting agencies and State approval agencies for Secretarial recognition, the meeting agenda will include Committee discussions regarding the Committee's draft policy recommendations to advise the Secretary in preparation for the reauthorization of the Higher Education Act (HEA).

Below is a list of agencies, including their current and requested scopes of recognition, scheduled for review during the December 11, 2014 meeting:

**Petition for Initial Recognition**

*Accrediting Agency*

1. Council for Accreditation of Educator Preparation (CAEP) (Requested Scope: The accreditation of educator preparation programs in degree-granting institutions of higher education throughout the United States that offer certificates/licensure, or associates, bachelors, masters, post-baccalaureate, or doctoral degrees, including those offered via distance education.)

**Petitions for Recognition Based on a Compliance Report**

*Accrediting Agencies*

1. Academy of Nutrition and Dietetics, Accreditation Council for Education in Nutrition and Dietetics (ACEND) (Current Scope: The accreditation and preaccreditation, within the United States, of Didactic and Coordinated Programs in Dietetics at both the undergraduate and graduate level, postbaccalaureate Dietetic Internships, and Dietetic Technician Programs at the associate degree level, and accreditation of such programs offered via distance education.)

2. American Veterinary Medical Association (AVMA) (Current Scope: The accreditation and preaccreditation (''Reasonable Assurance'') in the United States of programs leading to professional degrees (D.V.M. or D.M.D.) in veterinary medicine.) (Requested Scope: The accreditation and preaccreditation (''Provisional Accreditation'') in the United States of programs leading to professional degrees (D.V.M. or D.M.D.) in veterinary medicine.) NOTE: The language above reflects a technical change initiated by Department staff regarding the term the agency uses to confer its ''preaccreditation'' status.

3. Middle States Commission on Higher Education (MSCHE), (Current Scope: The accreditation and preaccreditation (''Candidacy Status'') of institutions of higher education in Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, and the U.S. Virgin Islands, including distance education programs offered at those institutions.) (Requested Scope: The accreditation and preaccreditation (''Candidacy Status'') of institutions of higher education in Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, and the U.S. Virgin Islands, including distance education and correspondence education programs offered at those institutions.)

4. New York State Board of Regents, and the Commissioner of Education (NYSBR) (Current and Requested Scope: The accreditation of those degree-granting institutions of higher education in New York that designate the agency as their sole or primary nationally recognized accrediting agency for purposes of establishing eligibility to participate in HEA programs including accreditation of programs offered via distance education within these institutions.)

5. Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities (WASC–SR) (Current and Requested Scope: The accreditation and preaccreditation (''Candidate for Accreditation'') of senior colleges and universities in California, Hawaii, the United States territories of Guam and American Samoa, the Republic of Palau, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands and the Republic of the Marshall Islands, including distance education programs offered at those institutions.)

**State Approval Agency for Vocational Education**

1. Oklahoma Department of Career and Technology Education (OKSB–vt).

*Submission of written comments regarding a specific accrediting agency or state approval agency under review:* Written comments about the recognition of a specific accrediting or State agency must be received by September 22, 2014, in the *ThirdPartyComments@ed.gov* mailbox and include the subject line ''Written Comments: (agency name).''

The email must include the name(s), title, organization/affiliation, mailing address, email address, and telephone number of the person(s) making the

comment. Comments should be submitted as a Microsoft Word document or in a medium compatible with Microsoft Word (not a PDF file) that is attached to an electronic mail message (email) or provided in the body of an email message. Comments about an agency's recognition after review of a compliance report must relate to the issues raised in the compliance report and the criteria for recognition cited in the Secretary's letter that requested the report. Comments about the renewal of an agency's recognition based on a review of the agency's petition must relate to its compliance with the Criteria for the Recognition of Accrediting Agencies, or the Criteria and Procedures for Recognition of State Agencies for Approval of Public Postsecondary Vocational Education, as appropriate, which are available at *http://www.ed.gov/admins/finaid/accred/index.html.* Third parties having concerns about agencies regarding matters outside the scope of a compliance report or a petition should report those concerns directly to the Department to be reviewed as a complaint. Only material submitted by the deadline to the email address listed in this notice, and in accordance with these instructions, become part of the official record concerning agencies scheduled for review and are considered by the Department and NACIQI in their deliberations. Please do not send material directly to NACIQI members.

*Submission of requests to make an oral comment regarding a specific accrediting agency or state approval agency under review:* There are two methods the public may use to make a third-party oral comment of three minutes concerning one of the agencies scheduled for review at the December 11, 2014 meeting. Oral comments about agencies seeking renewal of recognition must relate to the Criteria for Recognition of Accrediting Agencies, or the Criteria and Procedures for Recognition of State Agencies for Approval of Public Postsecondary Vocational Education, as appropriate, which are available at: *http://www.ed.gov/admins/finaid/accred/index.html.*

*Method One:* Submit a request by email to the *ThirdPartyComments@ed.gov* mailbox. Please do not send material directly to NACIQI members. Requests must be received by September 22, 2014, and include the subject line ''Oral Comment Request: (agency name).'' The email must include the name(s), title, organization/affiliation, mailing address, email address, telephone number, of the person(s) requesting to speak, and a brief summary (not to exceed one page) of the principal points to be made during the oral presentation. All individuals submitting an advance request in accordance with this notice will be afforded an opportunity to speak.

*Method Two:* Register at the meeting location on December 11, 2014, to make an oral comment during NACIQI's deliberations concerning a particular agency or institution scheduled for review. The requestor must provide his or her name, title, organization/affiliation, mailing address, email address, and telephone number. A total of up to fifteen minutes during each agency review will be allotted for oral commenters who register on December 11, 2014. Individuals will be selected on a first-come, first-served basis. If selected, each commenter may not exceed three minutes.

The oral comments made will become part of the official record and will be considered by the Department and NACIQI in their deliberations. No individual in attendance or making oral presentations may distribute written materials at the meeting.

*Submission of written comments regarding the committee's policy recommendations:* The Committee will publish its draft policy recommendations at *http://www2.ed.gov/about/bdscomm/list/naciqi.html#meetings* by October 15, 2014, and invites written comments. Comments must be received by November 15, 2014, in the *ThirdPartyComments@ed.gov* mailbox and include the subject line ''Written Comments: Policy Recommendations''. The email must include the name(s), title, organization/affiliation, mailing address, email address, and telephone number, of the person(s) making the comment. Comments should be submitted as a Microsoft Word document or in a medium compatible with Microsoft Word (not a PDF file) that is attached to an electronic mail message (email) or provided in the body of an email message. Please do not send material directly to the NACIQI members.

*Access to Records of the Meeting:* The Department will post the official report of the meeting on the NACIQI Web site 90 days after the meeting. Pursuant to the FACA, the public may also inspect the materials at 1990 K Street NW., Washington, DC, by emailing *aslrecordsmanager@ed.gov* or by calling (202) 219–7067 to schedule an appointment.

*Reasonable Accommodations:* The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

*Electronic Access to this Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Authority:** 20 U.S.C. 1011c.

**Lynn B. Mahaffie,**

*Acting Assistant Secretary for Postsecondary Education.*

[FR Doc. 2014–19653 Filed 8–25–14; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Agency Information Collection Extension

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection request with the Office of Management and Budget (OMB). Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c)

ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Comments regarding this proposed information collection must be received on or before October 27, 2014. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

**ADDRESSES:** Written comments may be sent to: Eva Auman, GC–63, Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585; Fax: 202–586–0971; or email at: *eva.auman@hq.doe.gov.*

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Eva Auman, GC–63, Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585; Fax: 202–586–0971; or email at: *eva.auman@hq.doe.gov.*

**SUPPLEMENTARY INFORMATION:** This information collection request contains: (1) OMB No. 1910–5165; (2) Information Collection Request Title: Davis-Bacon Semi-Annual Labor Compliance Report; (3) Type of Request: three-year extension with minor change to reflect the end of Recovery Act grant database; (4) Purpose: To obtain information from the Department of Energy Management and Operation, Facilities Management Contractors, and recipients of financial assistance whose work is subject to the Davis-Bacon Act; (5) Annual Estimated Number of Respondents: 100; (6) Annual Estimated Number of Total Responses: 100; (7) Annual Estimated Number of Burden Hours: 200; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: $0.00 annually.

**Statutory Authority:** 29 CFR Part 5, Section 5.7(b).

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

**Eva M. Auman,**

*Acting, Assistant General Counsel for Labor and Pension Law, Office of the General Counsel.*

[FR Doc. 2014–20290 Filed 8–25–14; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

**[OE Docket No. PP–400]**

## Notice of Intent To Prepare an Environmental Impact Statement and To Conduct Public Scoping Meetings, and Notice of Floodplains and Wetlands Involvement; New England Clean Power Link Project

**AGENCY:** Department of Energy.

**ACTION:** Notice of intent.

**SUMMARY:** The Department of Energy (DOE) announces its intent to prepare an environmental impact statement (EIS) to assess the potential environmental impacts from its proposed federal action of granting a Presidential permit to Champlain VT, LLC, doing business as TDI-New England (TDI–NE; the Applicant), to construct, operate, maintain, and connect a new electric transmission line across the U.S.-Canada border in northern Vermont. The *New England Clean Power Link Environmental Impact Statement* (DOE/EIS–0503) will address potential environmental impacts from the proposed action and reasonable alternatives.

The U.S. Army Corps of Engineers (USACE)—New England District, the U.S. Environmental Protection Agency (EPA)—Region 1 (New England), and the U.S. Coast Guard (USCG) are cooperating agencies in the preparation of the EIS. The purpose of this Notice of Intent (NOI) is to inform the public about the proposed action, announce public scoping meetings, and solicit public comments regarding the scope of the EIS. Because the proposed project would involve actions in floodplains and wetlands, in accordance with DOE regulations, the EIS will include a floodplain and wetland assessment.

**DATES:** The public scoping period starts with the publication of this Notice in the **Federal Register** and will continue until October 10, 2014. Written and oral comments will be given equal weight, and DOE will consider all comments submitted or postmarked by October 10, 2014 in defining the scope of this EIS. Comments submitted or postmarked after that date will be considered to the extent practicable.

Two public scoping meetings will be held as follows:

1. *Burlington, VT:* Sheraton Burlington Hotel and Conference Center, 870 Williston Road, Burlington, VT 05403, Tuesday, September 16, 2014, starting at 6:00 p.m.
2. *Rutland, VT:* Holiday Inn Rutland, 476 Holiday Drive, Rutland, VT 05701, Wednesday, September 17, 2014, starting at 6:00 p.m.

**ADDRESSES:** Comments on the scope of the EIS and requests to be added to the document mailing list should be addressed to: Brian Mills, Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; by electronic mail to *Brian.Mills@hq.doe.gov;* or by facsimile to 202–586–8008.

**FOR FURTHER INFORMATION CONTACT:** Brian Mills at the addresses above, or at 202–586–8267. For general information on the DOE National Environmental Policy Act (NEPA) process, contact Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54) at: U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; by electronic mail at *askNEPA@hq.doe.gov;* by facsimile at 202–586–7031; by phone at 202–586–4600 or leave a message at 800–472–2756.

For information on the USACE's role as a cooperating agency and its permit process, contact Michael S. Adams by electronic mail at *Michael.S.Adams@usace.army.mil;* by phone at 978–318–8485; or by mail at U.S. Army Corps of Engineers, New England District, 11 Lincoln Street, Room 210, Essex Junction, VT 05452.

For information on the EPA's role as a cooperating agency, contact Timothy Timmermann by electronic mail at *Timmermann.Timothy@epa.gov;* by phone at 617–918–1025; or by mail at 5 Post Office Square, Suite 100 (Mail code: ORA–17–1), Boston, MA 02109–3912.

For information on the USCG's role as a cooperating agency, contact Daniel Hubbard by electronic mail at *daniel.l.hubbard@uscg.mil;* or by phone at 617–223–8372; or by mail at Maritime Energy & Marine Spatial Planning, First Coast Guard District (dpw–3), 408 Atlantic Avenue, Boston, MA 02110.

**SUPPLEMENTARY INFORMATION:** Executive Order (E.O.) 10485, as amended by E.O. 12038, requires that a Presidential permit be issued by DOE before electric transmission facilities may be constructed, operated, maintained, or connected at the U.S. international border. The E.O. provides that a Presidential permit may be issued after a finding that the proposed project is consistent with the public interest and after favorable recommendations from the U.S. Departments of State and Defense. In determining consistency with the public interest, DOE considers the potential environmental impacts of the proposed project pursuant to the National Environmental Policy Act

(NEPA), determines the project's impact on electric reliability (including whether the proposed project would adversely affect the operation of the U.S. electric power supply system under normal and contingency conditions), and considers any other factors that DOE may find relevant to the public interest. The regulations implementing the E.O. have been codified at 10 CFR Part 205. DOE's issuance of a Presidential permit indicates that there is no federal objection to the project, but does not mandate that the project be undertaken.

TDI–NE applied on May 20, 2014, to DOE's Office of Electricity Delivery and Energy Reliability (OE) for a Presidential permit to construct, operate, maintain, and connect an electric transmission line across the U.S.-Canada border in northern Vermont. The proposed project, the New England Clean Power Link (NECPL), is a high voltage direct current (HVDC) electric transmission line with an operating voltage of +/−300 to 320 kilovolts (kV). The project would be constructed in both aquatic (underwater) and terrestrial (underground) environments.

As proposed, the NECPL project would have a transfer rating of 1,000 megawatts (MW). The proposed project would originate in the Canadian province of Quebec, cross the border in Alburgh, Vermont, and terminate at the existing Coolidge Substation in the towns of Ludlow and Cavendish, Vermont. The total length of the proposed project from the U.S. border to the Coolidge Substation is approximately 154.1 miles (248 km). The proposed route is described in more detail below, under Applicant's Proposal.

The NECPL Presidential permit application, including associated maps and drawings, can be viewed or downloaded in its entirety from the OE program Web site at: *http://energy.gov/oe/services/electricity-policy-coordination-and-implementation/international-electricity-regulatio-2.* The July 9, 2014, **Federal Register** Notice of Receipt of Application (79 FR 38869) is also available at this same Web site.

The proposed federal action is the granting of the Presidential permit for the international border crossing. The proposed construction, operation, maintenance, and connection of the portion of the transmission line within the United States are connected actions to DOE's proposed action. DOE will analyze potential environmental impacts from the proposed federal action and the connected actions in the EIS. The EIS will be prepared in accordance with NEPA as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) NEPA regulations (40 CFR Parts 1500–1508), and the DOE NEPA implementing procedures (10 CFR Part 1021). Because the proposed project may involve actions in floodplains and wetlands, in accordance with 10 CFR Part 1022, *Compliance with Floodplain and Wetland Environmental Review Requirements,* the EIS will include a floodplain and wetland assessment. DOE will include a floodplain statement of findings in the Record of Decision.

DOE invites Tribal governments and federal, state, and local agencies with jurisdiction by law or special expertise with respect to environmental issues to be cooperating agencies in the preparation of the EIS, as defined at 40 CFR 1501.6.

The U.S. Army Corps of Engineers (USACE), New England District, is a cooperating agency on this EIS. A Department of the Army permit is expected to be required for proposed discharges of dredged or fill material into waters of the United States, including wetlands, under Section 404 of the Clean Water Act (33 U.S.C. 1344), and also for proposed crossing(s) of navigable waterways under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403). TDI–NE will apply to the USACE for the required Department of the Army permits. EPA Region 1 and the USCG are cooperating agencies due to their special expertise related to the proposed action.

## Applicant's Proposal

TDI–NE describes its proposed route for the Project in terms of two segments, the Lake Champlain Segment and the Overland Segment. The U.S. portion of the proposed project is entirely within the State of Vermont.

The Lake Champlain segment would begin in Vermont at the U.S.-Canada border. The HVDC transmission line would be located underground within the Town of Alburgh, VT, for approximately 0.5 miles (0.8 km). The HVDC transmission line would then enter Lake Champlain via horizontal directional drilling (HDD) on privately-owned property, and the transmission line would be buried in the bed of Lake Champlain, or placed on the bottom of the lake at lake depths of 150 feet (46 m) or more. The total distance through the lake is approximately 97.6 miles (157.1 km), entirely within the jurisdictional waters of the State of Vermont.

The Overland Segment would begin at the southern end of Lake Champlain in the Town of Benson where the HVDC transmission line would exit the water, via HDD installation on privately-owned property. The cables would be buried within the rights-of-way (ROW) of town roads east for approximately 4.4 miles (7.1 km) to Route 22A and then travel south within the Route 22A ROW for approximately 8.1 miles (13.0 km) to Route 4 in the Town of Fair Haven. The cables would be buried within the Route 4 ROW east for approximately 17.2 miles (27.7 km) to Route 7 in the Town of Rutland before travelling south buried within the Route 7 ROW for approximately 2.6 miles (4.2 km) to Route 103 in the Town of North Clarendon. Within the Route 103 ROW the cables would be buried for approximately 17.8 miles (28.6 km) south by southeast to Route 100 in the Town of Ludlow where the cables would be buried for approximately 0.8 miles (1.3 km) in the Route 100 ROW to connect with Town of Ludlow roads. The cables would be buried for approximately 4.8 miles (7.6 km) before terminating at the proposed HVDC converter station. Underground single-circuit 345–kV AC cables would be installed for approximately 0.3 miles (.5 km) to the south to connect the proposed HVDC converter station with the existing Coolidge Substation, which connects to the electric grid. The Applicant represents that the Project's precise final route would be subject to a number of factors, including resource issues, federal and state permitting, land acquisition, and stakeholder input.

In addition to the proposed route, TDI–NE's Presidential permit application describes four segment alternatives that it considered but decided not to incorporate into its proposed route. These include one alternative for the Lake Champlain segment and three alternatives for the overland segment (i.e., from Lake Champlain to the proposed HVDC converter station).

The alternative considered by TDI–NE for the Lake Champlain segment would have overlapped the proposed route within the lake and then proceeded for an additional 3 miles (4.8 km) south in Lake Champlain to exit the lake via HDD in the Town of West Haven, rather than Benson. The routing would proceed east through West Haven undergrounded along local roads (Cold Spring Road, Pettis Road, and Main Street) for approximately 8 miles (12.9 km) before transferring to the Route 22A ROW. At this point the alternative would continue south in the Route 22A ROW, approximately 3.4 miles (5.6 km) to the Town of Fair Haven.

The three Overland segment alternatives included a Western Segment alternative whereby the

transmission cables would exit Route 4 at the intersection with Route 4A and would travel along Route 4A and then a railroad ROW to the Town of West Rutland for a distance of 13 miles (20.9 km). The route would then re-enter Route 4 and continue along the proposed route to the proposed converter station location. Additionally, there were two Eastern Segment alternatives that considered routing the cables: (1) within the railroad ROW in the Town of North Clarendon and travel south, then east, to Route 103 in Ludlow for a distance of 23.3 miles (37.5 km), at which point it would overlap again with the proposed route to reach the proposed HVDC converter station location in 7.5 miles (12.1 km); or (2) in the Vermont Electric Power Company ROW beginning in West Rutland for approximately 24 miles (38.6) to the proposed HVDC converter station location.

**Agency Purpose and Need, Proposed Action, and Alternatives**

DOE's proposed action is to grant a Presidential permit to TDI–NE to construct, operate, maintain, and connect a new electric transmission line across the U.S.-Canada border near Alburgh, Vermont. The *New England Clean Power Link Transmission Line Environmental Impact Statement* (DOE/EIS–0503) will address potential environmental impacts from the proposed action and the range of reasonable alternatives. The purpose and need for DOE's action is to decide whether to grant TDI–NE a Presidential permit. DOE's decision will be based on the NEPA review, the impact of the proposed action on electric reliability, and any other factors that DOE may find relevant to the public interest.

Under the Proposed Action, DOE would grant a Presidential permit to TDI–NE to construct, operate, maintain, and connect a new electric transmission line across the U.S.-Canada border in northern Vermont.

Under the No Action alternative, DOE would not grant a Presidential permit for the proposed project. Under the No Action alternative, the EIS assumes for purposes of analysis that the proposed line and associated facilities would not be constructed.

**Identification of Environmental Issues**

The EIS will examine potential public health and safety effects and environmental impacts in the U.S. from the proposed transmission facilities. This notice is intended to inform agencies and the public of the proposed project, and to solicit comments and suggestions for consideration in the preparation of the EIS. To help the public frame its comments, the following is a list of examples of several potential environmental issues that DOE has identified for analysis:

1. *Protected, threatened, endangered, or sensitive species of animals or plants, or their critical habitats:* The EIS will consider the potential effects of the construction and operation of the project on protected or candidate species, including but not limited to the Indiana bat, dwarf wedgemussel, and Northeastern bulrush (federally listed endangered species) and northern long-eared bat (proposed federally listed endangered species as of June 30, 2014).

2. *Biological resources:* The EIS will consider the potential effects of the construction and operation of the project on fish and shellfish, insects, birds and other wildlife, as well as effects on forests, shrubland, wetland, and grassland plant species, and the potential for introduction of invasive species.

3. *Floodplains and wetlands:* The EIS will consider the potential effects of the construction and operation of the project on floodplains and wetlands, including those associated with lowland forest type vegetation.

4. *Cultural or historic resources:* The EIS will consider the potential effects of the construction and operation of the project on archeological, architectural, and Traditional Cultural Properties (i.e., properties of religious and cultural importance), National Historic Landmarks, historic properties currently listed and potentially eligible for listing on the National Register of Historic Places, prehistoric sites, and cultural landscape.

5. *Human health and safety:* The EIS will consider the nature and potential effects of electric and magnetic fields that may be generated by the operation of the project.

6. *Air quality:* The EIS will consider the potential effects of the construction and operation of the project on air quality, including the emission and effects of greenhouse gases such as carbon dioxide.

7. *Soil:* The EIS will consider the potential effects of the construction and operation of the project on the loss or disturbance of soils.

8. *Water resources:* The EIS will consider the potential effects of the construction and operation of the project on a diverse set of water resource types that are found throughout the proposed project area including, but not limited to, major watersheds, public water inventory watercourses and basins, groundwater, and impaired water bodies.

9. *Land use:* The EIS will consider the potential effects of the installation and operation of the project on land uses, including agricultural lands, parks, recreational areas, and other public lands.

10. *Noise:* The EIS will consider the potential effects of the installation and operation of the project on noise levels at locations along the proposed line as well as at the location of the proposed HVDC converter station in Ludlow.

11. *Socioeconomics:* The EIS will consider potential impacts on community services and the potential for disproportionately high and adverse impacts on minority or low-income populations.

This list is not intended to be all inclusive or to imply any predetermination of impacts. DOE invites interested parties to suggest specific issues within these general categories, or other issues not included above, to be considered in the EIS.

**Scoping Process**

Interested parties are invited to participate in the scoping process, both to help define the environmental issues to be analyzed and to identify the range of reasonable alternatives. DOE invites interested agencies, organizations, Native American tribes, and members of the public to submit comments to assist in identifying significant environmental issues and in determining the appropriate scope of the EIS. Written and oral comments will be given equal weight. All comments received by DOE will be publicly available on the project EIS Web site at: *http://www.NECPLinkEIs.com.* Personally identifiable information, other than individuals' names, will be withheld.

The scoping meetings will be structured in two parts: first, a ''workshop'' period with presentations on the proposed NECPL project, and the associated federal decisions, followed by informal discussion that will not be recorded; and, second, the formal taking of comments with transcription by a court reporter. The meetings will provide interested parties the opportunity to view proposed project exhibits, ask questions, and make comments. The Applicant, DOE, and cooperating agency personnel will be available to answer questions.

Persons submitting comments during the scoping process, whether orally or in writing, will receive either paper or electronic copies of the draft EIS, according to their preference. Persons who do not wish to submit comments or suggestions at this time but who would like to receive a copy of the draft EIS for review and comment when it is issued

should notify Brian Mills as provided above, with their paper-or-electronic preference.

**EIS Preparation and Schedule**

In preparing the draft EIS, DOE will consider comments submitted during the scoping period. Comments can be submitted to Brian Mills either electronically or by paper copy; if the latter, consider using a delivery service because materials submitted by regular mail are subject to security screening, which both causes extended delay and potential damage to the contents. DOE will summarize all comments received in a ''Scoping Report'' that will be available on a project EIS Web site, and will be distributed either electronically to all parties of record or by mailing paper copies upon request. DOE expects to issue the draft NECPL EIS in April 2015 and the final EIS in October 2015.

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

**Patricia A. Hoffman,**

*Assistant Secretary, Office of Electricity Delivery and Energy Reliability.*

[FR Doc. 2014–20270 Filed 8–25–14; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Northern New Mexico

**AGENCY:** Department of Energy.

**ACTION:** Notice of Open Meeting.

**SUMMARY:** This notice announces a combined meeting of the Environmental Monitoring and Remediation Committee and Waste Management Committee of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico (known locally as the Northern New Mexico Citizens' Advisory Board [NNMCAB]). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Wednesday, September 10, 2014 2:00 p.m.–4:00 p.m.

**ADDRESSES:** NNMCAB Office, 94 Cities of Gold Road, Santa Fe, NM 87506.

**FOR FURTHER INFORMATION CONTACT:** Menice Santistevan, Northern New Mexico Citizens' Advisory Board, 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *menice.santistevan@nnsa.doe.gov.*

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

*Purpose of the Environmental Monitoring and Remediation Committee (EM&R):* The EM&R Committee provides a citizens' perspective to NNMCAB on current and future environmental remediation activities resulting from historical Los Alamos National Laboratory (LANL) operations and, in particular, issues pertaining to groundwater, surface water and work required under the New Mexico Environment Department Order on Consent. The EM&R Committee will keep abreast of DOE–EM and site programs and plans. The committee will work with the NNMCAB to provide assistance in determining priorities and the best use of limited funds and time. Formal recommendations will be proposed when needed and, after consideration and approval by the full NNMCAB, may be sent to DOE–EM for action.

*Purpose of the Waste Management (WM) Committee:* The WM Committee reviews policies, practices and procedures, existing and proposed, so as to provide recommendations, advice, suggestions and opinions to the NNMCAB regarding waste management operations at the Los Alamos site.

**Tentative Agenda**

1. 2:00 p.m. Approval of Agenda
2. 2:02 p.m. Approval of Minutes from July 9, 2014
3. 2:05 p.m. Update from Executive Committee—Carlos Valdez, Chair
4. 2:10 p.m. Update from DOE—Lee Bishop, Deputy Designated Federal Officer
5. 2:30 p.m. Public Comment Period
6. 2:45 p.m. Sub-Committee Breakout Session
   - Draft Committee Work Plans for Fiscal Year 2015
   - Discuss Topics for Committee Sponsored Draft Recommendations
   - General Committee Business
7. 4:00 p.m. Adjourn

*Public Participation:* The NNMCAB's Committees welcome the attendance of the public at their combined committee meeting 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 Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Committees either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

*Minutes:* Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov/.*

Issued at Washington, DC, on August 20, 2014.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2014–20297 Filed 8–25–14; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Northern New Mexico

**AGENCY:** Department of Energy.

**ACTION:** Notice of Open Meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Wednesday, September 24, 2014, 1:00 p.m.–5:15 p.m.

**ADDRESSES:** Sagebrush Conference Center, 1508 Paseo del Pueblo Sur, Taos, New Mexico 87571.

**FOR FURTHER INFORMATION CONTACT:** Menice Santistevan, Northern New Mexico Citizens' Advisory Board (NNMCAB), 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *Menice.Santistevan@nnsa.doe.gov.*

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

**Tentative Agenda**

1:00 p.m. Call to Order by Deputy Designated Federal Officer (DDFO),

Lee Bishop Establishment of a Quorum: Roll Call and Excused Absences, William Alexander Welcome and Introductions, Carlos Valdez, Chair Approval of Agenda and July 30, 2014 Meeting Minutes

1:15 p.m. Old Business
- Written Reports
- Report on Rad Waste Conference, Carlos Valdez and Joseph Tiano
- Report on Fall EM SSAB Chairs' Meeting in Idaho, Carlos Valdez, Doug Sayre and Allison Majure
- Other items

1:45 p.m. New Business

2:15 p.m. Update from DDFO, Lee Bishop

2:45 p.m. Break

3:00 p.m. Chromium Plume and Consent Order Update, TBD

3:45 p.m. Update from Liaisons
- Update from New Mexico Environment Department, TBD
- Update from Los Alamos National Laboratory, Jeff Mousseau
- Update from DOE, Pete Maggiore

4:45 p.m. Public Comment Period

5:00 p.m. Wrap-Up and Comments from NNMCAB Members

5:15 p.m. Adjourn, Lee Bishop

*Public Participation:* The EM SSAB, Northern New Mexico, 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 Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

*Minutes:* Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov/*

Issued at Washington, DC, on August 20, 2014.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2014–20243 Filed 8–25–14; 8:45 am]

BILLING CODE 6405–01–P

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

**AGENCY:** Department of Energy.

**ACTION:** Notice of Open Meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Wednesday, September 10, 2014, 6:00 p.m.

**ADDRESSES:** Department of Energy Information Center, Office of Science and Technical Information, 1 Science.gov Way, Oak Ridge, Tennessee 37830.

**FOR FURTHER INFORMATION CONTACT:** Melyssa P. Noe, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865) 576–0956 or email: *noemp@emor.doe.gov* or check the Web site at *http://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board*.

**SUPPLEMENTARY INFORMATION:** Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

*Tentative Agenda:*
- Welcome and Announcements
- Comments from the Deputy Designated Federal Officer
- Comments from the DOE, Tennessee Department of Environment and Conservation, and Environmental Protection Agency Liaisons
- Public Comment Period
- Presentation
- Additions/Approval of Agenda
- Motions/Approval of June 11, 2014 meeting minutes
- Status of Recommendations with DOE
- Committee Reports
- Federal Coordinator Report
- Adjourn

*Public Participation:* The EM SSAB, Oak Ridge, 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 Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

*Minutes:* Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following Web site: *http://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board*.

Issued at Washington, DC, on August 20, 2014.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2014–20244 Filed 8–25–14; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

### Energy Information Administration

### Agency Information Collection Extension

**AGENCY:** U.S. Energy Information Administration (EIA), U.S. Department of Energy

**ACTION:** Notice and Request for OMB Review and Comment

**SUMMARY:** EIA has submitted to the Office of Management and Budget (OMB) for clearance, a proposal for expanded collection of information under the provisions of the Paperwork Reduction Act of 1995, for Form EIA–914, the *Monthly Natural Gas Production Report* (OMB–1905–0205). EIA requests a three-year extension of this collection with changes to accommodate the expanded Form EIA–914. The proposed data collection will expand the collection of monthly natural gas production from seven geographical areas to twenty-one, and will add collection of crude oil and

lease condensate by American Petroleum Institute (API) gravity (crude oil and lease condensate will be collected as a single volume). The data collected will be used to obtain a more accurate and timely estimate of production of natural gas, crude oil, and lease condensate with much greater geographic detail. The proposed expansion of Form EIA–914 will be used by federal and state agencies, industry analysts, and the general public to more effectively monitor and assess natural gas, crude oil, and lease condensate supplies, and by Congress for legislative debate.

**DATES:** Comments regarding this collection must be received on or before September 25, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4718 or contacted by email at *Chad_S_Whiteman@omb.eop.gov.*

**ADDRESSES:** Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503, *Chad_S_Whiteman@omb.eop.gov*. And to Neal Davis, U.S. Energy Information Administration, Mail Stop EI–24, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, *Neal.Davis@eia.gov*.

**FOR FURTHER INFORMATION CONTACT:** Direct any requests for additional information or copies of the information collection instrument and instructions to Neal Davis by email at *Neal.Davis@eia.gov* or by fax at 202–586–4420. The collection instrument and instructions are also available on the Internet at *http://www.eia.gov/survey/form/eia_914/proposed/form.pdf.*

**SUPPLEMENTARY INFORMATION:** This information collection request contains:

(1) *OMB No.:* 1905–0205

(2) *Information Collection Request Title: Monthly Crude Oil, Lease Condensate, and Natural Gas Production Report*

(3) *Type of Request:* Revision to a currently approved collection;

(4) *Purpose:* The proposed, expanded Form EIA–914, *Monthly Crude Oil, Lease Condensate, and Natural Gas Production Report,* will materially improve EIA's ability to collect and disseminate data on crude oil, lease condensate, and natural gas production in the lower 48 states on a more timely basis in order to meet EIA's mandate and energy data users' needs. Timely and accurate information on monthly crude oil, lease condensate, and natural gas production data in the United States is necessary to discern critical monthly production levels, variations, and trends—information that is crucial for informed decision and policy making before and during peak demand periods. Further, collecting API gravity information for state-level production provides information about the volume and changing trends in the quality of domestic oil production, informing topics of increasing public interest, such as domestic refining capability and potential export of U.S. crude oil.

(4a) Proposed Changes: The expanded Form EIA–914 will collect data from U.S. operators of natural gas and crude oil wells, and this monthly survey will be a cutoff sample (all operators producing above a threshold in a state will be surveyed). EIA currently has no survey to collect crude oil and condensate production. The expanded EIA–914 will improve EIA's oil production statistics and add more detail to its gas production statistics by increasing the number of individual states reporting. The proposed expanded Form EIA–914, *Monthly Crude Oil, Lease Condensate, and Natural Gas Production Report,* would replace the current Form EIA–914, *Monthly Natural Gas Production Report.*

Providing timely oil and gas production data by state/area in a convenient ''one-stop shop'' and a standard format would enhance the utility of the data and provide markets with accurate information that is easy to use.

The proposed expanded Form EIA–914 instructions are included on the form to increase clarity and specificity for the requested data. Crude oil and lease condensate production are added to the form, as are additional states that increases the total number of states/areas from seven to twenty-one. Also added to the form is a request for crude oil and lease condensate production by API gravity category.

(5) *Estimated Number of Respondents:* 600.

(6) *Annual Estimated Number of Total Responses:* 7,200.

(7) *Annual Estimated Number of Burden Hours:* 14,400.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* None.

**Statutory Authority:** Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified as 15 U.S.C. 772(b).

Issued in Washington, DC, August 19, 2014.

**Nanda Srinivasan,**

*Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.*

[FR Doc. 2014–20269 Filed 8–25–14; 8:45 am]

**BILLING CODE 6450–01–P**

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## 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:* PR14–50–000.
*Applicants:* Regency DeSoto Pipeline LLC.
*Description:* Tariff filing per 284.123(e) + (g): General Terms and Conditions to be effective 8/19/2014; TOFC: 1280.
*Filed Date:* 8/19/14.
*Accession Number:* 20140819–5154.
*Comments Due:* 5 p.m. ET 9/9/14.
*284.123(g) Protests Due:* 5 p.m. ET 10/20/14.

*Docket Numbers:* RP14–1183–000.
*Applicants:* WTG Hugoton, LP.
*Description:* WTG Hugoton Order to Show Cause Filing to be effective 9/1/2014.
*Filed Date:* 8/15/14.
*Accession Number:* 20140815–5006.
*Comments Due:* 5 p.m. ET 8/27/14.

*Docket Numbers:* RP14–1184–000.
*Applicants:* Tres Palacios Gas Storage LLC.
*Description:* Tariff Changes to Enhance Firm Storage Service to be effective 9/15/2014.
*Filed Date:* 8/15/14.
*Accession Number:* 20140815–5122.
*Comments Due:* 5 p.m. ET 8/27/14

*Docket Numbers:* RP14–1193–000.
*Applicants:* Columbia Gas Transmission, LLC.
*Description:* Section 4 Revisions—Availability of Capacity for Firm Services to be effective 9/20/2014.
*Filed Date:* 8/20/14.
*Accession Number:* 20140820–5160.
*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 date(s). 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 21, 2014.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2014–20266 Filed 8–25–14; 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:* RP14–1188–000.
*Applicants:* Southern Natural Gas Company, L.L.C.
*Description:* Fuel Retention Rates—Winter 2014 to be effective 10/1/2014.
*Filed Date:* 8/19/14.
*Accession Number:* 20140819–5070.
*Comments Due:* 5 p.m. ET 9/2/14.

*Docket Numbers:* RP14–1189–000.
*Applicants:* UGI LNG Inc.
*Description:* Order to Show Cause Compliance Filing to be effective 12/31/9998.
*Filed Date:* 8/19/14.
*Accession Number:* 20140819–5104.
*Comments Due:* 5 p.m. ET 9/2/14.

*Docket Numbers:* RP14–1190–000.
*Applicants:* East Tennessee Natural Gas, LLC.
*Description:* ETNG OFO Procedures Update to be effective 9/22/2014.
*Filed Date:* 8/19/14.
*Accession Number:* 20140819–5117.
*Comments Due:* 5 p.m. ET 9/2/14.

*Docket Numbers:* RP14–1191–000.
*Applicants:* Saltville Gas Storage Company L.L.C.
*Description:* SGSC OFO Procedures Update to be effective 9/22/2014.
*Filed Date:* 8/19/14.
*Accession Number:* 20140819–5118.
*Comments Due:* 5 p.m. ET 9/2/14.

*Docket Numbers:* RP14–1192–000.
*Applicants:* Colorado Interstate Gas Company, L.L.C.
*Description:* Colorado Interstate Gas Company, L.L.C. penalties assessed compliance filing.
*Filed Date:* 8/19/14.
*Accession Number:* 20140819–5125.
*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 20, 2014.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2014–20265 Filed 8–25–14; 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:* EC14–126–000.
*Applicants:* Wisconsin Energy Corporation, Integrys Energy Group, Inc.
*Description:* Joint Application for Authorization of Disposition of Jurisdictional Assets and Merger Under FPA Section 203 of Wisconsin Energy Corporation and Integrys Energy Group, Inc.
*Filed Date:* 8/15/14.
*Accession Number:* 20140815–5173.
*Comments Due:* 5 p.m. ET 10/17/14.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG14–87–000.
*Applicants:* Energia Sierra Juarez, S. de R.L. de C.V.
*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Energia Sierra Juarez, S. de R.L. de C.V.
*Filed Date:* 8/19/14.
*Accession Number:* 20140819–5124.
*Comments Due:* 5 p.m. ET 9/9/14.

*Docket Numbers:* EG14–88–000.
*Applicants:* Energia Sierra Juarez U.S. Transmission, LLC.
*Description:* Notice of Self-Certification of Exempt Wholesale Generator Stats of Energia Sierra Juarez U.S. Transmission, LLC.
*Filed Date:* 8/19/14.
*Accession Number:* 20140819–5126.
*Comments Due:* 5 p.m. ET 9/9/14.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10–3286–006; ER10–3299–005; ER10–3310–006.
*Applicants:* Millennium Power Partners, L.P., New Athens Generating Company, LLC, New Harquahala Generating Company, LLC.
*Description:* Notice of Non-Material Change in Status of Millennium Power Partners, L.P., et. al.
*Filed Date:* 8/18/14.
*Accession Number:* 20140818–5267.
*Comments Due:* 5 p.m. ET 9/8/14.

*Docket Numbers:* ER13–2300–001.
*Applicants:* Arizona Public Service Company.
*Description:* Refund Report for Rate Schedule No. 198 to be effective N/A.
*Filed Date:* 8/18/14.
*Accession Number:* 20140818–5211.
*Comments Due:* 5 p.m. ET 9/8/14.

*Docket Numbers:* ER14–2361–001.
*Applicants:* Sunwave Gas & Power New York, Inc.
*Description:* Supplemental MBR Filing for Sunwave Gas and Power NY to be effective 10/1/2014.
*Filed Date:* 8/18/14.
*Accession Number:* 20140818–5220.
*Comments Due:* 5 p.m. ET 9/8/14.

*Docket Numbers:* ER14–2439–002.
*Applicants:* Midcontinent Independent System Operator, Inc.
*Description:* 2014–08–19_SA 2677 2nd Substitute J278 GIA GRE-Pleasant Valley Wind to be effective 7/17/2014.
*Filed Date:* 8/19/14.
*Accession Number:* 20140819–5122.
*Comments Due:* 5 p.m. ET 9/9/14.

*Docket Numbers:* ER14–2672–000.
*Applicants:* EDF Energy Services, LLC.
*Description:* EDF Energy Services MBR Application to be effective 8/19/2014.
*Filed Date:* 8/18/14.
*Accession Number:* 20140818–5199.
*Comments Due:* 5 p.m. ET 9/8/14.

*Docket Numbers:* ER14–2673–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* Original Service Agreement No. 3888 (NQ88) to be effective 12/16/2014.
*Filed Date:* 8/18/14.
*Accession Number:* 20140818–5243.

*Comments Due:* 5 p.m. ET 9/8/14.

*Docket Numbers:* ER14–2674–000.

*Applicants:* Southern California Edison Company.

*Description:* SGIA and Distribution Service Agreement with Little Rock-Pham Solar, LLC to be effective 8/20/2014.

*Filed Date:* 8/19/14.

*Accession Number:* 20140819–5001.

*Comments Due:* 5 p.m. ET 9/9/14.

*Docket Numbers:* ER14–2675–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* 2652R2 Waverly Wind Farm LLC GIA to be effective 7/31/2014.

*Filed Date:* 8/19/14.

*Accession Number:* 20140819–5074.

*Comments Due:* 5 p.m. ET 9/9/14.

*Docket Numbers:* ER14–2676–000.

*Applicants:* Dry Lake Wind Power, LLC.

*Description:* Normal filing name change to be effective 8/20/2014.

*Filed Date:* 8/19/14.

*Accession Number:* 20140819–5139.

*Comments Due:* 5 p.m. ET 9/9/14.

*Docket Numbers:* ER14–2677–000.

*Applicants:* Pacific Gas and Electric Company.

*Description:* Yerba Buena BESS Pilot SGIA Service Agreement No. 265 Filing to be effective 9/1/2014.

*Filed Date:* 8/19/14.

*Accession Number:* 20140819–5158.

*Comments Due:* 5 p.m. ET 9/9/14.

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. 2014–20264 Filed 8–25–14; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9914–39–Region 8]**

### Proposed Administrative Settlement and Order on Consent for Remedial Investigation/Feasibility Study, Lincoln Park Superfund Site, Canon City, Fremont County, Colorado

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; request for public comment.

**SUMMARY:** Notice is hereby given of the proposed administrative settlement proceeding under sections 104, 107, and 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. 9604, 9607, and 9622(h)(1) among the Environmental Protection Agency (EPA), the Colorado Department of Public Health and Environment (CDPHE), the ''Agencies,'' and the Cotter Corporation (N.S.L.) the (Settling Party). The Cotter Corporation is the owner and operator of the uranium mill on the site since 1957. This settlement agreement applies to and is binding upon the EPA, the CDPHE and the Settling Party.

**DATES:** Comments must be submitted on or before October 27, 2014.

**ADDRESSES:** Comments and requests for a copy of the proposed agreement should be addressed to Virginia Phillips, Enforcement Specialist, Environmental Protection Agency-Region 8, Mail Code 8ENF–RC, 1595 Wynkoop Street, Denver, Colorado 80202–2466, or by electronic mail at: *Phillips.Virginia@epa.gov* and should reference the Lincoln Park Superfund Site, Canon City, Colorado.

Information is also available at the Lincoln Park Site repository in Canon City, located at: The Royal Gorge Regional Museum and History Center; 612 Royal Gorge Boulevard, P.O. Box 1460, Canon City, Colorado 81215, (719) 269–9036. An electronic copy of the proposed AOC is available on the CDPHE Lincoln Park Web page at: *http://recycle4colorado.ipower.com/Cotter/2014/14cotterdocs.htm*

**FOR FURTHER INFORMATION CONTACT:** Steven Moores, Enforcement Attorney, Legal Enforcement Program, Environmental Protection Agency-Region 8, Mail Code 8ENF–L, 1595 Wynkoop Street, Denver, Colorado 80202–2466, (303) 312–6857.

**SUPPLEMENTARY INFORMATION:** The parties enter into this agreement to: (a) Determine the nature and extent of contamination and any threat to the public health, welfare, or environment caused by the release or threatened release of hazardous substances, pollutants, or contaminants at or from the site, by conducting a remedial investigation; (b) identify and evaluate remedial alternatives to prevent, mitigate, or otherwise respond to or remedy any release or threatened release of hazardous substances, pollutants, or contaminants at or from the Site, by conducting a feasibility study (FS); and (c) provide for recovery by the agencies of future response costs for overseeing the work to be conducted under this settlement agreement.

*Opportunity for Comment:* The proposed agreement, the Agency's response to any comments, and additional background information relating to the agreement are available for public inspection. For sixty (60) days following the date of publication of this notice, the EPA will receive written comments relating to the agreement. The EPA will consider all comments received and may modify or withdraw its consent to the agreement if comments received disclose facts or considerations that indicate that the agreement is inappropriate, improper, or inadequate.

Dated: August 6, 2014.

**Suzanne J. Bohan,**

*Acting Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice.*

[FR Doc. 2014–20278 Filed 8–25–14; 8:45 am]

**BILLING CODE 6560–50–P**

## FARM CREDIT ADMINISTRATION

**[NV–14–15 (20–AUGUST–2014)]**

### Equal Employment Opportunity and Diversity

**AGENCY:** Farm Credit Administration.

**ACTION:** Policy statement.

**SUMMARY:** The Farm Credit Administration (FCA) Board recently updated its Policy Statement on Equal Employment Opportunity and Diversity.

**DATES:** *Effective Date:* August 20, 2014.

**FOR FURTHER INFORMATION CONTACT:** Thais Burlew, Director of Equal Employment Opportunity and Inclusion, Farm Credit Administration, 1501 Farm Credit Drive, McLean Virginia 22102–5090, (703) 883–4290, TTY (703) 883–4056.

**SUPPLEMENTARY INFORMATION:** While not required by law, the Equal Employment Opportunity Commission (EEOC) has determined that reissuance of an agency's EEO policy statement each

fiscal year is a symbol of the agency leadership's commitment to EEO and Diversity principles. The FCA conducted its annual review of Policy Statement FCA–PS–62 on Equal Employment Opportunity (EEO) and Diversity and made minor grammatical changes.

The text of the updated Policy Statement is set forth below in its entirety. All FCA Board policy statements may be viewed on FCA's Web site. From *www.fca.gov,* select ''Laws & Regulations,'' then select ''FCA Handbook,'' then select ''FCA Board Policy Statements.''

*EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY*

*NV–14–15*

*FCA–PS–62*

**EFFECTIVE DATE:** August 20, 2014

**EFFECT ON PREVIOUS ACTION:** Replaces FCA–PS–62 [NV 13–19] dated August 13, 2013 (78 FR 51187, 8/20/13).

**SOURCE OF AUTHORITY:** Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e *et seq.*); Age Discrimination in Employment Act (29 U.S.C. 621 *et seq.*); Rehabilitation Act of 1973, as amended (29 U.S.C. 721 *et seq.*); Equal Pay Act of 1974 (29 U.S.C. 206(d)); Civil Service Reform Act of 1978 (5 U.S.C. 3112); Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (NO FEAR Act) (5 U.S.C. 2301); Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff *et seq.*); section 5.9 of the Farm Credit Act of 1971, as amended (12 U.S.C. 2243); Executive Order 11478 (Equal Employment Opportunity in the Federal Government), as amended by Executive Orders 13087 and 13152 to include prohibitions on discrimination based on sexual orientation and status as a parent; Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency); 29 CFR part 1614; Equal Employment Opportunity Commission Management Directives.

**THE FARM CREDIT ADMINISTRATION BOARD HEREBY ADOPTS THE FOLLOWING POLICY STATEMENT:**

*PURPOSE*

The Farm Credit Administration (FCA or Agency) Board reaffirms its commitment to Equal Employment Opportunity (EEO) and Diversity (EEOD) and its belief that all FCA employees should be treated with dignity and respect. The Board also provides guidance to Agency management and staff for deciding and taking action in these critical areas.

*IMPORTANCE*

Unquestionably, the employees who comprise the FCA are its most important resource. The Board fully recognizes that the Agency draws its strength from the dedication, experience, and diversity of its employees. The Board is firmly committed to taking whatever steps are needed to protect the rights of its staff and to carrying out programs that foster the development of each employee's potential. We believe an investment in efforts that strongly promote EEOD will prevent the conflict and the high costs of correction for taking no, or inadequate, action in these areas.

*THE FARM CREDIT ADMINISTRATION (FCA) BOARD ADOPTS THE FOLLOWING POLICY STATEMENT:*

It is the policy of the FCA to prohibit discrimination in Agency policies, program practices, and operations. Employees, applicants for employment, and members of the public who seek to take part in FCA programs, activities, and services will be treated fairly. The FCA Board Chair and Chief Executive Officer (CEO) is ultimately responsible for ensuring that FCA meets all EEOD requirements and initiatives in accordance with laws and regulations, to maintain a workplace that is free from discrimination and that values all employees. FCA, under the appropriate laws and regulations, will:

- Ensure equal employment opportunity based on merit and qualification, without discrimination because of race, color, religion, sex, age, national origin, disability, sexual orientation, status as a parent, genetic information, or filing of a complaint, participation in discrimination or harassment complaint proceedings, or other opposition to discrimination;
- Provide for the prompt and fair consideration of complaints of discrimination;
- Make reasonable accommodations for qualified applicants for employment and employees with physical or mental disabilities under law;
- Make reasonable accommodations based on applicants' and employees' religious beliefs or practices, consistent with Title VII;
- Provide an environment free from harassment to all employees;
- Create and maintain an organizational culture that recognizes, values, and supports employee and public diversity and inclusion;
- Develop objectives within the Agency's operation and strategic planning process to meet the goals of EEOD and this policy;
- Implement affirmative programs to carry out this policy within the Agency; and
- To the extent practicable, seek to encourage the Farm Credit System to continue its efforts to promote and increase diversity.

*DIVERSITY AND INCLUSION*

The FCA intends to be a model employer. That is, as far as possible, FCA will build and maintain a workforce that reflects the rich diversity of individual differences evident throughout this Nation. The Board views individual differences as complementary and believes these differences enrich our organization. When individual differences are respected, recognized, and valued, diversity becomes a powerful force that can contribute to achieving superior results. Therefore, we will create, maintain, and continuously improve on an organizational culture that fully recognizes, values, and supports employee diversity. The Board is committed to promoting and supporting an inclusive environment that provides to all employees, individually and collectively, the chance to work to their full potential in the pursuit of the Agency's mission. We will provide everyone the opportunity to develop to his or her fullest potential. When a barrier to someone achieving this goal exists, we will strive to remove this barrier.

*AFFIRMATIVE EMPLOYMENT*

The Board reaffirms its commitment to ensuring FCA conducts all of its employment practices in a nondiscriminatory manner. The Board expects full cooperation and support from everyone associated with recruitment, selection, development, and promotion to ensure such actions are free of discrimination. All employees will be evaluated on their EEOD achievements as part of their overall job performance. Though staff commitment is important, the role of supervisors is paramount to success. Agency supervisors must be coaches and are responsible for helping all employees develop their talents and give their best efforts in contributing to the mission of the FCA.

*WORKPLACE HARASSMENT*

It is the policy of the FCA to provide a work environment free from unlawful discrimination in any form, and to protect all employees from any form of harassment, either physical or verbal. The FCA will not tolerate harassment in

the workplace for any reason. The FCA also will not tolerate retaliation against any employee for reporting harassment or for aiding in any inquiry about reporting harassment.

*DISABLED VETERANS AFFIRMATIVE ACTION PROGRAM (DVAAP)*

A disabled veteran is defined as someone who is entitled to compensation under the laws administered by the Veterans Administration or someone who was discharged or released from active duty because of a service-connected disability.

The FCA is committed to increasing the representation of disabled veterans within its organization. Our Nation owes a debt to those veterans who served their country, especially those who were disabled because of service. To honor these disabled veterans, the FCA shall place emphasis on making vacancies known to and providing opportunities for employing disabled veterans.

Dated this 20th day of August, 2014.

By order of the Board.

**Dale L. Aultman,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 2014–20283 Filed 8–25–14; 8:45 am]

**BILLING CODE 6705–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before October 27, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

**SUPPLEMENTARY INFORMATION:** *OMB Control Number:* 3060–0341.

*Title:* Section 73.1680, Emergency Antennas.

*Form Number:* Not applicable.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities; not-for-profit institutions.

*Number of Respondents and Responses:* 142 respondents; 142 responses.

*Estimated Time per Response:* 1 hour.

*Frequency of Response:* On occasion reporting requirement.

*Total Annual Burden:* 142 hours.

*Total Annual Costs:* $42,600.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Section 154(i) of the Communications Act of 1934, as amended.

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Privacy Impact Assessment(s):* No impact(s).

*Needs and Uses:* 47 CFR 73.1680 requires that licensees of AM, FM or TV stations submit an informal request to the FCC (within 24 hours of commencement of use) to continue operation with an emergency antenna. An emergency antenna is one that is erected for temporary use after the authorized main and auxiliary antennas are damaged and cannot be used. FCC staff uses the data to ensure that interference is not caused to other existing stations.

Federal Communications Commission.

**Gloria J. Miles,**

*Federal Register Liaison, Office of the Secretary, Office of the Managing Director.*

[FR Doc. 2014–20250 Filed 8–25–14; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### Information Collection Being Submitted to the Office of Management and Budget for Review and Approval

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before September 25, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should

advise the FCC contact listed below as soon as possible.

**ADDRESSES:** Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Benish Shah, Federal Communications Commission, via the Internet at *Benish.Shah@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

**FOR FURTHER INFORMATION CONTACT:** Benish Shah, Office of Managing Director, (202) 418–7866.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060–1080.

*Title:* Improving Public Safety Communications in the 800 MHz Band.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities; and State, local or tribal governments.

*Number of Respondents:* 670 respondents; 3,118 responses.

*Estimated Time per Response:* 4.5 hours (range of 30 minutes to 10 hours).

*Frequency of Response:* On occasion reporting requirement and third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154, 160, 251–254, 303, and 332.

*Total Annual Burden:* 10,691 hours.

*Total Annual Cost:* $48,800.

*Privacy Impact Assessment:* N/A.

*Nature and Extent of Confidentiality:* The Commission will work with respondents to ensure that their concerns regarding the confidentiality of any proprietary or public safety-sensitive information are resolved in a manner consistent with the Commission's rules. See 47 CFR 0.459.

*Needs and Uses:* The Commission will submit this expiring information collection to the Office of Management Budget (OMB) after this 60 day comment period in order to obtain the full three year clearance from them. The Commission is requesting OMB approval for an extension of this information collection. The information sought will assist 800 MHz licensees in preventing or resolving interference and enable the Commission to implement its rebanding program. Under that program, certain licensees are being relocated to new frequencies in the 800 MHz band, with all rebanding costs paid by Sprint Nextel Corporation (Sprint). The Commission's overarching objective in this proceeding is to eliminate interference to public safety communications. The Commission's orders provided for the 800 MHz licensees in non-border areas to complete rebanding by June 26, 2008. This completion date was not met and the Commission orders also provide for rebanding to be completed in the areas along the U.S. borders with Canada and Mexico.

Federal Communications Commission.

**Gloria J. Miles,**

*Federal Register Liaison, Office of the Secretary, Office of the Managing Director.*

[FR Doc. 2014–20245 Filed 8–25–14; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

### Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before October 27, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060–1047.

*Title:* Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, FCC 03–112.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities; Not-for-profit entities; State, local or tribal government.

*Number of Respondents and Responses:* 20 respondents; 20 responses.

*Estimated Time per Response:* 5 hours.

*Frequency of Response:* Recordkeeping requirement.

*Obligation to Respond:* Required to obtain or retain benefit. The statutory authority for this collection is found at section 225 of the Act, 47 U.S.C. 225. The law was enacted on July 26, 1990, as Title IV of the Americans with Disabilities Act (ADA), Public Law 101–336, 104 Stat. 327, 366–69.

*Total Annual Burden:* 100 hours.

*Total Annual Cost:* $200.

*Nature and Extent of Confidentiality:* An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information (PII) from individuals.

*Privacy Impact Assessment:* No impact(s).

*Needs and Uses:* On June 17, 2011, the Commission released the *Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Americans with Disabilities Act of 1990,* CC Docket No. 98–67, CG Docket No. 10–123, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, published at 68 FR 50993, August 25, 2003 and published at 68 FR 50973, August 25, 2003, adopting additional requirements related to the substance and implementation of TRS mandatory minimum standards. In 47 CFR 64.604(a)(3), the Commission required

TRS facilities to provide speed dialing functionality, that entails providers maintaining a list of telephone numbers, which imposes an annual recordkeeping requirement under the PRA.

Federal Communications Commission.

**Gloria J. Miles,**

*Federal Register Liaison, Office of the Secretary, Office of the Managing Director.*

[FR Doc. 2014–20247 Filed 8–25–14; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before October 27, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060–0331.

*Title:* Aeronautical Frequency Notification, FCC Form 321.

*Form Number:* FCC Form 321.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities; not-for-profit institutions.

*Number of Respondents and Responses:* 1,940 respondents; 1,940 responses.

*Estimated Time per Response:* 0.67 hours (40 minutes).

*Frequency of Response:* One-time and on occasion reporting requirements.

*Total Annual Burden:* 1,300 hours.

*Total Annual Costs:* $126,100.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 301, 303, 308, 309 and 621 of the Communications Act of 1934, as amended.

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Privacy Impact Assessment(s):* No impact(s).

*Needs and Uses:* The FCC Form 321 is the means by which multichannel video programming distributors obtain authority to commence operation of a system on frequencies used by aeronautical services. The information is used to protect aeronautical radio communications from interference.

*OMB Control Number:* 3060–0569.

*Title:* Section 76.975, Commercial leased access dispute resolution.

*Form Number:* Not applicable.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit; State, Local or Tribal Government.

*Number of Respondents and Responses:* 60 respondents; 60 responses.

*Estimated Time per Response:* 4 to 40 hours.

*Frequency of Response:* Third party disclosure requirement; On occasion reporting requirement.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 154(i) and 612 of the Communications Act of 1934, as amended.

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Total Annual Burden:* 1,320 hours.

*Total Annual Cost:* $24,000.

*Privacy Act Impact Assessment:* No impact(s).

*Needs and Uses:* 47 CFR 76.975 permits any person aggrieved by the failure or refusal of a cable operator to make commercial channel capacity available or to charge rates for such capacity in accordance with the provisions of Title VI of the Communications Act of 1934 may file a petition for relief with the Commission.

Federal Communications Commission.

**Gloria J. Miles,**

*Federal Register Liaison, Office of the Secretary, Office of the Managing Director.*

[FR Doc. 2014–20246 Filed 8–25–14; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

**[Document Identifier: HHS–OS0990–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 27, 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.

*Comment Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

*Information Collection Request Title:* Tissue and Organ Donor Epidemiology Study (TODES), OMB # 0990–New request, Office of the Assistant Secretary for Health.

*Abstract:* This Study is a request for a new data collection OMB Number: 0990–New TODES is being conducted in order to better understand the impact of donor screening and selection procedures, and to determine the extent of donor-donation level data that are collected for organ and tissue (including ocular) donors. The data that are obtained from Organ Procurement Organizations (OPOs) and Eye Banks will provide a better characterization of the deceased donor pool; information regarding data management and storage practices; and a measure of the degree of standardization of data collected by various organizations across the U.S. TODES may provide better estimates of the risk of HIV, HBV and HCV infections associated with organ and tissue transplantation and the potential for disease transmission; illustrate differences in laboratory screening methods and the impact of protocol variations; and serve as a pilot for future studies. This retrospective study will provide a framework for future, prospective studies of organ and tissue donors that could inform policy decisions regarding donor qualification procedures and, potentially, increase the donor pool.

A workshop in June 2005 (''Preventing Organ and Tissue Allograft-Transmitted Infection: Priorities for Public Health Intervention'') identified gaps in organ and tissue safety in the United States.1 Participants developed a series of allograft safety initiatives, assessed progress, and identified priorities for future interventions. Despite progress, improved recognition and prevention of donor-derived transmission events is needed. It was concluded that this requires systems integration across the organ and tissue transplantation communities including organ procurement organizations, eye and tissue banks, and transplant infectious disease experts. Commitment of resources and improved coordination of efforts are required to develop essential tools to enhance safety for transplant recipients.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondents | Number of respondents | Number of responses per respondent | Average burden per response (in hours) | Total annual burden hours |
|---|---|---|---|---|
| OPOs | 17 | 1 | 85/60 | 24.1 |
| Eye Banks | 7 | 1 | 55/60 | 6.4 |
| Total | | | | 30.5 |

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. 2014–20193 Filed 8–25–14; 8:45 am]

**BILLING CODE 4150–28–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Committee on Vital and Health Statistics: Meeting Full Committee

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

*Name:* National Committee on Vital and Health Statistics (NCVHS), Full Committee Meeting.

*Time and Date:*

September 22, 2014, 9:00 a.m.–5:45 p.m. EDT

September 23, 2014, 8:00 a.m.–12:00 p.m. EDT

*Place:* Centers for Disease Control and Prevention, National Center for Health Statistics, 3311 Toledo Road, Auditorium A & B, Hyattsville, Maryland 20782, (301) 458–4524.

*Status:* Open.

*Purpose:* The purpose of this meeting is to receive updates from Departmental Liaisons and discuss potential collaborative activities and projects within HHS. The Committee will review action items pertaining to ASC X12N XML Schema; Virtual Cards/Credit Cards; UDI in Administrative Transactions; Health Plan ID, Attachments; and ICD–10, as well as a Health Data Stewardship Toolkit. The Committee will also discuss plans for a charge and expectations for tasks associated with a Review Committee on Data Standards. The Population Health Subcommittee will provide an update on plans for the October 27–28 Roundtable on Supporting Community Data Engagement. Finally, the Working Group on HHS Data Access and Use will continue strategic discussions on usability, use, and usefulness of health data.

The times shown above are for the full Committee meeting. Subcommittee issues will be included as part of the Full Committee schedule.

*Contact Person for More Information:* Substantive program information may be obtained from Debbie M. Jackson, Acting Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Room 2339, Hyattsville, Maryland 20782, telephone (301) 458–4614. Summaries of meetings and a roster of committee members are available on the NCVHS home page of the HHS Web site: *http://www.ncvhs.hhs.gov/,* where further information including an agenda will be posted when available.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (301) 458–4EEO (4336) as soon as possible.

Dated: August 20, 2014.

**James Scanlon,**

*Deputy Assistant Secretary for Planning and Evaluation (Science and Data Policy), Office of the Assistant Secretary for Planning and Evaluation.*

[FR Doc. 2014–20328 Filed 8–25–14; 8:45 am]

**BILLING CODE 4150–05–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifier: CMS–R–21, CMS–R–148, CMS–381 and CMS–10515]**

### 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 25, 2014:

**ADDRESSES:** When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806, or Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*
3. Call the Reports Clearance Office at (410) 786–1326.

**FOR FURTHER INFORMATION CONTACT:** Reports Clearance Office at (410) 786–1326.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Withholding Medicare Payments to Recover Medicaid Overpayments and Supporting Regulations in 42 CFR 447.31; *Use:* Certain Medicaid providers that are subject to offsets for the collection of Medicaid overpayments may terminate or substantially reduce their participation in Medicaid, leaving the state Medicaid agency unable to recover the amounts due. Recovery procedures allow for determining the amount of overpayments and offsetting the overpayments by withholding the provider's Medicare payments. To effectuate the withholding, the state agency must provide their respective CMS regional office with certain documentation that identifies the provider and the Medicaid overpayment amount. The agency must also demonstrate that the provider was notified of the overpayment and that demand for the overpayment was made. An opportunity to appeal the overpayment determination must be afforded to the provider by the Medicaid state agency. Lastly, Medicaid state agencies must notify CMS when to terminate the withholding. *Form Number:* CMS–R–21 (OMB control number: 0938–0287); *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 54; *Total Annual Responses:* 27; *Total Annual Hours:* 81. (For policy questions regarding this collection contact Stuart Goldstein at 410–786–0694).

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Limitations on Provider Related Donations and Health Care Related Taxes; Limitation on Payment to Disproportionate Share Hospitals; *Use:* States may request a waiver of the broad based and uniformity tax program requirements. Each state must demonstrate that its tax program(s) do not violate the hold harmless provision. Additionally, state Medicaid agencies must report (quarterly) on health care related taxes collected and the source of provider related donations received by the state or unit of local government. Each state must maintain, in readily reviewable form, supporting documentation that provides a detailed description of each donation and tax program being reported, as well as the source and use of all donations received and collected. Without this information, the amount of Federal financial participation payable to a state cannot be determined. *Form Number:* CMS–R–148 (OMB control number: 0938–0618); *Frequency:* Quarterly and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 50; *Total Annual Responses:* 40; *Total Annual Hours:* 3,200. (For policy questions regarding this collection contact Stuart Goldstein at 410–786–0694).

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Identification of Extension Units of Medicare Approved Outpatient Physical Therapy/Outpatient Speech Pathology (OPT/OSP) Providers and Supporting Regulations; *Use:* The provider uses the form to report to the state survey agency extension locations that it has added since the date of last report. The form is used by the state survey agencies and by our regional offices to identify and monitor extension locations to ensure their compliance with the federal requirements for the providers of outpatient physical therapy and speech-language pathology services. *Form Number:* CMS–381 (OMB control number: 0938–0273); *Frequency:* Annually; *Affected Public:* Private Sector; Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 2,260; *Total Annual Responses:* 2,260; *Total Annual Hours:* 565. (For policy questions regarding this collection contact James Cowher at 410–786–1948.)

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Payment Collection Operations Contingency Plan Under sections 1401, 1411, and 1412 of the Affordable Care Act and 45 CFR part 155 subpart D; *Use:* An Exchange makes an advance determination of tax credit

eligibility for individuals who enroll in Qualified Health Plan (QHP) coverage through the Exchange and seek financial assistance. Using information available at the time of enrollment, the Exchange determines whether the individual meets the income and other requirements for advance payments and the amount of the advance payments that can be used to pay premiums. Advance payments are made periodically under section 1412 of the Affordable Care Act to the issuer of the QHP in which the individual enrolls. Section 1402 of the Affordable Care Act provides for the reduction of cost sharing for certain individuals enrolled in a QHP through an Exchange, and section 1412 of the Affordable Care Act provides for the advance payment of these reductions to issuers. The statute directs issuers to reduce cost sharing for essential health benefits for individuals with household incomes between 100 and 400 percent of the Federal poverty level (FPL) who are enrolled in a silver level QHP through an individual market Exchange and are eligible for advance payments of the premium tax credit. Health insurance issuers will manually enter enrollment and payment data into a Microsoft Excel-based spreadsheet, and submit the information to HHS.

The data collection will be used by HHS to make payments or collect charges from issuers under the following programs: Advance payments of the premium tax credit, advanced cost-sharing reductions, and Marketplace user fees. HHS will use the information collected to make payments and collect charges in January 2014 and for a number of months thereafter, as may be required based on HHS's operational progress. *Form Number:* CMS–10515 (OMB control number: 0938–1217); *Frequency:* Monthly; *Affected Public:* Private sector (Business or other for-profits and not-for-profit institutions); *Number of Respondents:* 575; *Total Annual Responses:* 7,475; *Total Annual Hours:* 94,373. (For policy questions regarding this collection contact Jaya Ghildiyal at 301–492–5149).

Dated: August 21, 2014.

**Martique Jones,**

*Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2014–20255 Filed 8–25–14; 8:45 am]

BILLING CODE 4120–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Submission for OMB Review; Comment Request

*Title:* Social Services Block Grant (SSBG) Post-expenditure Report.

*OMB No.:* 0970–0234.

**Description**

*Purpose:* To request approval to: (1) Reinstate and extend the collection of post-expenditure data using the current OMB approved post-expenditure reporting form (OMB No. 0970–0234) past the current expiration date of July 1, 2014; and (2) to request that States continue to voluntarily submit estimated pre-expenditure and recipient data using the post-expenditure reporting form, as part of the required annual intended use plan.

The Social Services Block Grant program (SSBG) is authorized under Title XX of the Social Security Act, as amended, and is codified at 42 U.S.C. 1397 through 13097e. SSBG provides funds to assist States in delivering critical services to vulnerable older adults, persons with disabilities, at-risk adolescents and young adults, and children and families. SSBG funds are allocated to each State in proportion to their relative population.

Each State is responsible for designing and implementing its own SSBG program to meet the specialized needs of their most vulnerable populations. States may determine what services will be provided, who will be eligible, and how funds will be distributed among the various services. State or local SSBG agencies (i.e., county, city, regional offices) may provide the services or States may purchase services from qualified agencies, organizations, or individuals. States must administer their SSBG program according to their approved intended use plan, along with amendments, and in conformance with their own implementing rules and policies. The Office of Community Services (OCS), Administration for Children and Families administers the SSBG program.

Annually, States are required to submit a pre-expenditure report or intended use plan as a prerequisite to receiving SSBG funds. The pre-expenditure report must include information on the types of services to be supported and the characteristics of individuals to be served. This report is to be submitted 30 days prior to the start of the fiscal year (June 1 if the State operates on a July–June fiscal year, or September 1 if the State operates on a Federal fiscal year). No specific format is required for the intended use plan. States are required to submit a revised intended use plan if the planned use of SSBG funds changes during the year (42 U.S.C. 1397c).

In order to provide a more accurate analysis of the extent to which funds are spent ''in a manner consistent'' with each of the States plan for their use, as required by 42 U.S.C. 1397e(a), ACF continues to request that States voluntarily use the format of the post-expenditure reporting form to provide *estimates* of the amount of expenditures and the number of recipients, by service category, as part of the State's intended use plan. Most of the States are currently using the format of the post-expenditure reporting form to report estimated expenditures and recipients, by service category, as part of their intended use plan.

On annual basis, States also are required to submit a post-expenditure report that details their use of SSBG funds in each of 29 service categories. States are required to submit their post-expenditure report within six months of the end of the period covered by the report. The post-expenditure report must address: (1) The number of individuals (including number of children and number of adults) who receive services paid for, in whole or in part, with Federal funds under the SSBG; (2) The amount of SSBG funds spent in providing each service; (3) The total amount of Federal, State, and local funds spent in providing each service, including SSBG funds; and (4) The method(s) by which each service is provided, showing separately the services provided by public and private agencies (42 U.S.C. 1397e; 42 CFR 96.74).

This request seeks approval to reinstate and continue the use of the current OMB approved post-expenditure reporting form (OMB No. 0970–0234) for estimating expenditures and recipients as part of States' intended use plans and for annual post-expenditure reporting. Until recently, States reported the data on the post-expenditure reporting form in Microsoft Excel™ and submitted it to ACF, via email. Beginning in 2013, States can complete the current reporting form on the SSBG Portal. The SSBG Portal is a secure web-based data portal. The SSBG Portal allows for more efficient data submission without increasing the overall burden on States. It provides a user-friendly means for States to submit and access their pre-expenditure and post-expenditure and recipient data.

Information collected in the post-expenditure reports submitted by States is analyzed and described in an annual report on SSBG expenditures and recipients produced by the Office of Community Services (OCS), Administration for Children and Families (ACF). The information contained in this report is used for program planning and management. The data establish how SSBG funding is used for the provision of services in each State to each of the many specific populations of vulnerable children and adults.

The data is also analyzed to determine the performance of States' in meeting the SSBG program performance measures developed to meet the requirements of the Government Performance and Results Act of 1993(GPRA), as amended by the GPRA Modernization Act of 2010.[1] GPRA requires all Federal agencies to develop measurable performance goals.

The SSBG program currently has an administrative costs efficiency measure which is intended to decrease the percentage of SSBG funds identified as administrative costs in the post-expenditure reports.[2] The SSBG program is also implementing a new performance measure designed to ensure that SSBG funds are spend effectively and efficiently while maintaining the program's intrinsic flexibility as a block grants. The performance measure will assess the degree to which States spend SSBG funds in a manner consistent with their intended use, as required by Federal law.[3] It will be used to determine how well States are doing overall in minimizing variance between projected and actual expenditures of SSBG funds. This program measure will be fully implemented for SSBG program data submitted for fiscal year 2013.

Respondents: The post-expenditure reporting form and intended use plan are completed once annually by a representative of the agency that administers the Social Services Block Grant at the State level in each State. Respondents include the 50 States, the District of Columbia, and Puerto Rico.

ANNUAL BURDEN ESTIMATES

| Instrument | Number of respondents * | Number of responses per respondent | Average burden hours per response | Total burden hours |
|---|---|---|---|---|
| Post-Expenditure Reporting Form | 56 | 1 | 110 | 6,160 |
| Use of Post-Expenditure Reporting Form as Part of the Intended Use Plan | 56 | 1 | 2 | 112 |
| Estimated Total Annual Burden Hours: | | | | 6,272 |

** Respondents include the 50 States, the District of Columbia, Puerto Rico, Guam, American Samoa, Northern Mariana Islands, and Virgin Islands.*

**Additional Information**

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

**OMB Comment**

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. 2014–20178 Filed 8–25–14; 8:45 am]

**BILLING CODE 4184–01–P**

[1] Pub. L. 11–352; 31 U.S.C. 1115(b)(10).

[2] U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services. (2007, June). *Implementing a new performance measure to enhance efficiency* (Information Memorandum Transmittal No. 04–2007). Available from *http://archive.acf.hhs.gov/programs/ocs/ssbg/procedures/ssbg_im_04_2007.html.*

[3] 42. U.S.C. 1397e(a); U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services. (2012, February). *Implementation of a new performance measure* (Information Memorandum Transmittal No. 01–2012). Available from *http://www.acf.hhs.gov/programs/ocs/resource/implementation-of-a-new-performance-measure.*

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2014–N–0001]**

### Circulatory System Devices Panel of the Medical Devices 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:* Circulatory System Devices Panel of the Medical Devices 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 October 8, 2014, from 8 a.m. to 6 p.m. and on October 9, 2014, from 8 a.m. to 12:30 p.m.

*Location:* Hilton Washington DC North/Gaithersburg, Salons A, B, C, and D, 620 Perry Pkwy., Gaithersburg, MD 20877. The hotel telephone number is 301–977–8900.

*Contact Person:* Jamie Waterhouse, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1611, Silver Spring, MD 20993–0002, 301–796–3063, *Jamie.Waterhouse@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:* On October 8, the committee will discuss, make recommendations and vote on information related to the premarket approval application regarding the Boston Scientific Corporation's WATCHMAN Left Atrial Appendage (LAA) Closure Technology. FDA is seeking committee review and recommendations regarding new clinical data and associated additional adverse events including stroke that have become available since the previous advisory committee meeting on the WATCHMAN device, which was held December 11, 2013. The WATCHMAN LAA Closure Technology is a percutaneously delivered permanent cardiac implant placed in the left atrial appendage. This device is indicated to prevent thromboembolism (TE) from the left atrial appendage. It may be considered for use in patients with non-valvular atrial fibrillation who are eligible for warfarin therapy to reduce the risk of stroke and systemic embolism based on $CHADS_2$ (congestive heart failure, hypertension, age >75 years, diabetes, and prior stroke or transient ischemic attack (TIA)) or $CHA_2DS_2$-VASc (congestive heart failure, hypertension, age >75 years, diabetes mellitus, stroke/TIA/TE, vascular disease, age 65–74, and sex category) scores.

On October 9, the committee will discuss and make recommendations regarding the classification of more-than-minimally manipulated allograft heart valves (MMM Allograft HVs). A MMM Allograft HV is a human valve or valved conduit that has been aseptically recovered from qualified donors, dissected free from the human heart, and then subjected to a manufacturing process(es) that alters the original relevant characteristics of the tissue (21 CFR 1271.3(f), 21 CFR 1271.10(a)(1), and 21 CFR 1271.20). The valve is then stored until needed by a recipient. An example of such a manufacturing process is one that intentionally removes the cells and cellular debris with the goal of reducing in vivo antigenicity.

MMM Allograft HVs are considered preamendment devices because they were found substantially equivalent to devices in commercial distribution prior to May 28, 1976, when the Medical Device Amendments became effective. MMM Allograft HVs are currently regulated under Product Code OHA, ''Heart Valve, More than Minimally Manipulated Allograft,'' as unclassified devices and reviewed under the premarket notification, 510(k), authority (21 CFR part 807). FDA is seeking committee input on the safety and effectiveness of MMM Allograft HVs and the regulatory classification for MMM Allograft HVs.

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 September 30, 2014. On October 8, oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. On October 9, oral presentations from the public will be scheduled between approximately 9:45 a.m. and 10:15 a.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 September 22, 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 September 24, 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 AnnMarie Williams, Conference Management Staff, 301–796–5966, *Annmarie.Williams@fda.hhs.gov* 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 20, 2014.

**Peter Lurie,**

*Associate Commissioner for Policy and Planning.*

[FR Doc. 2014–20165 Filed 8–25–14; 8:45 am]

BILLING CODE 4164–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

**DATES:** Comments on this ICR should be received no later than September 25, 2014.

**ADDRESSES:** Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

**FOR FURTHER INFORMATION CONTACT:** To request a copy of the clearance requests submitted to OMB for review, email the

HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

**SUPPLEMENTARY INFORMATION:**

*Information Collection Request Title:* AIDS Drug Assistance Program Data Report OMB No. 0915–0345—Revision.

*Abstract:* HRSA's AIDS Drug Assistance Program (ADAP) is funded through The Ryan White HIV/AIDS Program, Part B, Title XXVI of the Public Health Service Act, which provides grants to states and territories. ADAP provides medications for the treatment of HIV/AIDS. Program funds may also be used to purchase health insurance for eligible clients and for services that enhance access, adherence, and monitoring of drug treatments.

Each of the 50 states, the District of Columbia, Puerto Rico, and several territories receive ADAP grants. As part of the funding requirements, ADAPs submit reports concerning information on patients served; eligibility requirements; pharmaceuticals prescribed; and pricing and other sources of support to provide AIDS medication treatment, cost data, and coordination with Medicaid. Since 2005, ADAPs have supplied aggregate data to HRSA using the ADAP Quarterly Report (AQR). However, aggregate data cannot be analyzed with the detail that is required to assess quality of care or to sufficiently account for the use of Ryan White HIV/AIDS Program Funds. To address this limitation, HRSA's HIV/AIDS Bureau (HAB) developed a client-level data system for ADAPs called the ADAP Data Report (ADR), and in 2013, ADAPs began submitting the ADR. As of April 30, 2104, HAB retired the AQR and now only requires the submission of the ADR. The ADR will be submitted annually and consists of a Grantee Report and a client-level data file.

*Need and Proposed Use of the Information:* The Ryan White HIV/AIDS Program requires the submission of annual reports by the Secretary of the Department of Health and Human Services (HHS) to the appropriate committees of Congress. The collection of grantee-level and client level data enables HRSA to more effectively respond to requests from the Secretary of HHS. In addition, client-level information is needed by HRSA in order to respond to the request for reviews of program performance and information for strategic planning. Client-level data is also needed to support the implementation and monitoring of the National HIV/AIDS Strategy (NHAS).

On April 11, 2012, a memo from the Secretary of HHS directed the Health Resources and Services Administration (HRSA) along with other Health and Human Services Operating Divisions (OpDivs) to work together to: (1) Identify seven common core HIV/AIDS indicators; (2) develop implementation plans to deploy these indicators; and (3) streamline data collection; and reduce reporting by at least 20 to 25 percent. In November 2012, the HIV/AIDS Indicators Implementation Group (HAIIG), comprised of representatives from HHS OpDivs, the Department of Housing and Urban Development, the Veterans' Health Administration, and community partners successfully identified the required common core HIV/AIDS indicators.

Revisions to the ADR are required to support implementation of the core indicators, streamlining data collection and reducing reporting burden. Eleven data elements will be deleted from the ADR and several variables were modified to reduce reporting burden. *Sex at Birth,* defined as the biological sex assigned to the client at birth, will be added to align with variables collected by other HHS OpDivs. *Type of ADAP-funded insurance assistance received* will also be added to track ADAP's payment of full or partial premium and co-pays and deductibles.

In addition to the new data elements noted above, other new variables will be added to the ADR address provisions set forth in Section 4302 of the Affordable Care Act (ACA). The ACA includes several provisions aimed at eliminating health disparities in America. Section 4302 (Understanding health disparities: Data collection and analysis) of the ACA focuses on the standardization, collection, analysis, and reporting of health disparities data. Section 4302 requires the Secretary of HHS to establish data collection standards for race, ethnicity, and sex. The race/ethnicity data elements include reporting of Hispanic, Asian, and Native Hawaiian/Pacific Islander subgroups. The categories for HHS data standards for race and ethnicity are based on the disaggregation of the OMB standard used in the American Community Survey and the 2000 and 2010 Decennial Census. The subgroup categories can be rolled-up to the OMB standard. These new data elements will be used in data analysis intended to identify and understand health disparities.

*Likely Respondents:* State ADAPs of Ryan White Part B grantees.

*Burden Statement:* Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

| Form name | Number of respondents | Number of responses per respondent | Total responses | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|---|
| Grantee Report | 54 | 1 | 54 | 6 | 324 |
| Client-level Report | 54 | 1 | 54 | 81 | 4,374 |
| Total | | | | 87 | 4,698 |

Dated: August 19, 2014.

**Jackie Painter,**

*Acting Director, Division of Policy and Information Coordination.*

[FR Doc. 2014–20318 Filed 8–25–14; 8:45 am]

BILLING CODE 4165–15–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### National Advisory Council on Migrant Health; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given of the following meeting:

*Name:* National Advisory Council on Migrant Health

*Dates and Times:* October 22, 2014, 8:00 a.m. to 5:00 p.m. October 23, 2014, 8:00 a.m. to 5:00 p.m.

*Place:* Sheraton Pittsburgh Hotel at Station Square, 300 W Station Square Drive, Pittsburgh, Pennsylvania 15219, Telephone: 412–261–2000, Fax: 412–261–2932.

*Status:* The meeting will be open to the public.

*Purpose:* The purpose of the meeting is to discuss services and issues related to the health of migratory and seasonal agricultural workers and their families and to formulate recommendations for the Secretary of Health and Human Services.

*Agenda:* The agenda includes an overview of the Council's general business activities. The Council will also hear presentations from experts on agricultural worker issues, including the status of agricultural worker health at the local and national levels.

In addition, the Council will be holding a public hearing at which migratory and seasonal agricultural workers will have the opportunity to testify before the Council regarding matters that affect the health of migratory and seasonal agricultural workers. The hearing is scheduled for Wednesday, October 22, 2014 from 1:30 p.m. to 4:30 p.m., at the Sheraton Pittsburgh Hotel at Station Square.

Agenda items are subject to change as priorities indicate.

**FOR FURTHER INFORMATION CONTACT:** Gladys Cate, Office of National Assistance and Special Populations, Bureau of Primary Health Care, Health Resources and Services Administration, 5600 Fishers Lane, Room 15–74, Maryland 20857; telephone (301) 594–0367.

Dated: August 19, 2014.

**Jackie Painter,**

*Acting Director, Division of Policy and Information Coordination.*

[FR Doc. 2014–20312 Filed 8–25–14; 8:45 am]

BILLING CODE 4165–15–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Centers for Disease Control and Prevention (CDC)/Health Resources and Services Administration (HRSA) Advisory Committee on HIV, Viral Hepatitis, and Sexually Transmitted Disease (STD) Prevention and Treatment

**AGENCY:** Health Resources and Services Administration (HRSA), HHS.

**ACTION:** Notice; correction.

**SUMMARY:** HRSA is requesting nominations to fill three vacancies on the CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment (CHACHSPT). The action is to provide correction listed under addresses to provide more time for public input.

**FOR FURTHER INFORMATION CONTACT:** Shelley B. Gordon, Public Health, Analyst, HIV/AIDS Bureau, HRSA, 5600 Fishers Lane, Room 7C–26, Rockville, Maryland 20857, email at *sgordon@hrsa.gov,* or telephone at (301) 443–9684.

**Correction**

In the Federal Register, FR 2014–19199 (August 14, 2014), please make the following corrections:

In the **ADDRESSES** Section please change the date all nominations should be submitted by to no later than September 15, 2014.

Dated: August 19, 2014.

**Jackie Painter,**

*Acting Director, Division of Policy and Information Coordination.*

[FR Doc. 2014–20313 Filed 8–25–14; 8:45 am]

BILLING CODE 4165–15–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources AND Services Administration

### National Vaccine Injury Compensation Program; List of Petitions Received

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

**FOR FURTHER INFORMATION CONTACT:** For information about requirements for filing petitions, and the Program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place, NW., Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857; (301) 443–6593.

**SUPPLEMENTARY INFORMATION:** The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at Section 2114 of the PHS Act or as set forth at 42 CFR 100.3, as applicable. This Table lists for each covered childhood vaccine the conditions which may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only

if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on July 1, 2014, through July 31, 2014. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

(a) ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

(b) ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading ''For Further Information Contact''), with a copy to HRSA addressed to Director, Division of Vaccine Injury Compensation Program, Healthcare Systems Bureau, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Dated: August 19, 2014.

**Mary K. Wakefield,**

*Administrator.*

**List of Petitions Filed**

1. Monica Lynn Brooks and William Jake Brooks on behalf of C. B.,Tacoma, Washington, Court of Federal Claims No: 14–0563V
2. Joseph J. Kraus, Kirkland, Washington, Court of Federal Claims No: 14–0568V
3. Phillip Ferguson, Orlando, Florida, Court of Federal Claims No: 14–0571V
4. Cara Brockway on behalf of Hayley Brockway, Marquette, Michigan, Court of Federal Claims No: 14–0572V
5. Penny Rackley, Aurora, Colorado, Court of Federal Claims No: 14–0573V
6. Linda Cothern, Cedar Grove, Wisconsin, Court of Federal Claims No: 14–0574V
7. Gregory Smith, San Leandro, California, Court of Federal Claims No: 14–0576V
8. Gillian Sears, Newcastle, Wyoming, Court of Federal Claims No: 14–0578V
9. Susan Antti on behalf of K. A., Washington, District of Columbia, Court of Federal Claims No: 14–0579V
10. Holly Lasnetski, St. Cloud, Minnesota, Court of Federal Claims No: 14–0580V
11. Ashley Burkart, Benton, Wisconsin, Court of Federal Claims No: 14–0581V
12. Michelle Pond Byars and David Brian Byars on behalf of N. M. M. B., Birmingham, Alabama, Court of Federal Claims No: 14–0583V
13. Jennifer Hoffman and Kevin M. Hoffman on behalf of I. J. H., Pittsburgh, Pennsylvania, Court of Federal Claims No: 14–0584V
14. Deborah N. Cooper, Charlotte, North Carolina, Court of Federal Claims No: 14–0585V
15. Amanda Williams, Conway, Arkansas, Court of Federal Claims No: 14–0591V
16. David Duncan, Christiansburg, Virginia, Court of Federal Claims No: 14–0592V
17. Truong Nguyen on behalf of T. A. N., Orlando, Florida, Court of Federal Claims No: 14–0593V
18. Eric Dubay, Lewiston, Maine, Court of Federal Claims No: 14–0604V
19. Evangelina Avila, Napa, California, Court of Federal Claims No: 14–0605V
20. Leslie Hao on behalf of K. H., McLean, Virginia, Court of Federal Claims No: 14–0606V
21. Nanci Brill, Louisville, Kentucky, Court of Federal Claims No: 14–0607V
22. Christopher Sherman, Boston, Massachusetts, Court of Federal Claims No: 14–0608V
23. Harold Paddlety, Whiteriver, Arizona, Court of Federal Claims No: 14–0609V
24. William Gould, Springfield, Pennsylvania, Court of Federal Claims No: 14–0613V
25. James Mather on behalf of G. L. M., Burton, Michigan, Court of Federal Claims No: 14–0614V
26. Andreas Smirniotis and Angela Smirniotis on behalf of E. S., New York, New York, Court of Federal Claims No: 14–0617V
27. Corinna Carlson on behalf of P. C. B., Atlanta, Georgia, Court of Federal Claims No: 14–0623V
28. Christine L. Tishmack, Bismarck, North Dakota, Court of Federal Claims No: 14–0624V
29. Jessica Ploughe on behalf of Sarah Ploughe, Linwood, New Jersey, Court of Federal Claims No: 14–0626V
30. Matthew Cole, Northlake, Illinois, Court of Federal Claims No: 14–0628V
31. Imrana Mumtaz, Kirkland, Washington, Court of Federal Claims No: 14–0629V
32. Gerald Binkley, Seattle, Washington, Court of Federal Claims No: 14–0630V
33. Richard G. Hoffman, Tukwila, Washington, Court of Federal Claims No: 14–0631V
34. Linda Haft, Lexington, Kentucky, Court of Federal Claims No: 14–0635V
35. Douglas Rettman, Oldsmar, Florida, Court of Federal Claims No: 14–0636V
36. Janet Hoehner, Centerville, Ohio, Court of Federal Claims No: 14–0637V
37. Eric Papenfuss, San Diego, California, Court of Federal Claims No: 14–0638V
38. Mario LePore, Baltimore, Maryland, Court of Federal Claims No: 14–0640V
39. Dipak Choksi, Edison, New Jersey, Court of Federal Claims No: 14–0641V
40. Samuel Johnson, Overland Park, Kansas, Court of Federal Claims No: 14–0642V

41. Darrell Maukonen, The Villages, Florida, Court of Federal Claims No: 14–0648V
42. John Poh, Bainbridge Island, Washington, Court of Federal Claims No: 14–0649V
43. Ashley M. Pietro, Linwood, New Jersey, Court of Federal Claims No: 14–0652V
44. June Reed on behalf of M. C., Shreveport, Louisiana, Court of Federal Claims No: 14–0653V
45. Karen Woolley, Buena Vista, California, Court of Federal Claims No: 14–0654V
46. George Seaberg and Darla Seaberg on behalf of Calan Seaberg, Dallas, Texas, Court of Federal Claims No: 14–0655V
47. Stephanie Kuhn on behalf of L. K., Augusta, Georgia, Court of Federal Claims No: 14–0656V
48. Carrie Hodkinson and Chad Hodkinson on behalf of E. H., New York, New York, Court of Federal Claims No: 14–0660V
49. Patricia Elliott, Groveland, California, Court of Federal Claims No: 14–0661V
50. Gretchen Brady Ebright, Hummelstown, Pennsylvania, Court of Federal Claims No: 14–0662V
51. Carl Silvestri and Susan Silvestri on behalf of S. S., Boston, Massachusetts, Court of Federal Claims No: 14–0666V
52. Jane Goering, Boston, Massachusetts, Court of Federal Claims No: 14–0667V
53. Aimee Deak, Boston, Massachusetts, Court of Federal Claims No: 14–0668V
54. Gaines Hearns, Birmingham, Alabama, Court of Federal Claims No: 14–0669V
55. Larry Scott Pearce, Boston, Massachusetts, Court of Federal Claims No: 14–0670V
56. Lindsey Pelton on behalf of Nickson Law Pelton, Southeast Conyers, Georgia, Court of Federal Claims No: 14–0674V
57. Holly Brannigan on behalf of K. B., Piermont, New York, Court of Federal Claims No: 14–0675V
58. Charles Storey, Eugene, Oregon, Court of Federal Claims No: 14–0676V
59. Eddie David Dukes, Summerville, South Carolina, Court of Federal Claims No: 14–0677V
60. Shirley Darlene Pardue, Chattanooga, Tennessee, Court of Federal Claims No: 14–0678V
61. Cynthia Rae Torres, Dodge City, Kansas, Court of Federal Claims No: 14–0679V
62. Edward Anthony, Dickinson, Texas, Court of Federal Claims No: 14–0680V
63. Thomas M. Tafoya on behalf of R. T., Deceased, Rio Rancho, New Mexico, Court of Federal Claims No: 14–0683V
64. Darren Rose and Heejin Jinny Rose on behalf of K. R., Tenafly, New Jersey, Court of Federal Claims No: 14–0684V
65. Shirley F. Crookshanks, Richmond, Virginia, Court of Federal Claims No: 14–0685V
66. Marta Garcia, New York, New York, Court of Federal Claims No: 14–0688V

[FR Doc. 2014–20310 Filed 8–25–14; 8:45 am]

BILLING CODE 4165–15–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Proposed Collection; 60-day Comment Request; Outcome Evaluation of the Broadening Experiences in Scientific Training (BEST) Program

**SUMMARY:** In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Office of Strategic Coordination (OSC), Division of Program Coordination, Planning, and Strategic Initiatives (DPCPSI), Office of the Director (OD), the National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function 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.

*To Submit Comments and For Further Information:* To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Dr. Patricia Labosky, Office of Strategic Coordination, Division of Program Coordination, Planning, and Strategic Initiatives, Office of the Director, NIH, 1 Center Drive, MSC 0189, Building 1, Room 214A, Bethesda, MD 20892–0189; or call 301–594–4863; or email your request, including your address to: *Workforce_Award@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

**DATES:** *Comment Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

*Proposed Collection:* Outcome Evaluation of the Broadening Experiences in Scientific Training (BEST) Program, 0925-New, Office of Strategic Coordination, Division of Program Coordination, Planning, and Strategic Initiatives, Office of the Director, National Institutes of Health (NIH).

*Need and Use of Information Collection:* The goal of the BEST program is to complement and broaden both doctoral and postdoctoral traditional training experiences. The evaluation study will assess three desired outcomes of the BEST Program: (1) Changes in understanding of career opportunities, confidence to make career decisions, and attitudes towards career opportunities; (2) reduction in time desired, not training, nonterminal career opportunities, and reduction in time in postdoctoral positions; (3) creation/further development of institutional infrastructure to continue BEST-like activities. The findings will be used to (1) inform the NIH Director, the BEST program staff, and the biomedical training community on the outcomes of the program; and (2) disseminate best practices across biomedical training programs and the research community.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The estimated annualized burden hours are 16,502.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondents | Number of respondents | Frequency of response | Average burden per response (in hours) | Annual hour burden |
|---|---|---|---|---|
| Graduate Student—Entrance Survey (online survey) | 5,901 | 1 | 45/60 | 4,426 |
| Graduate Student—Interim Survey (online survey) | 14,753 | 1 | 20/60 | 4,918 |
| Graduate Student—Graduation Survey (online survey) | 3,934 | 1 | 20/60 | 1,311 |
| Graduate Student—Post-graduation 2-year Follow-up Survey (online survey) | 3,934 | 1 | 20/60 | 1,311 |
| Postdoctoral Scientist—Entrance Survey (online survey) | 3,777 | 1 | 45/60 | 2,833 |
| Postdoctoral Scientist—Exit Survey (online survey) | 2,518 | 1 | 20/60 | 839 |
| Postdoctoral Scientist—Post-exit 2-year Follow-up Survey (online survey) | 2,518 | 1 | 20/60 | 839 |
| Principal Investigators—Annual Interview (phone—end of each year of award ) | 25 | 1 | 1 | 25 |

Dated: August 20, 2014.

**Lawrence A. Tabak,**

*Deputy Director, National Institutes of Health.*

[FR Doc. 2014–20268 Filed 8–25–14; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Government-Owned Inventions; Availability for Licensing

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

**FOR FURTHER INFORMATION CONTACT:** Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

**SUPPLEMENTARY INFORMATION:** Technology descriptions follow.

### A Rabbit Anti-pT1989 ATR Monoclonal Antibody for Use in Immunoassays

*Description of Technology:* This technology concerns a novel monoclonal antibody for selecting new anti-cancer compounds.

The active form of ATR (ataxia telangiectasia-mutated and Rad3-related) kinase is phosphorylated at Threonine 1989 site (T1989). The monoclonal antibody binds the phosphorylated Threonine 1989 (T1989). The phosphorylated ATR senses DNA damage response and leads to cell cycle arrest. Targeting at ATR, anti-cancer drugs may induce cancer cell death.

This technology can be applied into stable and immunoassays on multiple platforms for measuring ATR activation and inhibition and may inform therapeutic decisions for cancer treatment.

*Potential Commercial Applications:*

- Antibody specifically against phosphorylated ATR (at T1989 site).
- Application in assays to develop personalized medicine for pT1989 ATR-related disease.
- Application in assays for selecting measuring ATR modulation.
- Application in assays for selecting ATR inhibitors.

*Competitive Advantages:*

- Novel antibody against ATR phosphorylated at T1989.
- Possibility to establish stable and effective immunoassays to select drugs specifically targeting ATR.
- Works in western blot and IFA applications on crude (unenriched) cell lysates.
- Works in standard processed clinical and preclinical samples.
- Can be used to report drug activity.

*Development Stage:*

- In vitro data available.
- In vivo data available (animal).
- Prototype.

*Inventors:* Thomas D. Pfister (SAIC-Frederick), Allison M. Marrero (SAIC-Frederick), Ralph E. Parchment (SAIC-Frederick), James H. Doroshow (NCI).

*Intellectual Property:* HHS Reference No. E–001–2014/0—US Provisional Application No. 61/893,070 filed 18 Oct 2013.

*Licensing Contact:* Surekha Vathyam, Ph.D.; 301–435–4076; *vathyams@mail.nih.gov.*

### Monitoring the Effects of Sleep Deprivation Using Neuronal Avalanches

*Description of Technology:* Investigators at the National Institute of Mental Health have discovered a novel method for monitoring the effects of sleep deprivation on brain activity. Sleep deprivation has been known to adversely affect basic cognitive abilities, such as object recognition and decision making, even leading to hallucinations and epileptic seizures. This invention measures the degree of sleep deprivation and decrease in behavioral performance directly from resting brain activity. A deviation from optimal avalanche parameters correlates with duration of wakefulness and decrease in performance.

*Potential Commercial Applications:*

- Monitor wakefulness, reaction time.
- Potential application for monitoring sleep-deprived first-responders (e.g., military, EMT, etc.)

*Competitive Advantages:*

- Continuously monitors brain activity.
- Non-invasive.

*Development Stage:*

- In vivo data available (human).
- Prototype.

*Inventors:* Dietmar Plenz (NIMH), Oren Shriki (NIMH), Christian Meisel (NIMH), Giulio Tononi (Univ. Wisconsin).

*Publication:* Meisel C, et al. Fading signatures of critical brain dynamics during sustained wakefulness in humans. J Neurosci. 2013 Oct 30;33(44):17363–72. [PMID 24174669].

*Intellectual Property:* HHS Reference No. E–345–2013/0—US Application No. 61/866,962 filed 16 Aug 2013.

*Related Technologies:* HHS Reference No. E–294–2005/1–

• US Application No. 11/990,419 filed 14 Aug 2006, which issued as US Patent No. 8,548,786 on 01 Oct 2013.
• CA Application No. 2,618,933 filed 14 Aug 2006.
• AU Application No. 2006279572 filed 14 Aug 2006.
• EP Application No. 06813476.6 filed 14 Aug 2006.
• JP Application No. 2008–526298 filed 14 Aug 2006.
• AU Application No. 2013201187 filed 14 Aug 2006.

*Licensing Contact:* Charlene Maddox, Ph.D.; 301–435–4689; *maddoxcs@mail.nih.gov.*

*Collaborative Research Opportunity:* The National Institute of Mental Health is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize this technology. For collaboration opportunities, please contact Suzanne Winfield, Ph.D. at *winfiels@mail.nih.gov.*

**Simple Biosensors Based on Electrical Percolation Biological Semiconductors**

*Description of Technology:* The invention offered for licensing is in the field of biosensors with application in diagnostics and in regulation of implantable biomedical devices. More specifically, it is related to biological semiconductors based on the electrical percolation of single-walled carbon nanotubes (SWNTs). The nanotubes are embedded with biological ligands (e.g., antibodies). The electrical resistance of a semiconducting SWNT is found to dramatically increase upon the actuation by a specific antigen. Measurement of the change in resistance correlates with the concentration of the specific antigen and thus provides for quantitative determination and diagnostics of biological samples. The simple printing fabrication of electrical percolation biological semiconductors (EPBSC) can facilitate assembly of numerous types of gates (e.g., antibodies, DNA, etc.) and print many of such gates on the same chip for the creation of biological CPUs for various biomedical applications, including direct biodetection and regulation of implantable biomedical devices.

*Potential Commercial Applications:*
• Pathogen detection.
• Biomarker targeted diagnostics.
• Point-of-care.
• Food allergens.

*Competitive Advantages:*
• Easy to assemble.
• Detection of multiple analytes.
• Digital signal amplification.
• Stable shelf-life.

*Development Stage:*
• In vitro data available.
• Prototype.

*Inventors:* Avraham Rasooly (NCI), Minghui Yang (Univ. of Maryland, Baltimore), Yordan Kostov (Univ. of Maryland, Baltimore), Hugh Brock (Univ. of Maryland, College Park).

*Publications:*
1. Qu F, et al. Electrochemical biosensing platform using hydrogel prepared from ferrocene modified amino acid as highly efficient immobilization matrix. Anal Chem. 2014 Jan 21;86(2):973–6. [PMID 24383679].
2. Herold KE, Rasooly A. Editorial for ''biosensor technologies''. Methods. 2013 Oct;63(3):201. [PMID 24139786].
3. Bruck HA, et al. Electrical percolation based biosensors. Methods. 2013 Oct;63(3):282–9. [PMID 24041756].
4. Balsam J, et al. Thousand-fold fluorescent signal amplification for mHealth diagnostics. Biosens Bioelectron. 2014 Jan 15;51:1–7. [PMID 23928092].
5. Rasooly A, et al. An ELISA Lab-on-a-Chip (ELISA–LOC). Methods Mol Biol. 2013;949:451–71. [PMID 23329460].

*Intellectual Property:* HHS Reference No. E–040–2009/0–
• US Patent No. 8,614,466 issued 24 Dec 2013.
• Pending European Patent Application 09828144.7.

*Licensing Contact:* Michael Shmilovich, JD; 301–435–5019; *shmilovm@mail.nih.gov.*

**Viral Like Particles Based Chikungunya Vaccines**

*Description of Technology:* Chikungunya virus (CHIKV) is mosquito-borne alphavirus endemic in Africa, India, and Southeast Asia. In 2013 CHIKV infection has also emerged in the Caribbean and a pandemic of CHIKV has re-emerged in the Philippines following Typhoon Haiyan. Currently, there is no vaccine available for the prevention of CHIKV infection and no specific therapy exists to treat the illness. Researchers at the Vaccine Research Center (VRC) of the National Institute of Allergy and Infectious Diseases (NIAID) have developed a CHIKV Viral Like Particle (CHIKV VLP) vaccine based on plasmid expression vectors encoding structural proteins of the CHIKV virus, which gave rise to CHIKV VLPs in transfected cells. The CHIKV VLPs consist of the core, E1 and E2 proteins and are similar in buoyant density and morphology to replication-competent CHIKV virus. Immunization with CHIKV VLPs elicited neutralizing antibodies against envelope proteins from different CHIKV strains in mouse and nonhuman primate (NHP) models. Monkeys immunized with CHIKV VLPs produced high titer neutralizing antibodies that protected against viremia after high dose challenge. The selected CHIKV VLP vaccine candidate, VRC–CHKVLP059–00–VP, composed of the E1, E2, and capsid proteins from the CHIKV strain 37997, was recently evaluated by the VRC at the NIH Clinical Center for safety, tolerability and immunogenicity in the clinical protocol VRC 311 (ClinicalTrials.gov # NCT01489358), a Phase I, open-label, dose escalation clinical trial. The VRC–CHKVLP059–00–VP vaccine was highly immunogenic, safe, and well-tolerated. VRC researchers have also developed the transient transfection manufacturing process for CHIKV and other alphaviruses, such as Western, Eastern and Venezuelan Equine Encephalitis (WEVEE) viruses. Pre-clinical in vivo mouse and NHP data, Phase 1 clinical trial data and manufacturing data are available.

NIH will evaluate a license applicant's capabilities and experience in advancing similar technologies through the regulatory process. This technology is not eligible for the NIH's start-up license program.

*Potential Commercial Applications:* Chikungunya vaccines based on viral like particles.

*Competitive Advantages:*
• There is currently no CHIKV vaccine on the market.
• VRC–CHKVLP059–00–VP vaccine candidate is highly immunogenic, safe, and well-tolerated.
• Minimal containment requirements for CHIKV VLP manufacturing because live virus production is not required.

*Development Stage:*
• In vitro data available.
• In vivo data available (animal).
• In vivo data available (human).

*Inventors:* Gary J. Nabel, Wataru Akahata, Srinivas S. Rao (all of VRC/NIAID).

*Publications:*
1. Akahata W, et al. A virus-like particle vaccine for epidemic Chikungunya virus protects non-human primates against infection. Nat Med. 2010 Mar;16(3):334–8. [PMID 20111039].
2. Akahata W, Nabel GJ. A specific domain of the Chikungunya virus E2 protein regulates particle formation in human cells: implications for alphavirus vaccine design. J Virol. 2012 Aug;86(16):8879–83. [PMID 22647698].
3. Chang et al. Chikungunya Virus-Like Particle Vaccine Elicits Neutralizing Antibodies in Healthy Adults in a Phase I Clinical Trial; manuscript submitted.

*Intellectual Property:*

HHS Reference Nos. E–004–2009/0/1/2–

- US Provisional Application No. 61/118,206 filed 26 Nov 2008.
- US Provisional Application No. 61/201,118 filed 05 Dec 2008.
- International Application No. PCT/US2009/006294 (WO 2010/062396) filed 24 Nov 2009.
- and corresponding filings in the US, Europe, China, Australia, Brazil, India, Malaysia, South Africa, Singapore, Indonesia, Philippines and Vietnam.

HHS Reference Nos. E–057–2011/0/1/2–

- US Provisional Application No. 61/438,236 filed 31 Jan 2011.
- International Application No. PCT/US2012/023361 (WO 2012/106356) filed 31 Jan 2012.
- and corresponding filings in the US and India.

*Licensing Contact:* Cristina Thalhammer-Reyero, Ph.D., MBA; 301–435–4507; *ThalhamC@mail.nih.gov.*

Dated: August 20, 2014.

**Richard U. Rodriguez,**

*Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.*

[FR Doc. 2014–20183 Filed 8–25–14; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, PAR–14–073 Shared Instrumentation: Confocal Microscopy and Imaging.

*Date:* September 18, 2014.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Washington Marriott Georgetown, 1221 22nd Street NW., Washington, DC 20037.

*Contact Person:* Maqsood A Wani, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2114, MSC 7814, Bethesda, MD 20892, 301–435–2270, *wanimaqs@csr.nih.gov.*

*Name of Committee:* Risk, Prevention and Health Behavior Integrated Review Group, Psychosocial Risk and Disease Prevention Study Section.

*Date:* September 29–30, 2014.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Stacey FitzSimmons, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7808, Bethesda, MD 20892, (301) 451–9956, *fitzsimmonss@csr.nih.gov.*

*Name of Committee:* Digestive, Kidney and Urological Systems Integrated Review Group, Clinical, Integrative and Molecular Gastroenterology Study Section.

*Date:* September 29, 2014.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Mushtaq A Khan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2176, MSC 7818, Bethesda, MD 20892, *301–435–1778, khanm@csr.nih.gov.*

*Name of Committee:* Healthcare Delivery and Methodologies Integrated Review Group, Health Services Organization and Delivery Study Section.

*Date:* September 29–30, 2014.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

*Contact Person:* Jacinta Bronte-Tinkew, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164, MSC 7770, Bethesda, MD 20892, (301) 806–0009, *brontetinkewjm@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 20, 2014.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2014–20179 Filed 8–25–14; 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; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Clinical Trial Implementation Cooperative Agreement (U01) and Program Application (P01).

*Date:* October 15, 2014.

*Time:* 10 a.m. to 1 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Room 3137, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

*Contact Person:* Quirijn Vos, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, DHHS/NIH/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, 301–451–2666, *qvos@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 20, 2014.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2014–20181 Filed 8–25–14; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Dental & Craniofacial Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Dental and Craniofacial Research Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Advisory Dental and Craniofacial Research Council.

*Date:* September 17, 2014.

*Open:* 8:30 a.m. to 12:30 p.m.

*Agenda:* Report of the Director, NIDCR.

*Place:* National Institutes of Health, Building 31, 6th Floor, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

*Closed:* 1 p.m. to Adjournment.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Building 31, 6th Floor, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.

*Contact Person:* Alicia J. Dombroski, Ph.D., Director, Division of Extramural Activities, Natl Inst of Dental and Craniofacial Research, National Institutes of Health, Bethesda, MD 20892.

Information is also available on the Institute's/Center's home page: *http://www.nidcr.nih.gov/about,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: August 20, 2014.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2014–20182 Filed 8–25–14; 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; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01) and Clinical Trial Planning Grant (R34).

*Date:* September 19, 2014.

*Time:* 1 p.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Room 3131, 6700B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

*Contact Person:* Betty Poon, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD, 20892–7616, 301–402–6891, *poonb@mail.nih.ogv.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 20, 2014.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2014–20180 Filed 8–25–14; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID: FEMA–2014–0017; OMB No. 1660–0085]**

### Agency Information Collection Activities: Submission for OMB Review; Comment Request; Crisis Counseling Assistance and Training Program

**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 25, 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 SW., Washington, DC 20472–3100, facsimile number (202) 212–4701, or email address *FEMA-Information-Collections-Management@dhs.gov.*

**SUPPLEMENTARY INFORMATION:**

*Unauthorized Use of Draft Immediate Services Program (ISP) Application:* During April 2014, FEMA used the draft version of the ISP application to evaluate whether the State of Washington needed the ISP portion of the Crisis Counseling Program for the Washington State mudslides that occurred on March 22, 2014. Washington State was approved for the ISP portion of the Crisis Counseling Program and FEMA only utilized the ISP draft application during this one incident. FEMA will not use the ISP or RSP applications until OMB has approved both forms for use. FEMA is disclosing the unauthorized use for transparency purposes during the OMB review and approval process.

### Collection of Information

*Title:* Crisis Counseling Assistance and Training Program.

*Type of information collection:* Revision of a currently approved information collection.

*OMB Number:* 1660–0085.

*Form Titles and Numbers:* FEMA Form 003–0–1, Crisis Counseling Assistance and Training Program, Immediate Services Program Application; FEMA Form 003–0–2, Crisis Counseling Assistance and Training Program, Regular Services Program Application; SF–424,

Application for Federal Assistance; SF–424A, Budget Information for Non-Construction Programs; SF–425, Federal Financial Report; HHS Checklist/08–2007; HHS Project Performance Site Location Form.

*Abstract:* The CCP consists of two grant programs, the Immediate Services Program (ISP) and the Regular Services Program (RSP). The ISP and the RSP provide supplemental funding to States, U.S. Territories, and Federally recognized Tribes following a Presidentially-declared disaster. The grant programs provide funding for Training and Services, including community outreach, public education, and counseling techniques. States are required to submit an application that provides information on Needs Assessment, Plan of Service, Program Management, and an accompanying Budget.

*Affected Public:* State, local, or Tribal Government.

*Estimated Number of Respondents:* 150.

*Estimated Total Annual Burden Hours:* 1,515 hours.

*Estimated Cost:* The estimated annual cost to respondents for the hour burden is $84,476.40. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $107,717.

Dated: August 21, 2014.

**Charlene D. Myrthil,**

*Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.*

[FR Doc. 2014–20319 Filed 8–25–14; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4190–DR; Docket ID FEMA–2014–0003]**

### North Dakota; 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 North Dakota (FEMA–4190–DR), dated August 19, 2014, and related determinations.

**DATES:** *Effective Date:* August 19, 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 19, 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 North Dakota resulting from severe storms and flooding during the period of June 25 to July 1, 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 North Dakota.

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, Lee K. dePalo, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of North Dakota have been designated as adversely affected by this major disaster:

Benson, Bottineau, Divide, Eddy, McHenry, Mountrail, Pierce, Renville, and Ward Counties and the Standing Rock Indian Reservation for Public Assistance.

All areas within the State of North Dakota 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. 2014–20320 Filed 8–25–14; 8:45 a.m.]

**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; 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–4187–DR), dated August 5, 2014, and related determinations.

**DATES:** *Effective Date:* August 19, 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 areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of August 5, 2014.

Crawford and Shelby Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—

Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2014–20321 Filed 8–25–14; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

**[1651–0111]**

### Agency Information Collection Activities: Arrival and Departure Record (Forms I–94 and I–94W) and Electronic System for Travel Authorization

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** 60-Day Notice and request for comments; extension of an existing collection of information.

**SUMMARY:** U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: CBP Form I–94 (Arrival/Departure Record), CBP Form I–94W (Nonimmigrant Visa Waiver Arrival/Departure), and the Electronic System for Travel Authorization (ESTA). CBP is proposing that this information collection be extended with a change to the burden hours. This document is published to obtain comments from the public and affected agencies.

**DATES:** Written comments should be received on or before October 27, 2014 to be assured of consideration.

**ADDRESSES:** Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

**SUPPLEMENTARY INFORMATION:** CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs, and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

*Title:* Arrival and Departure Record, Nonimmigrant Visa Waiver Arrival/Departure, and Electronic System for Travel Authorization (ESTA).

*OMB Number:* 1651–0111.

*Form Numbers:* I–94 and I–94W.

*Abstract:* CBP Forms I–94 (Arrival/Departure Record) and I–94W (Nonimmigrant Visa Waiver Arrival/Departure Record) are used to document a traveler's admission into the United States. These forms are filled out by aliens and are used to collect information on citizenship, residency, and contact information. The data elements collected on these forms enable the DHS to perform its mission related to the screening of alien visitors for potential risks to national security, and the determination of admissibility to the United States. The Electronic System for Travel Authorization (ESTA) applies to aliens traveling to the United States under the Visa Waiver Program (VWP) and requires that VWP travelers provide information electronically to CBP before embarking on travel to the United States. Travelers who are entering under the VWP in the air or sea environment, and who have a travel authorization obtained through ESTA, are not required to complete the paper Form I–94W.

Pursuant to an interim final rule published on March 27, 2013 in the **Federal Register** (78 FR 18457) related to Form I–94, CBP has partially automated the Form I–94 process. CBP now gathers data previously collected on the paper Form I–94 from existing automated sources in lieu of requiring passengers arriving by air or sea to submit a paper I–94 upon arrival. Passengers can access and print their electronic I–94 via the Web site at *www.cbp.gov/I94.*

ESTA can be accessed at *http://www.cbp.gov/xp/cgov/travel/id_visa/esta/*. Samples of CBP Forms I–94 and I–94W can be viewed at: *http://www.cbp.gov/document/forms/form-i-94-arrivaldeparture-record* and *http://www.cbp.gov/document/forms/form-i-94w-visa-waiver-arrivaldeparture-record.*

*Current Actions:* This submission is being made to extend the expiration date with a change to the burden hours resulting from revised estimates of the number of respondents using ESTA and filing Form I–94W. There are no changes to the information collected on Form I–94, Form I–94W, ESTA or the I–94 Web site.

*Type of Review:* Extension (with change).

*Affected Public:* Individuals, Carriers, and the Travel and Tourism Industry.

Form I–94 (Arrival and Departure Record):

*Estimated Number of Respondents:* 4,387,550.

*Estimated Time per Response:* 8 minutes.

*Estimated Burden Hours:* 583,544.

*Estimated Annual Cost to Public:* $26,325,300.

*I–94 Web site:*

*Estimated Number of Respondents:* 5,047,681.

*Estimated Time per Response:* 4 minutes.

*Estimated Annual Burden Hours:* 333,147.

*Form I–94W (Nonimmigrant Visa Waiver Arrival/Departure):*

*Estimated Number of Respondents:* 868,521.

*Estimated Time per Response:* 8 minutes.

*Estimated Annual Burden Hours:* 115,513.

*Estimated Annual Cost to the Public:* $5,211,126.

*Electronic System for Travel Authorization (ESTA):*

*Estimated Number of Respondents:* 22,960,000.

*Estimated Time per Response:* 15 minutes.

*Estimated Total Annual Burden Hours:* 5,740,500.

*Estimated Annual Cost to the Public:* $264,460,000.

Dated: August 20, 2014.

**Tracey Denning,**

*Agency Clearance Officer, U.S. Customs and Border Protection.*

[FR Doc. 2014–20194 Filed 8–25–14; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5807–C–02]**

## Proposed Fair Market Rents for the Housing Choice Voucher Program, Moderate Rehabilitation Single Room Occupancy Program and Other Programs Fiscal Year 2015—Corrected Schedule B Addendum

**AGENCY:** Office of the Assistant Secretary for Policy Development and Research, HUD.

**ACTION:** Notice of Proposed Fiscal Year (FY) 2015 Fair Market Rents (FMRs)—Corrected Schedule B Addendum.

**SUMMARY:** On August 15, 2014, HUD published for public comment proposed Fair Market Rents (FMRs) for the Housing Choice Voucher Program, Moderate Rehabilitation Single Room Occupancy Program and Other Programs for Fiscal Year 2015. After publication, HUD noted that the Schedule B Addendum, which addresses small area FMRs, did not include small area FMRs for Dallas, Texas. This notice provides the corrected Schedule B Addendum. No other changes are made by this notice. The public comment due date remains September 15, 2014.

**FOR FURTHER INFORMATION CONTACT:** Marie L. Lihn or Peter B. Kahn of the Economic and Market Analysis Division, Office of Economic Affairs, Office of Policy Development and Research at HUD headquarters, 451 7th Street SW., Room 8208, Washington, DC 20410; telephone number 202–402–2409 (this is not a toll-free number), or they may be reached at *emad-hq@hud.gov.* Persons with hearing or speech impairments may access HUD numbers through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

**SUPPLEMENTARY INFORMATION:** On August 15, 2014, at 79 FR 48168, HUD published proposed FMRs for FY 2015. In this notice, HUD advised that public housing authorities in the Dallas, TX HMFA, along with the Housing Authority of the County of Cook (IL), the City of Long Beach (CA) Housing Authority, the Chattanooga, TN, Housing Authority, the Town of Mamaroneck (NY) Housing Authority, and the Laredo, TX Housing Authority continue to be the only PHAs managing their voucher programs using Small Area Fair Market Rents (SAFMRs). August 15, 2014, notice provided that the Small Area FMRs are listed in the notice's Schedule B addendum. (See 79 FR 48182.) Unfortunately the Schedule B addendum published on August 15, 2014, inadvertently excluded the Small Area FMRs for Dallas, Texas. This notice provides the corrected Schedule B Addendum.

Dated: August 20, 2014.

**Edward J. Szymanoski,**

*Associate Deputy Assistant Secretary for Economic Affairs.*

**BILLING CODE 4210–67–P**

SCHEDULE B Addendum - PROPOSED FY 2015 SMALL AREA FAIR MARKET RENTS FOR DEMONSTRATION PARTICIPANTS AND THE DALLAS, TX HUD METRO FMR AREA

The Housing Authority of the City of Long Beach -- ZIP Codes in Los Angeles County

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 90802 | 750 | 910 | 1190 | 1630 | 1830 | 90803 | 960 | 1170 | 1530 | 2100 | 2350 |
| 90804 | 830 | 1010 | 1320 | 1810 | 2030 | 90805 | 780 | 960 | 1250 | 1710 | 1920 |
| 90806 | 760 | 930 | 1210 | 1660 | 1860 | 90807 | 880 | 1070 | 1400 | 1920 | 2150 |
| 90808 | 1030 | 1270 | 1650 | 2260 | 2530 | 90810 | 750 | 920 | 1200 | 1640 | 1840 |
| 90813 | 700 | 860 | 1120 | 1540 | 1720 | 90815 | 1120 | 1370 | 1790 | 2450 | 2750 |
| 90822 | 880 | 1070 | 1400 | 1920 | 2150 | | | | | | |

The Housing Authority of the County of Cook -- ZIP Codes in Cook County

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 60004 | 910 | 1030 | 1220 | 1560 | 1810 | 60005 | 820 | 940 | 1110 | 1420 | 1650 |
| 60006 | 760 | 870 | 1030 | 1310 | 1530 | 60007 | 800 | 910 | 1080 | 1380 | 1610 |
| 60008 | 860 | 980 | 1160 | 1480 | 1720 | 60010 | 1120 | 1270 | 1510 | 1920 | 2240 |
| 60011 | 760 | 870 | 1030 | 1310 | 1530 | 60016 | 790 | 900 | 1070 | 1360 | 1590 |
| 60018 | 680 | 770 | 910 | 1160 | 1350 | 60022 | 1020 | 1160 | 1380 | 1760 | 2050 |
| 60025 | 870 | 990 | 1170 | 1490 | 1740 | 60026 | 1010 | 1150 | 1360 | 1730 | 2020 |
| 60029 | 760 | 870 | 1030 | 1310 | 1530 | 60043 | 760 | 870 | 1030 | 1310 | 1530 |
| 60053 | 890 | 1010 | 1200 | 1530 | 1780 | 60056 | 760 | 860 | 1020 | 1300 | 1520 |
| 60062 | 970 | 1100 | 1300 | 1660 | 1930 | 60065 | 760 | 870 | 1030 | 1310 | 1530 |
| 60067 | 910 | 1030 | 1220 | 1560 | 1810 | 60068 | 940 | 1060 | 1260 | 1610 | 1870 |
| 60070 | 790 | 900 | 1070 | 1360 | 1590 | 60074 | 810 | 920 | 1090 | 1390 | 1620 |
| 60076 | 920 | 1050 | 1240 | 1580 | 1840 | 60077 | 850 | 970 | 1150 | 1470 | 1710 |
| 60089 | 1020 | 1160 | 1380 | 1760 | 2050 | 60090 | 820 | 940 | 1110 | 1420 | 1650 |
| 60091 | 1140 | 1300 | 1540 | 1960 | 2290 | 60093 | 1110 | 1260 | 1490 | 1900 | 2210 |
| 60103 | 970 | 1100 | 1300 | 1660 | 1930 | 60104 | 760 | 860 | 1020 | 1300 | 1520 |
| 60107 | 1140 | 1300 | 1540 | 1960 | 2290 | 60120 | 760 | 870 | 1030 | 1310 | 1530 |
| 60130 | 740 | 840 | 1000 | 1270 | 1490 | 60131 | 650 | 730 | 870 | 1110 | 1290 |
| 60133 | 810 | 920 | 1090 | 1390 | 1620 | 60141 | 760 | 870 | 1030 | 1310 | 1530 |
| 60153 | 760 | 870 | 1030 | 1310 | 1530 | 60154 | 1030 | 1170 | 1390 | 1770 | 2070 |
| 60155 | 650 | 730 | 870 | 1110 | 1290 | 60160 | 680 | 770 | 910 | 1160 | 1350 |
| 60161 | 760 | 870 | 1030 | 1310 | 1530 | 60162 | 670 | 760 | 900 | 1150 | 1340 |
| 60163 | 790 | 890 | 1060 | 1350 | 1580 | 60164 | 650 | 740 | 880 | 1120 | 1310 |
| 60165 | 720 | 820 | 970 | 1240 | 1440 | 60168 | 760 | 870 | 1030 | 1310 | 1530 |
| 60169 | 830 | 940 | 1120 | 1430 | 1660 | 60171 | 690 | 780 | 930 | 1190 | 1380 |
| 60172 | 820 | 940 | 1110 | 1420 | 1650 | 60173 | 960 | 1090 | 1290 | 1640 | 1920 |
| 60176 | 710 | 810 | 960 | 1220 | 1430 | 60192 | 1140 | 1300 | 1540 | 1960 | 2290 |
| 60193 | 940 | 1070 | 1270 | 1620 | 1890 | 60194 | 950 | 1080 | 1280 | 1630 | 1900 |
| 60195 | 970 | 1100 | 1310 | 1670 | 1950 | 60201 | 980 | 1110 | 1320 | 1680 | 1960 |
| 60202 | 850 | 970 | 1150 | 1470 | 1710 | 60203 | 1140 | 1300 | 1540 | 1960 | 2290 |
| 60301 | 940 | 1070 | 1270 | 1620 | 1890 | 60302 | 770 | 880 | 1040 | 1330 | 1550 |
| 60303 | 760 | 870 | 1030 | 1310 | 1530 | 60304 | 730 | 830 | 980 | 1250 | 1460 |
| 60305 | 760 | 860 | 1020 | 1300 | 1520 | 60402 | 710 | 800 | 950 | 1210 | 1410 |

SCHEDULE B Addendum - PROPOSED FY 2015 SMALL AREA FAIR MARKET RENTS FOR DEMONSTRATION PARTICIPANTS AND THE DALLAS, TX HUD METRO FMR AREA

The Housing Authority of the County of Cook -- ZIP Codes in Cook County continued

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 60406 | 650 | 740 | 880 | 1120 | 1310 | 60409 | 710 | 810 | 960 | 1220 | 1430 |
| 60411 | 730 | 830 | 980 | 1250 | 1460 | 60412 | 760 | 870 | 1030 | 1310 | 1530 |
| 60415 | 710 | 800 | 950 | 1210 | 1410 | 60419 | 820 | 940 | 1110 | 1420 | 1650 |
| 60422 | 1140 | 1300 | 1540 | 1960 | 2290 | 60425 | 740 | 840 | 1000 | 1270 | 1490 |
| 60426 | 770 | 880 | 1040 | 1330 | 1550 | 60428 | 980 | 1110 | 1320 | 1680 | 1960 |
| 60429 | 970 | 1100 | 1310 | 1670 | 1950 | 60430 | 720 | 820 | 970 | 1240 | 1440 |
| 60438 | 710 | 810 | 960 | 1220 | 1430 | 60439 | 680 | 780 | 920 | 1170 | 1370 |
| 60443 | 950 | 1080 | 1280 | 1630 | 1900 | 60445 | 710 | 800 | 950 | 1210 | 1410 |
| 60452 | 740 | 840 | 1000 | 1270 | 1490 | 60453 | 740 | 840 | 990 | 1260 | 1470 |
| 60454 | 760 | 870 | 1030 | 1310 | 1530 | 60455 | 680 | 780 | 920 | 1170 | 1370 |
| 60456 | 480 | 540 | 640 | 820 | 950 | 60457 | 690 | 780 | 930 | 1190 | 1380 |
| 60458 | 750 | 850 | 1010 | 1290 | 1500 | 60459 | 750 | 850 | 1010 | 1290 | 1500 |
| 60461 | 760 | 870 | 1030 | 1310 | 1530 | 60462 | 790 | 890 | 1060 | 1350 | 1580 |
| 60463 | 1140 | 1300 | 1540 | 1960 | 2290 | 60464 | 1140 | 1300 | 1540 | 1960 | 2290 |
| 60465 | 760 | 860 | 1020 | 1300 | 1520 | 60466 | 750 | 850 | 1010 | 1290 | 1500 |
| 60467 | 1140 | 1300 | 1540 | 1960 | 2290 | 60469 | 840 | 950 | 1130 | 1440 | 1680 |
| 60471 | 810 | 920 | 1090 | 1390 | 1620 | 60472 | 680 | 780 | 920 | 1170 | 1370 |
| 60473 | 1140 | 1290 | 1530 | 1950 | 2270 | 60475 | 660 | 750 | 890 | 1130 | 1320 |
| 60476 | 650 | 740 | 880 | 1120 | 1310 | 60477 | 770 | 880 | 1040 | 1330 | 1550 |
| 60478 | 1140 | 1300 | 1540 | 1960 | 2290 | 60480 | 660 | 750 | 890 | 1130 | 1320 |
| 60482 | 710 | 810 | 960 | 1220 | 1430 | 60487 | 890 | 1010 | 1200 | 1530 | 1780 |
| 60499 | 760 | 870 | 1030 | 1310 | 1530 | 60501 | 710 | 810 | 960 | 1220 | 1430 |
| 60513 | 810 | 920 | 1090 | 1390 | 1620 | 60521 | 910 | 1040 | 1230 | 1570 | 1830 |
| 60525 | 740 | 840 | 1000 | 1270 | 1490 | 60526 | 810 | 920 | 1090 | 1390 | 1620 |
| 60527 | 850 | 960 | 1140 | 1450 | 1690 | 60534 | 730 | 830 | 980 | 1250 | 1460 |
| 60546 | 700 | 790 | 940 | 1200 | 1400 | 60558 | 760 | 870 | 1030 | 1310 | 1530 |
| 60601 | 1140 | 1300 | 1540 | 1960 | 2290 | 60602 | 1140 | 1300 | 1540 | 1960 | 2290 |
| 60603 | 1140 | 1300 | 1540 | 1960 | 2290 | 60604 | 1140 | 1300 | 1540 | 1960 | 2290 |
| 60605 | 1140 | 1300 | 1540 | 1960 | 2290 | 60606 | 1140 | 1300 | 1540 | 1960 | 2290 |
| 60607 | 1060 | 1210 | 1430 | 1820 | 2130 | 60608 | 640 | 730 | 860 | 1100 | 1280 |
| 60609 | 670 | 760 | 900 | 1150 | 1340 | 60610 | 1010 | 1150 | 1360 | 1730 | 2020 |
| 60611 | 1140 | 1300 | 1540 | 1960 | 2290 | 60612 | 790 | 900 | 1070 | 1360 | 1590 |
| 60613 | 890 | 1010 | 1200 | 1530 | 1780 | 60614 | 1010 | 1150 | 1360 | 1730 | 2020 |
| 60615 | 740 | 840 | 990 | 1260 | 1470 | 60616 | 740 | 840 | 990 | 1260 | 1470 |
| 60617 | 670 | 760 | 900 | 1150 | 1340 | 60618 | 790 | 900 | 1070 | 1360 | 1590 |
| 60619 | 680 | 770 | 910 | 1160 | 1350 | 60620 | 710 | 800 | 950 | 1210 | 1410 |
| 60621 | 710 | 800 | 950 | 1210 | 1410 | 60622 | 900 | 1020 | 1210 | 1540 | 1800 |
| 60623 | 650 | 740 | 880 | 1120 | 1310 | 60624 | 790 | 890 | 1060 | 1350 | 1580 |
| 60625 | 760 | 860 | 1020 | 1300 | 1520 | 60626 | 680 | 780 | 920 | 1170 | 1370 |
| 60628 | 780 | 890 | 1050 | 1340 | 1560 | 60629 | 710 | 810 | 960 | 1220 | 1430 |
| 60630 | 760 | 860 | 1020 | 1300 | 1520 | 60631 | 810 | 920 | 1090 | 1390 | 1620 |

SCHEDULE B Addendum - PROPOSED FY 2015 SMALL AREA FAIR MARKET RENTS FOR DEMONSTRATION PARTICIPANTS AND THE DALLAS, TX HUD METRO FMR AREA

The Housing Authority of the County of Cook -- ZIP Codes in Cook County continued

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 60632 | 680 | 770 | 910 | 1160 | 1350 | 60633 | 690 | 780 | 930 | 1190 | 1380 |
| 60634 | 750 | 850 | 1010 | 1290 | 1500 | 60636 | 750 | 850 | 1010 | 1290 | 1500 |
| 60637 | 730 | 830 | 980 | 1250 | 1460 | 60638 | 710 | 800 | 950 | 1210 | 1410 |
| 60639 | 740 | 840 | 1000 | 1270 | 1490 | 60640 | 680 | 780 | 920 | 1170 | 1370 |
| 60641 | 710 | 810 | 960 | 1220 | 1430 | 60642 | 880 | 1000 | 1190 | 1520 | 1770 |
| 60643 | 740 | 840 | 990 | 1260 | 1470 | 60644 | 700 | 790 | 940 | 1200 | 1400 |
| 60645 | 770 | 880 | 1040 | 1330 | 1550 | 60646 | 740 | 840 | 1000 | 1270 | 1490 |
| 60647 | 790 | 890 | 1060 | 1350 | 1580 | 60649 | 670 | 760 | 900 | 1150 | 1340 |
| 60651 | 780 | 890 | 1050 | 1340 | 1560 | 60652 | 810 | 920 | 1090 | 1390 | 1620 |
| 60653 | 610 | 690 | 820 | 1050 | 1220 | 60654 | 1140 | 1300 | 1540 | 1960 | 2290 |
| 60655 | 720 | 820 | 970 | 1240 | 1440 | 60656 | 810 | 920 | 1090 | 1390 | 1620 |
| 60657 | 940 | 1060 | 1260 | 1610 | 1870 | 60659 | 770 | 880 | 1040 | 1330 | 1550 |
| 60660 | 680 | 770 | 910 | 1160 | 1350 | 60661 | 1140 | 1290 | 1530 | 1950 | 2270 |
| 60681 | 760 | 870 | 1030 | 1310 | 1530 | 60693 | 760 | 870 | 1030 | 1310 | 1530 |
| 60706 | 700 | 790 | 940 | 1200 | 1400 | 60707 | 710 | 810 | 960 | 1220 | 1430 |
| 60712 | 1140 | 1300 | 1540 | 1960 | 2290 | 60714 | 750 | 850 | 1010 | 1290 | 1500 |
| 60803 | 670 | 760 | 900 | 1150 | 1340 | 60804 | 650 | 740 | 880 | 1120 | 1310 |
| 60805 | 800 | 910 | 1080 | 1380 | 1610 | 60827 | 760 | 860 | 1020 | 1300 | 1520 |

Town of Mamaroneck Public Housing Agency -- ZIP Codes in Westchester County

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 10501 | 1240 | 1300 | 1540 | 2000 | 2360 | 10502 | 1750 | 1830 | 2170 | 2820 | 3330 |
| 10503 | 1240 | 1300 | 1540 | 2000 | 2360 | 10504 | 1750 | 1830 | 2170 | 2820 | 3330 |
| 10505 | 1240 | 1300 | 1540 | 2000 | 2360 | 10506 | 1360 | 1420 | 1680 | 2190 | 2570 |
| 10507 | 1450 | 1510 | 1790 | 2330 | 2740 | 10510 | 1570 | 1640 | 1940 | 2520 | 2970 |
| 10511 | 1210 | 1270 | 1500 | 1950 | 2300 | 10514 | 1710 | 1790 | 2120 | 2760 | 3250 |
| 10517 | 1710 | 1790 | 2120 | 2760 | 3250 | 10518 | 1240 | 1300 | 1540 | 2000 | 2360 |
| 10519 | 1240 | 1300 | 1540 | 2000 | 2360 | 10520 | 1200 | 1260 | 1490 | 1940 | 2280 |
| 10522 | 1390 | 1450 | 1720 | 2240 | 2640 | 10523 | 1750 | 1830 | 2170 | 2820 | 3330 |
| 10526 | 1240 | 1300 | 1540 | 2000 | 2360 | 10527 | 1240 | 1300 | 1540 | 2000 | 2360 |
| 10528 | 1750 | 1830 | 2170 | 2820 | 3330 | 10530 | 1410 | 1480 | 1750 | 2280 | 2680 |
| 10532 | 1240 | 1300 | 1540 | 2000 | 2360 | 10533 | 1510 | 1580 | 1870 | 2430 | 2870 |
| 10535 | 1580 | 1640 | 1950 | 2540 | 2990 | 10536 | 1390 | 1450 | 1720 | 2240 | 2640 |
| 10537 | 950 | 1000 | 1180 | 1530 | 1810 | 10538 | 1450 | 1510 | 1790 | 2330 | 2740 |
| 10540 | 1240 | 1300 | 1540 | 2000 | 2360 | 10543 | 1510 | 1580 | 1870 | 2430 | 2870 |
| 10546 | 1370 | 1430 | 1700 | 2210 | 2610 | 10547 | 1170 | 1220 | 1450 | 1890 | 2220 |
| 10548 | 1400 | 1460 | 1730 | 2250 | 2650 | 10549 | 1280 | 1330 | 1580 | 2060 | 2420 |
| 10550 | 1090 | 1140 | 1350 | 1760 | 2070 | 10551 | 1240 | 1300 | 1540 | 2000 | 2360 |
| 10552 | 1140 | 1190 | 1410 | 1830 | 2160 | 10553 | 1220 | 1270 | 1510 | 1960 | 2310 |
| 10560 | 1240 | 1300 | 1540 | 2000 | 2360 | 10562 | 1290 | 1350 | 1600 | 2080 | 2450 |

SCHEDULE B Addendum - PROPOSED FY 2015 SMALL AREA FAIR MARKET RENTS FOR DEMONSTRATION PARTICIPANTS AND THE DALLAS, TX HUD METRO FMR AREA

Town of Mamaroneck Public Housing Agency -- ZIP Codes in Westchester County continued

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 10566 | 1260 | 1320 | 1560 | 2030 | 2390 | 10567 | 1570 | 1640 | 1940 | 2520 | 2970 |
| 10570 | 1530 | 1600 | 1900 | 2470 | 2910 | 10573 | 1390 | 1450 | 1720 | 2240 | 2640 |
| 10576 | 1750 | 1830 | 2170 | 2820 | 3330 | 10577 | 1240 | 1300 | 1540 | 2000 | 2360 |
| 10578 | 1240 | 1300 | 1540 | 2000 | 2360 | 10580 | 1660 | 1730 | 2050 | 2670 | 3140 |
| 10583 | 1750 | 1830 | 2170 | 2820 | 3330 | 10588 | 860 | 890 | 1060 | 1380 | 1620 |
| 10589 | 1240 | 1300 | 1540 | 2000 | 2360 | 10590 | 1740 | 1820 | 2160 | 2810 | 3310 |
| 10591 | 1340 | 1400 | 1660 | 2160 | 2540 | 10594 | 1650 | 1720 | 2040 | 2650 | 3130 |
| 10595 | 1390 | 1450 | 1720 | 2240 | 2640 | 10596 | 980 | 1020 | 1210 | 1570 | 1850 |
| 10597 | 1240 | 1300 | 1540 | 2000 | 2360 | 10598 | 1360 | 1420 | 1680 | 2190 | 2570 |
| 10601 | 1250 | 1310 | 1550 | 2020 | 2380 | 10602 | 1240 | 1300 | 1540 | 2000 | 2360 |
| 10603 | 1380 | 1440 | 1710 | 2220 | 2620 | 10604 | 1440 | 1500 | 1780 | 2320 | 2730 |
| 10605 | 1270 | 1320 | 1570 | 2040 | 2410 | 10606 | 1450 | 1510 | 1790 | 2330 | 2740 |
| 10607 | 1670 | 1750 | 2070 | 2690 | 3170 | 10701 | 1100 | 1150 | 1360 | 1770 | 2080 |
| 10702 | 1240 | 1300 | 1540 | 2000 | 2360 | 10703 | 1130 | 1180 | 1400 | 1820 | 2150 |
| 10704 | 1230 | 1280 | 1520 | 1980 | 2330 | 10705 | 1070 | 1120 | 1330 | 1730 | 2040 |
| 10706 | 1210 | 1270 | 1500 | 1950 | 2300 | 10707 | 1420 | 1480 | 1760 | 2290 | 2700 |
| 10708 | 1440 | 1500 | 1780 | 2320 | 2730 | 10709 | 1410 | 1480 | 1750 | 2280 | 2680 |
| 10710 | 1130 | 1180 | 1400 | 1820 | 2150 | 10801 | 1210 | 1270 | 1500 | 1950 | 2300 |
| 10802 | 1240 | 1300 | 1540 | 2000 | 2360 | 10803 | 1280 | 1340 | 1590 | 2070 | 2440 |
| 10804 | 1520 | 1590 | 1880 | 2450 | 2880 | 10805 | 1270 | 1320 | 1570 | 2040 | 2410 |

Chattanooga Housing Authority -- ZIP Codes in Hamilton County

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 37302 | 450 | 550 | 680 | 920 | 1040 | 37308 | 490 | 590 | 730 | 990 | 1120 |
| 37311 | 490 | 590 | 730 | 990 | 1120 | 37315 | 490 | 590 | 730 | 990 | 1120 |
| 37336 | 440 | 530 | 660 | 900 | 1010 | 37341 | 630 | 760 | 950 | 1290 | 1460 |
| 37343 | 520 | 630 | 780 | 1060 | 1200 | 37350 | 490 | 590 | 730 | 990 | 1120 |
| 37351 | 550 | 660 | 820 | 1120 | 1260 | 37353 | 470 | 570 | 710 | 970 | 1090 |
| 37363 | 520 | 630 | 780 | 1060 | 1200 | 37373 | 470 | 570 | 710 | 970 | 1090 |
| 37377 | 520 | 630 | 780 | 1060 | 1200 | 37379 | 510 | 610 | 760 | 1030 | 1160 |
| 37401 | 490 | 590 | 730 | 990 | 1120 | 37402 | 390 | 470 | 590 | 800 | 900 |
| 37403 | 390 | 470 | 590 | 800 | 900 | 37404 | 450 | 550 | 680 | 920 | 1040 |
| 37405 | 490 | 590 | 740 | 1010 | 1130 | 37406 | 410 | 500 | 620 | 840 | 950 |
| 37407 | 500 | 600 | 750 | 1020 | 1150 | 37408 | 390 | 470 | 590 | 800 | 900 |
| 37409 | 470 | 570 | 710 | 970 | 1090 | 37410 | 400 | 480 | 600 | 820 | 920 |
| 37411 | 450 | 550 | 680 | 920 | 1040 | 37412 | 470 | 570 | 710 | 970 | 1090 |
| 37414 | 490 | 590 | 730 | 990 | 1120 | 37415 | 470 | 570 | 710 | 970 | 1090 |
| 37416 | 520 | 630 | 780 | 1060 | 1200 | 37419 | 440 | 530 | 660 | 900 | 1010 |
| 37421 | 530 | 640 | 790 | 1070 | 1210 | | | | | | |

SCHEDULE B Addendum - PROPOSED FY 2015 SMALL AREA FAIR MARKET RENTS FOR DEMONSTRATION PARTICIPANTS AND THE DALLAS, TX HUD METRO FMR AREA

The Housing Authority of the City of Laredo -- ZIP Codes in Webb County

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 78040 | 500 | 540 | 680 | 890 | 920 | 78041 | 610 | 660 | 830 | 1090 | 1130 |
| 78043 | 560 | 600 | 760 | 1000 | 1030 | 78045 | 720 | 780 | 980 | 1290 | 1330 |
| 78046 | 550 | 590 | 740 | 970 | 1010 | | | | | | |

All Housing Authorities within the Dallas, TX HMFA -- ZIP Codes in Collin County

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 75002 | 780 | 930 | 1180 | 1570 | 1900 | 75009 | 630 | 750 | 950 | 1270 | 1530 |
| 75013 | 780 | 940 | 1190 | 1590 | 1920 | 75023 | 730 | 870 | 1100 | 1470 | 1770 |
| 75024 | 710 | 850 | 1070 | 1430 | 1720 | 75025 | 780 | 940 | 1190 | 1590 | 1920 |
| 75034 | 750 | 900 | 1140 | 1520 | 1840 | 75035 | 900 | 1080 | 1360 | 1810 | 2190 |
| 75048 | 770 | 930 | 1170 | 1560 | 1880 | 75069 | 610 | 730 | 920 | 1230 | 1480 |
| 75070 | 870 | 1040 | 1320 | 1760 | 2130 | 75071 | 640 | 770 | 970 | 1290 | 1560 |
| 75074 | 650 | 780 | 990 | 1320 | 1590 | 75075 | 660 | 790 | 1000 | 1330 | 1610 |
| 75078 | 760 | 920 | 1160 | 1550 | 1870 | 75080 | 720 | 860 | 1090 | 1450 | 1760 |
| 75082 | 760 | 910 | 1150 | 1530 | 1850 | 75093 | 710 | 850 | 1070 | 1430 | 1720 |
| 75094 | 910 | 1090 | 1380 | 1840 | 2220 | 75098 | 760 | 910 | 1150 | 1530 | 1850 |
| 75164 | 570 | 690 | 870 | 1160 | 1400 | 75166 | 910 | 1090 | 1380 | 1840 | 2220 |
| 75173 | 760 | 910 | 1150 | 1530 | 1850 | 75189 | 690 | 830 | 1050 | 1400 | 1690 |
| 75252 | 550 | 660 | 840 | 1120 | 1350 | 75287 | 590 | 700 | 890 | 1190 | 1430 |
| 75370 | 690 | 820 | 1040 | 1390 | 1680 | 75407 | 690 | 830 | 1050 | 1400 | 1690 |
| 75409 | 650 | 780 | 990 | 1320 | 1590 | 75424 | 650 | 780 | 990 | 1320 | 1590 |
| 75442 | 560 | 670 | 850 | 1130 | 1370 | 75452 | 550 | 660 | 830 | 1110 | 1340 |
| 75454 | 760 | 910 | 1150 | 1530 | 1850 | 75491 | 690 | 820 | 1040 | 1390 | 1680 |
| 75495 | 580 | 700 | 880 | 1170 | 1420 | | | | | | |

All Housing Authorities within the Dallas, TX HMFA -- ZIP Codes in Dallas County

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 75001 | 650 | 770 | 980 | 1310 | 1580 | 75006 | 610 | 740 | 930 | 1240 | 1500 |
| 75007 | 670 | 810 | 1020 | 1360 | 1640 | 75015 | 590 | 710 | 900 | 1200 | 1450 |
| 75016 | 590 | 710 | 900 | 1200 | 1450 | 75017 | 590 | 710 | 900 | 1200 | 1450 |
| 75019 | 770 | 930 | 1170 | 1560 | 1880 | 75030 | 590 | 710 | 900 | 1200 | 1450 |
| 75038 | 610 | 730 | 920 | 1230 | 1480 | 75039 | 750 | 890 | 1130 | 1510 | 1820 |
| 75040 | 750 | 900 | 1140 | 1520 | 1840 | 75041 | 600 | 720 | 910 | 1210 | 1470 |
| 75042 | 570 | 690 | 870 | 1160 | 1400 | 75043 | 630 | 760 | 960 | 1280 | 1550 |
| 75044 | 700 | 840 | 1060 | 1410 | 1710 | 75045 | 590 | 710 | 900 | 1200 | 1450 |
| 75046 | 590 | 710 | 900 | 1200 | 1450 | 75048 | 770 | 930 | 1170 | 1560 | 1880 |
| 75050 | 570 | 680 | 860 | 1150 | 1390 | 75051 | 570 | 680 | 860 | 1150 | 1390 |
| 75052 | 740 | 890 | 1120 | 1490 | 1800 | 75053 | 590 | 710 | 900 | 1200 | 1450 |
| 75060 | 550 | 660 | 840 | 1120 | 1350 | 75061 | 520 | 620 | 790 | 1050 | 1270 |
| 75062 | 570 | 690 | 870 | 1160 | 1400 | 75063 | 700 | 840 | 1060 | 1410 | 1710 |
| 75080 | 720 | 860 | 1090 | 1450 | 1760 | 75081 | 730 | 880 | 1110 | 1480 | 1790 |

SCHEDULE B Addendum - PROPOSED FY 2015 SMALL AREA FAIR MARKET RENTS FOR DEMONSTRATION PARTICIPANTS AND THE DALLAS, TX HUD METRO FMR AREA

All Housing Authorities within the Dallas, TX HMFA -- ZIP Codes in Dallas County continued

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 75082 | 760 | 910 | 1150 | 1530 | 1850 | 75083 | 590 | 710 | 900 | 1200 | 1450 |
| 75085 | 590 | 710 | 900 | 1200 | 1450 | 75088 | 880 | 1050 | 1330 | 1770 | 2140 |
| 75089 | 910 | 1090 | 1380 | 1840 | 2220 | 75104 | 790 | 950 | 1200 | 1600 | 1930 |
| 75106 | 590 | 710 | 900 | 1200 | 1450 | 75115 | 630 | 750 | 950 | 1270 | 1530 |
| 75116 | 640 | 770 | 970 | 1290 | 1560 | 75123 | 590 | 710 | 900 | 1200 | 1450 |
| 75134 | 630 | 760 | 960 | 1280 | 1550 | 75137 | 780 | 940 | 1190 | 1590 | 1920 |
| 75141 | 570 | 680 | 860 | 1150 | 1390 | 75146 | 620 | 740 | 940 | 1250 | 1510 |
| 75149 | 670 | 810 | 1020 | 1360 | 1640 | 75150 | 630 | 750 | 950 | 1270 | 1530 |
| 75154 | 760 | 910 | 1150 | 1530 | 1850 | 75159 | 630 | 750 | 950 | 1270 | 1530 |
| 75172 | 490 | 590 | 750 | 1000 | 1210 | 75180 | 560 | 670 | 850 | 1130 | 1370 |
| 75181 | 910 | 1090 | 1380 | 1840 | 2220 | 75182 | 590 | 710 | 900 | 1200 | 1450 |
| 75185 | 590 | 710 | 900 | 1200 | 1450 | 75187 | 590 | 710 | 900 | 1200 | 1450 |
| 75201 | 860 | 1030 | 1300 | 1730 | 2090 | 75202 | 910 | 1090 | 1380 | 1840 | 2220 |
| 75203 | 460 | 550 | 700 | 930 | 1130 | 75204 | 780 | 930 | 1180 | 1570 | 1900 |
| 75205 | 750 | 900 | 1140 | 1520 | 1840 | 75206 | 630 | 750 | 950 | 1270 | 1530 |
| 75207 | 610 | 730 | 920 | 1230 | 1480 | 75208 | 530 | 630 | 800 | 1070 | 1290 |
| 75209 | 780 | 930 | 1180 | 1570 | 1900 | 75210 | 460 | 550 | 700 | 930 | 1130 |
| 75211 | 540 | 650 | 820 | 1090 | 1320 | 75212 | 530 | 630 | 800 | 1070 | 1290 |
| 75214 | 570 | 680 | 860 | 1150 | 1390 | 75215 | 500 | 600 | 760 | 1010 | 1220 |
| 75216 | 530 | 640 | 810 | 1080 | 1300 | 75217 | 590 | 710 | 900 | 1200 | 1450 |
| 75218 | 670 | 810 | 1020 | 1360 | 1640 | 75219 | 620 | 740 | 940 | 1250 | 1510 |
| 75220 | 510 | 610 | 770 | 1030 | 1240 | 75222 | 590 | 710 | 900 | 1200 | 1450 |
| 75223 | 550 | 660 | 830 | 1110 | 1340 | 75224 | 510 | 620 | 780 | 1040 | 1260 |
| 75225 | 910 | 1090 | 1380 | 1840 | 2220 | 75226 | 730 | 870 | 1100 | 1470 | 1770 |
| 75227 | 550 | 660 | 840 | 1120 | 1350 | 75228 | 490 | 590 | 740 | 990 | 1190 |
| 75229 | 570 | 690 | 870 | 1160 | 1400 | 75230 | 510 | 610 | 770 | 1030 | 1240 |
| 75231 | 480 | 580 | 730 | 970 | 1180 | 75232 | 540 | 650 | 820 | 1090 | 1320 |
| 75233 | 570 | 680 | 860 | 1150 | 1390 | 75234 | 610 | 740 | 930 | 1240 | 1500 |
| 75235 | 590 | 710 | 900 | 1200 | 1450 | 75236 | 580 | 700 | 880 | 1170 | 1420 |
| 75237 | 540 | 650 | 820 | 1090 | 1320 | 75238 | 520 | 620 | 790 | 1050 | 1270 |
| 75240 | 550 | 660 | 830 | 1110 | 1340 | 75241 | 630 | 760 | 960 | 1280 | 1550 |
| 75242 | 590 | 710 | 900 | 1200 | 1450 | 75243 | 530 | 630 | 800 | 1070 | 1290 |
| 75244 | 760 | 920 | 1160 | 1550 | 1870 | 75246 | 460 | 550 | 690 | 920 | 1110 |
| 75247 | 500 | 600 | 760 | 1010 | 1220 | 75248 | 670 | 800 | 1010 | 1350 | 1630 |
| 75249 | 750 | 890 | 1130 | 1510 | 1820 | 75250 | 590 | 710 | 900 | 1200 | 1450 |
| 75251 | 800 | 960 | 1220 | 1630 | 1970 | 75253 | 580 | 700 | 880 | 1170 | 1420 |
| 75254 | 610 | 730 | 920 | 1230 | 1480 | 75313 | 590 | 710 | 900 | 1200 | 1450 |
| 75354 | 590 | 710 | 900 | 1200 | 1450 | 75355 | 590 | 710 | 900 | 1200 | 1450 |
| 75356 | 590 | 710 | 900 | 1200 | 1450 | 75367 | 590 | 710 | 900 | 1200 | 1450 |
| 75374 | 590 | 710 | 900 | 1200 | 1450 | 75378 | 590 | 710 | 900 | 1200 | 1450 |
| 75379 | 590 | 710 | 900 | 1200 | 1450 | 75381 | 590 | 710 | 900 | 1200 | 1450 |

SCHEDULE B Addendum - PROPOSED FY 2015 SMALL AREA FAIR MARKET RENTS FOR DEMONSTRATION PARTICIPANTS AND THE DALLAS, TX HUD METRO FMR AREA All Housing Authorities within the Dallas, TX HMFA -- ZIP Codes in Dallas County continued

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 75382 | 590 | 710 | 900 | 1200 | 1450 | | | | | | |

All Housing Authorities within the Dallas, TX HMFA -- ZIP Codes in Delta County

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 75415 | 560 | 670 | 850 | 1130 | 1370 | 75432 | 530 | 640 | 810 | 1080 | 1300 |
| 75441 | 560 | 670 | 850 | 1130 | 1370 | 75448 | 560 | 670 | 850 | 1130 | 1370 |
| 75450 | 560 | 670 | 850 | 1130 | 1370 | 75469 | 560 | 670 | 850 | 1130 | 1370 |

All Housing Authorities within the Dallas, TX HMFA -- ZIP Codes in Denton County

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 75007 | 670 | 810 | 1020 | 1360 | 1640 | 75009 | 630 | 750 | 950 | 1270 | 1530 |
| 75010 | 770 | 930 | 1170 | 1560 | 1880 | 75022 | 780 | 930 | 1180 | 1570 | 1900 |
| 75028 | 910 | 1090 | 1380 | 1840 | 2220 | 75034 | 750 | 900 | 1140 | 1520 | 1840 |
| 75056 | 820 | 990 | 1250 | 1670 | 2010 | 75057 | 630 | 750 | 950 | 1270 | 1530 |
| 75065 | 680 | 810 | 1030 | 1370 | 1660 | 75067 | 630 | 750 | 950 | 1270 | 1530 |
| 75068 | 730 | 880 | 1110 | 1480 | 1790 | 75077 | 800 | 960 | 1210 | 1610 | 1950 |
| 75093 | 710 | 850 | 1070 | 1430 | 1720 | 75287 | 590 | 700 | 890 | 1190 | 1430 |
| 76052 | 910 | 1090 | 1380 | 1840 | 2220 | 76177 | 600 | 720 | 910 | 1210 | 1470 |
| 76201 | 480 | 580 | 730 | 970 | 1180 | 76202 | 630 | 750 | 950 | 1270 | 1530 |
| 76205 | 590 | 700 | 890 | 1190 | 1430 | 76207 | 570 | 680 | 860 | 1150 | 1390 |
| 76208 | 630 | 760 | 960 | 1280 | 1550 | 76209 | 580 | 700 | 880 | 1170 | 1420 |
| 76210 | 740 | 890 | 1120 | 1490 | 1800 | 76226 | 910 | 1090 | 1380 | 1840 | 2220 |
| 76227 | 860 | 1030 | 1300 | 1730 | 2090 | 76247 | 730 | 870 | 1100 | 1470 | 1770 |
| 76249 | 760 | 920 | 1160 | 1550 | 1870 | 76258 | 580 | 700 | 880 | 1170 | 1420 |
| 76259 | 650 | 770 | 980 | 1310 | 1580 | 76262 | 730 | 880 | 1110 | 1480 | 1790 |
| 76266 | 650 | 770 | 980 | 1310 | 1580 | 76272 | 630 | 750 | 950 | 1270 | 1530 |

All Housing Authorities within the Dallas, TX HMFA -- ZIP Codes in Ellis County

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 75101 | 560 | 670 | 850 | 1130 | 1370 | 75119 | 560 | 670 | 850 | 1130 | 1370 |
| 75125 | 560 | 670 | 850 | 1130 | 1370 | 75152 | 500 | 600 | 760 | 1010 | 1220 |
| 75154 | 760 | 910 | 1150 | 1530 | 1850 | 75165 | 610 | 740 | 930 | 1240 | 1500 |
| 75167 | 760 | 920 | 1160 | 1550 | 1870 | 75168 | 610 | 730 | 920 | 1230 | 1480 |
| 76041 | 610 | 730 | 920 | 1230 | 1480 | 76064 | 700 | 840 | 1060 | 1410 | 1710 |
| 76065 | 640 | 770 | 970 | 1290 | 1560 | 76084 | 630 | 750 | 950 | 1270 | 1530 |
| 76623 | 610 | 730 | 920 | 1230 | 1480 | 76651 | 690 | 820 | 1040 | 1390 | 1680 |
| 76670 | 490 | 590 | 740 | 990 | 1190 | | | | | | |

SCHEDULE B Addendum - PROPOSED FY 2015 SMALL AREA FAIR MARKET RENTS FOR DEMONSTRATION PARTICIPANTS AND THE DALLAS, TX HUD METRO FMR AREA

All Housing Authorities within the Dallas, TX HMFA -- ZIP Codes in Hunt County

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 75135 | 550 | 660 | 840 | 1120 | 1350 | 75160 | 590 | 700 | 890 | 1190 | 1430 |
| 75169 | 510 | 610 | 770 | 1030 | 1240 | 75189 | 690 | 830 | 1050 | 1400 | 1690 |
| 75401 | 500 | 600 | 760 | 1010 | 1220 | 75402 | 520 | 620 | 790 | 1050 | 1270 |
| 75403 | 500 | 600 | 760 | 1010 | 1220 | 75422 | 530 | 630 | 800 | 1070 | 1290 |
| 75423 | 530 | 640 | 810 | 1080 | 1300 | 75428 | 420 | 510 | 640 | 850 | 1030 |
| 75442 | 560 | 670 | 850 | 1130 | 1370 | 75449 | 420 | 510 | 640 | 850 | 1030 |
| 75452 | 550 | 660 | 830 | 1110 | 1340 | 75453 | 670 | 810 | 1020 | 1360 | 1640 |
| 75474 | 460 | 550 | 700 | 930 | 1130 | 75496 | 420 | 510 | 640 | 850 | 1030 |

All Housing Authorities within the Dallas, TX HMFA -- ZIP Codes in Kaufman County

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 75114 | 750 | 900 | 1140 | 1520 | 1840 | 75126 | 910 | 1090 | 1380 | 1840 | 2220 |
| 75142 | 550 | 660 | 840 | 1120 | 1350 | 75143 | 520 | 620 | 790 | 1050 | 1270 |
| 75147 | 520 | 620 | 790 | 1050 | 1270 | 75157 | 450 | 540 | 680 | 910 | 1100 |
| 75158 | 530 | 640 | 810 | 1080 | 1300 | 75159 | 630 | 750 | 950 | 1270 | 1530 |
| 75160 | 590 | 700 | 890 | 1190 | 1430 | 75161 | 590 | 710 | 900 | 1200 | 1450 |

All Housing Authorities within the Dallas, TX HMFA -- ZIP Codes in Rockwall County

| ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR | ZIP Codes | 0 BR | 1 BR | 2 BR | 3 BR | 4 BR |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 75032 | 840 | 1010 | 1280 | 1710 | 2060 | 75087 | 770 | 930 | 1170 | 1560 | 1880 |
| 75088 | 880 | 1050 | 1330 | 1770 | 2140 | 75089 | 910 | 1090 | 1380 | 1840 | 2220 |
| 75132 | 800 | 960 | 1210 | 1610 | 1950 | 75189 | 690 | 830 | 1050 | 1400 | 1690 |

[FR Doc. 2014–20212 Filed 8–25–14; 8:45 am]

BILLING CODE 4210–67–C

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–R6–R–2014–N126; FXRS12610600000–145–FF06R06000]**

### San Luis Valley National Wildlife Refuge Complex, Alamosa, Rio Grande, and Saguache, CO; Comprehensive Conservation Plan and Environmental Impact Statement

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the availability of a draft comprehensive conservation plan (CCP) and draft environmental impact statement for the San Luis Valley National Wildlife Refuge Complex (refuge complex) in Alamosa, Rio Grande, and Saguache, Colorado. In these documents, we describe alternatives, including our proposed action alternative, to manage the refuge complex for the 15 years following approval of the final CCP.

**DATES:** To ensure consideration, please send your written comments by October 27, 2014. We will hold public meetings; see *Public Meetings* under **SUPPLEMENTARY INFORMATION** for dates, times, and locations.

**ADDRESSES:** You may submit your comments or requests for copies or more information by one of the following methods. You may request hard copies or a CD–ROM of the documents.

*Email: SLVrefuges@fws.gov.* Include ''San Luis Valley National Wildlife Refuge Complex CCP'' in the subject line of the message.

*Fax:* Attn: Laurie Shannon, Planning Team Leader, 303–236–4792.

*U.S. Mail:* Laurie Shannon, Planning Team Leader, Division of Refuge Planning, P.O. Box 25486, Denver, CO 80225–0486.

*In-Person Drop-off:* You may drop off comments during regular business hours at the above address, or at the San Luis Valley National Wildlife Refuge Complex administrative office located at 8249 Emperius Road, Alamosa, CO 81101.

**FOR FURTHER INFORMATION CONTACT:** Laurie Shannon, Planning Team Leader, 303–236–4317 (phone) or *laurie_shannon@fws.gov* (email); P.O. Box 25486, Denver Federal Center, Denver, CO 80225–0486.

**SUPPLEMENTARY INFORMATION:**

### Introduction

With this notice, we continue the CCP process for the San Luis Valley National Wildlife Refuge Complex. We started this process through a notice in the **Federal Register** on March 15, 2011 (76 FR 14042). The refuge complex is located in the San Luis Valley, a high mountain basin located in Alamosa, Rio Grande, and Saguache Counties, Colorado. A wide variety of habitats are found across the three refuges, including wet meadows, playa wetlands, riparian areas within the flood plain of the Rio Grande and other creeks, desert shrublands, grasslands, and croplands. Totaling about 106,000 acres, the refuges are an important stopover for numerous migratory birds. The refuges support many groups of nesting, migrating, and wintering birds, including grebes, herons, ibis, ducks, geese, hawks, eagles, falcons, shorebirds, owls, songbirds, and others.

### Background

*The CCP Process*

The National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd–668ee) (Administration Act) by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System (NWRS), consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including, where appropriate, opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

*Public Outreach*

We started the public outreach process in March 2011. At that time and throughout the process, we requested public comments and considered them in numerous ways. Public outreach has included holding six public meetings, mailing planning updates, maintaining a project Web site, and publishing press releases. We have considered and evaluated all the comments we have received during this process.

### CCP Alternatives We Are Considering

During the public scoping process with which we started work on this draft CCP and EIS, we, other governmental partners, Tribes, and the public raised several issues. Our draft CCP and EIS addresses them. A full description of each alternative is in the draft EIS. To address these issues, we developed and evaluated the following alternatives, summarized below.

*Alternative A: No Action*

*Habitat and wildlife management:* There would be few changes in management of habitats and wildlife populations across the refuge complex through the manipulation of water. We would continue to manage wetland areas, wet meadows, riparian areas, and upland habitats to provide for a variety of waterbirds and other migratory birds. We would continue to protect habitat for the federally endangered southwestern willow flycatcher and other species of concern, including the Rio Grande sucker and Rio Grande chub on Baca NWR. We would continue to produce small grains at current levels on Monte Vista NWR to provide food for spring-migrating sandhill cranes. The management of elk populations would be limited to nonlethal dispersal, agency culling, and the distribution hunts on the former State lands of Baca NWR. We would phase out the existing arrangement with The Nature Conservancy for season-long bison use within Baca NWR, and we would not use bison as a management tool in the future.

*Water resources management:* We would continue to manage water in the same manner, except as modified by changed State rules, regulations, and policies, and we would augment water supplies in accordance with State law.

*Visitor services:* We would continue to provide for limited wildlife-dependent public uses, including waterfowl and small game hunting on Monte Vista and Alamosa NWRs. We would not build new facilities to support visitor services. Baca NWR would remain closed to all public access except for limited guided tours, and access to refuge offices.

*Cultural resources, partnerships, and refuge complex operations:* There would be few changes from current management. When the legislation passed authorizing the Baca NWR, it did not come with additional funding, and additional operations costs were absorbed into the current operations. We would seek some additional staff and operations funding to support current management needs.

*Wilderness review:* We would not recommend protection for any areas having wilderness characteristics or values.

*Alternative B: Proposed Action (Wildlife Populations, Strategic Habitat Restoration, and Enhanced Public Uses)*

*Habitat and wildlife management:* Although we would manage wetland and riparian areas within the refuge complex to achieve a variety of wetland types and conditions in order to support a diversity of migratory birds, we would focus on the focal species, including the federally listed southwestern willow flycatcher and other wildlife species like the Rio Grande chub and Rio Grande sucker that represent larger regional and landscape conservation goals. In specific areas, we would restore historical water flow patterns through more effective and efficient water management practices (e.g., moving water to areas that historically held more water). This could include removal or replacement of water infrastructure. We would restore riparian habitat along streams in Baca NWR and along selected areas along the Rio Grande in Alamosa NWR, and we would manage upland habitats to create a variety of conditions to provide for a diversity of wildlife species. We would use public hunting, including elk hunting, to complement the State's management across the refuge complex, with more limited dispersal hunting used on Alamosa and Monte Vista NWRs. We would phase out the existing arrangement with The Nature Conservancy for bison management on Baca NWR, but we would research the feasibility of using semi-free-ranging bison year-round to effectively maintain and enhance refuge habitats. We would continue to grow limited amounts of small grain on Monte Vista NWR to provide food for spring-migrating sandhill cranes.

*Water resources management:* We would continue to work with other landowners and agencies throughout the watershed to keep flexibility as well as to protect and, if necessary, augment our water rights as State regulations evolve. Our water infrastructure, delivery, and efficiencies would require upgrades to make sure our wildlife, habitat, and visitor services objectives are met.

*Visitor services:* In addition to allowing for waterfowl and limited small game hunting, we would offer limited elk hunting on Monte Vista and Alamosa NWRs, and we would open Baca NWR for big game and small game hunting. We would improve public access on Monte Vista and Alamosa NWRs, including allowing more access from approximately July 15 through February 28 for wildlife viewing and interpretation on roads and trails that are currently only open to waterfowl hunters during hunting season. We would also improve existing access. We would seek funding to build a visitor center and refuge complex offices at Monte Vista NWR to provide for safer access to the refuge complex headquarters and to provide for a modern work environment, as well as to offer a place for visitors to come and learn more about the refuge complex resources. We would open Baca NWR for a variety of compatible, wildlife-dependent opportunities, including providing facilities to support them, including an auto tour route, trails, viewing blinds, and offering interpretation and environmental education programs.

*Cultural resources, partnerships, and refuge complex operations:* We would increase our efforts toward identifying and protecting the significant cultural resources found on the refuge complex. We would work with partners and volunteers to accomplish our objectives, but we would also seek increased staffing levels of both full-time and seasonal employees, as well as increased funding for operations.

*Wilderness review:* We would recommend protection of about 13,800 acres along the southeastern boundary of Baca NWR and adjacent to Great Sand Dunes National Park and Preserve that possess wilderness characteristics and values.

*Alternative C: Habitat Restoration and Ecological Processes*

*Habitat and wildlife management:* We would take all feasible actions to restore—or mimic, where needed—the native vegetation community, based on ecological site characteristics, ecological processes, and other factors. We would restore the function of the riparian and playa areas on the Baca NWR. Where possible, we would restore natural waterflow patterns. We would phase out and end the production of small grains for migrating sandhill cranes on Monte Vista NWR. Similar to alternative B, we would use hunting to manage elk populations across the refuge complex. Periodically (not annually), we would use bison on Baca NWR to mimic the ecological benefit they may have once provided.

*Water resources management:* We would manage water to restore the hydrologic conditions, with less focus on habitat management for specific species or for providing wildlife viewing. In some years, water might not be available to meet life cycle needs for some waterfowl species. Existing water infrastructure would be removed or modified as needed.

*Visitor services:* We would continue to allow waterfowl and limited small game hunting on the Monte Vista and Alamosa NWRs. Similar to under alternative B, we would open the Baca NWR for big game and small game hunting, whereas, on the Monte Vista and Alamosa NWRs, we would rely on limited public hunting or agency dispersal methods for elk management.

There may be other changes in public use, depending on the habitat management action. Some areas could be closed, or wildlife viewing would be more limited. Current public access would be evaluated on the Alamosa and Monte Vista NWRs. If existing roads or trails are not needed, or if these facilities fragment habitat, they could be removed or altered. Viewing areas for sandhill cranes may be moved, depending on restoration efforts. As under alternative B, on Monte Vista and Alamosa NWRs, we would also allow for additional walking and biking on trails and roads within the hunt boundary from July 15 through February 28. We would not build a refuge headquarters or visitor center on Monte Vista Refuge. Except for limited hunting access to achieve our management objectives, there would be few visitor facilities or programs on Baca NWR, and most of the refuge would remain closed.

*Cultural resources, partnerships, and refuge complex operations:* Our actions would be similar to those under alternative B, except that on Baca NWR, roads that are not needed or that are fragmenting habitat would be removed.

*Wilderness review:* This would be the same as under alternative B; we would recommend protection of about 13,800 acres along the southeastern boundary of Baca NWR.

*Alternative D: Maximize Public Use Opportunities*

*Habitat and wildlife management:* Under this alternative, our habitat management practices would be a blend of alternatives A and B. We would manage wildlife habitats on the refuge complex consistent with our mission and purposes, while maximizing and emphasizing quality visitor experiences and wildlife-dependent public uses. For example, we could irrigate areas that are closer to public access to facilitate wildlife viewing. We would increase agricultural production of small grains for sandhill cranes on Monte Vista NWR, including the consideration of producing grain in specific places to enhance wildlife viewing. We would offer a variety of opportunities for elk

hunting (e.g., youth hunts or additional provisions for persons with disabilities), managing numbers at levels that would restore and foster the long-term health of native plant communities. We would introduce and manage a small bison herd on a confined area of the Baca NWR, emphasizing wildlife viewing and interpretive opportunities.

*Water resources management:* We would manage water similar to alternative B, except we would make a concerted effort to make sure there is water in specific areas to enhance wildlife viewing; this practice could require additional augmentation of water.

*Visitor services:* We would provide for the widest variety of compatible wildlife-dependent recreation. Similar to under alternative B, public access and visitor programs would be expanded; however, there would be additional trails, viewing blinds, and seasonal auto tour routes across the refuge complex. Subsequently, we would increase interpretation and environmental education opportunities and seek more staff, volunteers, and partnerships to support the visitor services program. We would allow for limited fishing access on Alamosa NWR. We would also consider additional commercial uses.

*Cultural resources, partnerships and refuge complex operations:* Our actions would be similar to those under alternative B, except there would be greater emphasis on using students and volunteers to help us survey areas with high potential for cultural resources. We would pursue more outside partnerships and seek to increase staffing and funding to support our refuge complex operations.

*Wilderness review:* This would be the same as that under alternative B; we would recommend protection of about 13,800 acres along the southeastern boundary of Baca NWR.

**Public Availability of Documents**

In addition to any one method in **ADDRESSES**, you can view or obtain documents at the following locations:

- *Our Web site: http://www.fws.gov/mountain-prairie/planning/ccp/co/alm_bac_mtv/alm_bac_mtv.html.*
- *Public libraries:*

| Library | Address | Phone number |
|---|---|---|
| Alamosa Public Library | 300 Hunt Avenue, Alamosa, CO 81101 | (719) 589–6592 |
| Carnegie Public Library | 120 Jefferson Street, Monte Vista, CO 81144 | (719) 852–3931 |
| Baca Grande Library | 67487 County Road T, Crestone, CO 81131 | (719) 256–4100 |
| Saguache Public Library | 702 Pitkin Ave, Saguache, CO 81149 | (719) 655–2551 |

**Public Meetings**

Opportunity for public input will be provided at public meetings. The specific dates and times for the public meetings are yet to be determined, but will be announced via local media and a planning update.

**Submitting Comments/Issues for Comment**

We particularly seek comments on the following issues:

- Issue 1—Habitat and wildlife management;
- Issue 2—Water resources management;
- Issue 3—Landscape conservation and protection;
- Issue 4—Visitor services management;
- Issue 5—Partnerships and refuge operations;
- Issue 6—Cultural resources management and tribal coordination;
- Issue 7—Research, science, and wilderness review;

We consider comments substantive if they:

- Question, with reasonable basis, the accuracy of the information in the document;
- Question, with reasonable basis, the adequacy of the environmental assessment;
- Present reasonable alternatives other than those presented in the draft EIS; and/or
- Provide new or additional information relevant to the assessment.

**Next Steps**

After this comment period ends, we will analyze the comments and address them in the form of a final CCP and final EIS.

**Public Comments**

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

Dated: July 16, 2014.

**Matt Hogan,**

*Acting, Regional Director, Mountain-Prairie Region, U.S. Fish and Wildlife Service.*

[FR Doc. 2014–20236 Filed 8–25–14; 8:45 am]

BILLING CODE 4310–55–P

## DEPARTMENT OF THE INTERIOR

## U.S. Geological Survey

**[GX14RN00EAA0100]**

## Agency Information Collection Activities: Request for Comments

**AGENCY:** U.S. Geological Survey (USGS), Interior.

**ACTION:** Notice of a revision of a currently approved information collection (1028–0100).

**SUMMARY:** We (the U.S. Geological Survey) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act (PRA) of 1995, and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This collection is scheduled to expire on December 31, 2014.

**DATES:** To ensure that your comments are considered, we must receive them on or before October 27, 2014.

**ADDRESSES:** You may submit comments on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive MS 807, Reston, VA 20192 (mail); (703) 648–7197 (fax); or *gs-info_collections@usgs.gov* (email). Please reference 'Information Collection 1028–0100, Did You See it?—Report a Landslide' in all correspondence.

**FOR FURTHER INFORMATION CONTACT:** Rex Baum by mail at U.S. Geological Survey, Denver Federal Center, Box 25046, M.S. 966, Denver, CO 80225–0046, or by telephone at 303–273–8610.

**SUPPLEMENTARY INFORMATION:**

## I. Abstract

The objective of this collection is to build better inventories of landslides through citizen participation. This project will make it possible for the public to report their observations of landslides on a USGS-hosted Web site. The information gathered through the on-line database will be used to classify the landslides and damage, as well as provide information to scientists about the location, time, speed, and size of the landslides. The USGS Landslide Hazards Program has developed an interactive Web site for public reporting of landslides.

## II. Data

*OMB Control Number:* 1028–0100.

Form Number: *http://landslides.usgs.gov/dysi/form.php*.

*Title:* Did you see it? Report a Landslide.

*Type of Request:* New information collection.

*Affected Public:* General Public.

*Respondent's Obligation:* None. Participation is voluntary.

*Frequency of Collection:* On occasion, after a landslide.

*Estimated Total Number of Annual Responses:* 2,000.

*Estimated Time per Response:* 5 minutes.

*Estimated Annual Burden Hours:* 167.

*Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden:* There are no ''non-hour cost'' burdens associated with this IC.

*Public Disclosure Statement:* The PRA (44 U.S.C. 3501, et seq.) provides that an agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number and current expiration date.

## III. Request for Comments

We are soliciting comments as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that the comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment, including your personally identifiable information, may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public view, we cannot guarantee that we will be able to do so.

**Martha G. Brooks,**

*Signing Official, Chief of Staff, Natural Hazards Mission Area.*

[FR Doc. 2014–20186 Filed 8–25–14; 8:45 am]

**BILLING CODE 4311–AM–P**

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## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–EQD–SSB–16525; PPWONRADE3, PPMRSNR1Y.NM000]**

### Proposed Information Collection: Recreational Use Study

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice; request for comments.

**SUMMARY:** We (National Park Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) concerning recreational use along the Colorado River—specifically the stretch between the Glen Canyon Dam and Lee's Ferry. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other federal agencies to take this opportunity to comment on this IC. A federal agency not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** To ensure that your comments on this IC are considered, we must receive them on or before October 27, 2014.

**ADDRESSES:** Direct all written comments on this IC to Bret Meldrum, Chief, Social Science Program, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525–5596 (mail); *Bret_Meldrum@nps.gov* (email); and Phadrea Ponds, Information Collection Coordinator, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525 (mail); or *pponds@nps.gov* (email). Please reference Information Collection 1024—NEW in the subject line.

**FOR FURTHER INFORMATION CONTACT:** Dr. John Duffield, University of Montana, Department of Mathematical Sciences, Missoula, MT 5981; *bioecon@montana.com* (email); or: 406–721–2265 (phone).

**SUPPLEMENTARY INFORMATION:**

## I. Abstract

In 2013, approximately over 6 million recreational visitors visited the Colorado River corridor. The National Park Service in collaboration with the US Geological Survey (USGS) and the Grand Canyon Monitoring and Research Center (GCMRC) are interested in understanding the quality and values of visitor trips related to recreational use from the base of Glen Canyon Dam to just below Lees Ferry. A mail-back survey will be used to collect information concerning 1) trip/visit characteristics, 2) activities and 3) opinions on river management. This collection proposes to provide data that will be used to update the currently used estimates that are more than 25 years old. Up-to-date and relevant information is needed concerning the estimation of recreational use in this area.

## II. Data

*OMB Number:* None. This is a new collection.

*Title:* Recreational Use Survey.

*Type of Request:* New.

*Affected Public:* General public and individual households.

*Respondent Obligation:* Voluntary.

*Frequency of Collection:* One-time.

*Estimated Number of Annual Responses:* 5,940.

*Annual Burden Hours:* 844 hours. We estimate the public reporting burden to be 20 minutes per completed survey response.

*Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden:* We have not identified any ''non-hour cost'' burdens associated with this collection of information.

## III. Request for Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request

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

Dated: August 20, 2014.

**Madonna L. Baucum,**

*Information Collection Clearance Officer, National Park Service.*

[FR Doc. 2014–20232 Filed 8–25–14; 8:45 am]

**BILLING CODE 4310–EH–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–NER–GATE–16013; PPNEGATE00/PMP00UP05.YP0000, PX.P0075604H.00.1]**

### Record of Decision for Final General Management Plan/Environmental Impact Statement, Gateway National Recreation Area, New Jersey and New York.

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of Availability.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service (NPS) announces the availability of the Record of Decision for the Final General Management Plan and Environmental Impact Statement (Final GMP/EIS), Gateway National Recreation Area (Gateway), New Jersey and New York. On June 11, 2014, the Regional Director, Northeast Region, signed the Record of Decision approving a new General Management Plan (GMP) for Gateway. As soon as practicable, the NPS will begin to implement the selected alternative.

**FOR FURTHER INFORMATION CONTACT:** Superintendent Jennifer Nersesian, Gateway National Recreation Area, 210 New York Avenue, Staten Island, New York 10305 or telephone at (718) 354–4664.

**ADDRESSES:** Copies of the Record of Decision may be obtained from the contact listed below; the park's Web site, *http://www.nps.gov/gate;* or the NPS Planning, Environment, and Public Comment (PEPC) Web site, *http://parkplanning.nps.gov/GATEROD.*

**SUPPLEMENTARY INFORMATION:** On June 11, 2014, the Regional Director, Northeast Region, signed the Record of Decision selecting Alternative B as the approved General Management Plan (GMP) for Gateway. The Record of Decision includes a statement of the decision made; synopses of other alternatives considered; the basis for the decision; a description of the environmentally preferable alternative; a finding on impairment of park resources and values; a listing of measures to minimize environmental harm; and an overview of public involvement in the decision-making process.

The NPS will implement Alternative B: Discovering Gateway, which was identified as the agency's preferred alternative in the Final GMP/EIS. The complete description of the selected alternative is provided in chapter 2 of the Final GMP/EIS in the following sections: *Management Concepts for Each Alternative, Management Zones, Desired Conditions Common to Both Alternatives* and *Alternative B: Discovering Gateway.*

Under the selected alternative, the NPS will provide the widest range of activities and most recreation opportunities in dispersed locations throughout the park. New connections will be forged with park lands and communities adjacent and nearby Gateway. This alternative will offer the most instructional programming and skills development and draw people into the park to increase awareness and enjoyment of Gateway's historic resources and the natural environment. Gateway will provide more opportunities for multi-day excursions and overnight stays within the park and proposes different types of camping and lodging, varied use levels, and a range of supporting facilities. Increased use will be balanced with additional monitoring and management of wildlife and habitats. More convenient and affordable park access will be developed through trail connections, bicycle infrastructure, public transit, and waterborne transportation. The selected alternative prioritizes joint management and operations for visitor services, orientation, programs, and facilities with New York City and other partners.

The selected alternative describes the approach that the park will take to mitigate and adapt to the effects of climate change. Specific options to protect Gateway's resources include integrating long-term planning into park operations, monitoring observed and projected climate trends, conducting climate-related vulnerability assessments for fundamental resources and values, monitoring climate sensitive species, and implementing a range of adaptive management actions. Natural resource protection and restoration efforts will focus on softening hardened coastal edges, restoring wetland and coastal habitats and improving water quality within park waters. The park will pursue public-private partnerships that assist with the preservation and reuse of historic structures and landscapes for a wide variety of uses including visitor services, administrative and partner needs, recreational business opportunities or compatible private use. Gateway will continue to collaborate with a variety of academic and scientific institutions, non-profit organizations and agencies on research and projects to find creative solutions for the long-term preservation of natural and cultural resources.

The NPS selected Alternative B: Discovering Gateway because it best promotes a national park experience, provides a diversity of resource-based recreational opportunities and balances use with protection of the park's fundamental resources and values. The enabling legislation and park purpose identified in the Final GMP/EIS were given the highest consideration as the basis for selecting Alternative B. The selected alternative provides for the greatest diversity of outdoor recreation and access to park shorelines for water-based activities—primary reasons for which Gateway was established as the first NPS urban national recreation area—and emphasizes new physical and programmatic connections with adjacent communities and local government park systems to further increase opportunities for park access. The selected alternative focuses on the preservation and interpretation of the key resources mentioned in the park's legislation and emphasizes new partnerships with New York City and adjacent communities that will greatly enhance the park's ability to fulfill the intent of the enabling legislation and support targeted resource protection goals.

This planning process was initiated in 2009 and included extensive involvement with key stakeholders, agencies, resource experts, and members of the public. Information was disseminated through newsletters and press releases, and all interested parties were provided with opportunities to provide input and feedback during public meetings, workshops, and document review periods. The Draft General Management Plan and Environmental Impact Statement (Draft GMP/EIS) was available for public and agency review from August 2, 2013, through October 22, 2013, with five public open houses held in August and September 2013. The Final GMP/EIS

responded to, and incorporated, agency and public comments received on the Draft GMP/EIS. The Final GMP/EIS was released for a 30-day no action period on May 9, 2014, ending June 9, 2014.

Dated: June 11, 2014.

**Michael A. Caldwell,**

*Regional Director, Northeast Region, National Park Service.*

[FR Doc. 2014–20233 Filed 8–25–14; 8:45 am]

**BILLING CODE 4310–WV–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–NAGPRA–16112; PPWOCRADN0–PCU00RP14.R50000]**

### Notice of Intent To Repatriate Cultural Items: U.S. Department of the Interior, National Park Service, Aztec Ruins National Monument, Aztec, NM

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Interior, National Park Service, Aztec Ruins National Monument, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to Aztec Ruins National Monument. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Aztec Ruins National Monument at the address in this notice by September 25, 2014.

**ADDRESSES:** Lawrence Turk, Superintendent, Aztec Ruins National Monument, 84 Road 2900 (Ruins Road), Aztec, NM 87410, telephone (505) 334–6174 x222, email *larry_turk@nps.gov.*

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the U.S. Department of the Interior, National Park Service, Aztec Ruins National Monument, Aztec, NM, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Aztec Ruins National Monument.

#### History and Description of the Cultural Items

At an unknown date, five cultural items were removed from an unknown location in San Juan County, NM. In 1953, the items were donated to Aztec Ruins National Monument by Sherman Howe. Catalog records indicate that the items were found in a burial. No information is available regarding the whereabouts of any associated human remains. The five unassociated funerary objects are one Mesa Verde Black-on-White ceramic mug, one Black-on-White ceramic ladle, one corrugated ceramic culinary jar, and two Black-on-White ceramic bowls.

At an unknown date, one cultural item was removed from Haymie Ranch in San Juan County, NM. The item and associated human remains were donated to Aztec Ruins National Monument in 1960 by Esaias Haymie. The human remains were repatriated in 1998. The one unassociated funerary object is a Mesa Verde Black-on-White ceramic canteen.

At an unknown date, one cultural item was removed from LA 45 West Ruin in San Juan County, NM. Catalog records indicate that the item was likely removed from a burial but no human remains have been found. The one unassociated funerary object is a Mesa Verde Black-on-White ceramic bowl.

In 1934, four cultural items were removed from LA 45 West Ruin in San Juan County, NM. Associated human remains were repatriated in 1998. The four unassociated funerary objects are one Mesa Verde Black-on-White ceramic cup, two Black-on-White ceramic bowls, and one corrugated ceramic culinary jar.

In 1953, 29 cultural items were removed from LA 45 Hubbard Mound in San Juan County, NM. Associated human remains were repatriated in 1998. The 29 unassociated funerary objects are 1 bone tube, 1 Mesa Verde Black-on-White ceramic bowl, 1 Mesa Verde Black-on-White ceramic scoop, and 26 Black-on-White ceramic sherds.

The major occupation in and around Aztec Ruins National Monument has been well documented since the beginning of the 20th century in archeological sources as dating to the Pueblo II-Pueblo III period (circa A.D. 900–1300). A cultural affiliation study and subsequent tribal consultation indicate that the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico considers Aztec Ruins National Monument to be within their ancestral homeland. Oral traditions of ancestral puebloan peoples, including the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico, support a history of migrations through and occupation of Aztec Ruins National Monument and surrounding areas. The cultural items were identified by Hopi and Zuni cultural specialists as funerary objects used in Hopi and Zuni burial practices based upon the specific forms and ceramic designs, as well as archeological contexts.

#### Determinations Made by Aztec Ruins National Monument

Officials of Aztec Ruins National Monument have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 40 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico.

#### Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Lawrence Turk, Superintendent, Aztec Ruins National Monument, 84 Road 2900 (Ruins Road), Aztec, NM 87410, telephone (505) 334–6174 x222, email *larry_turk@nps.gov,* by September 25, 2014. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico may proceed.

Aztec Ruins National Monument is responsible for notifying the Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Kiowa Indian Tribe of Oklahoma; Mescalero Apache Tribe of

the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Ysleta Del Sur Pueblo of Texas; and the Zuni Tribe of the Zuni Reservation, New Mexico, that this notice has been published.

Dated: August 18, 2014.

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

[FR Doc. 2014–20222 Filed 8–25–14; 8:45 am]

**BILLING CODE 4312–50–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 1205–11]**

## Recommended Modifications in the Harmonized Tariff Schedule To Conform With Amendments to the Harmonized System Recommended by the World Customs Organization, and To Address Other Matters

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice of institution of investigation.

**SUMMARY:** The Commission has instituted investigation No. 1205–11, *Recommended Modifications in the Harmonized Tariff Schedule to Conform with Amendments to the Harmonized System Recommended by the World Customs Organization, and to Address Other Matters,* pursuant to section 1205 of the Omnibus Trade and Competitiveness Act of 1988 (the 1988 Act) (19 U.S.C. 3005), in order to recommend to the President modifications in the Harmonized Tariff Schedule of the United States (HTS).

The recommended modifications concern (1) the World Customs Organization's (WCO) Recommendation of June 27, 2014 that Contracting Parties to the International Convention on the Harmonized Commodity Description and Coding System (Convention) modify their tariff schedules to conform with amendments to the Harmonized System expected to enter into force on January 1, 2017; and (2) whether one of the two HTS subheadings that apply to taro (also known as dasheens) should be deleted, and whether the HTS nomenclature for corned beef should be provided for under a superior subheading for cured meat of bovine animals.

**DATES:** August 20, 2014: Posting of the WCO's Recommendation of June 27, 2014, on the Commission Web site. December 2014 (actual date to be announced later): Posting of the Commission's proposed recommendations on the Commission's Web site.

February 2015 (actual date to be announced later): Deadline for interested Federal agencies and the public to file written views on the Commission's proposed recommendations. July 2015 (actual date to be announced later): Transmittal of the Commission's report to the President.

**ADDRESSES:** All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm.*

**FOR FURTHER INFORMATION CONTACT:** Daniel P. Shepherdson, Attorney-Advisor, Office of Tariff Affairs and Trade Agreements (202–205–2598, or *Daniel.Shepherdson@usitc.gov*) or John Kitzmiller, Nomenclature Analyst, Office of Tariff Affairs and Trade Agreements (202–205–3387, or *John.Kitzmiller@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819, or *Margaret.OLaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information about the Commission may be obtained by accessing the Commission Web site at *www.usitc.gov.* 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.

**SUPPLEMENTARY INFORMATION:**

*Background:* Section 1205(a) of the 1988 Act requires that the Commission keep the Harmonized Tariff Schedule of the United States (Harmonized Tariff Schedule or HTS) under continuous review and periodically recommend to the President such modifications in the HTS as the Commission considers necessary or appropriate, including to conform the HTS with amendments made to the International Convention on the Harmonized Commodity Description and Coding System (Convention), which contains the Harmonized System nomenclature in the Annex to the Convention.

The Harmonized System nomenclature provides uniform product architecture for the customs tariffs and statistical nomenclatures of all major trading countries of the world, including the United States. The Harmonized System establishes the general arrangement or structure of product categories, set forth in chapters, 4-digit headings and 6-digit subheadings. It also includes the general rules of interpretation, and section and chapter legal notes that define the scope of sections, chapters, 4-digit headings and 6-digit subheadings. The Harmonized Tariff Schedule is based on the Harmonized System nomenclature. In addition, however, the HTS includes national subdivisions (8-digit subheadings and 10-digit statistical annotations), as well as additional U.S. chapter notes, and other national provisions that facilitate the administration of U.S. customs, tariff and statistical programs.

On June 27, 2014, the WCO adopted recommended amendments to the Harmonized System nomenclature that are scheduled to enter into force on January 1, 2017. The amendments are the fifth in a series of such amendments and are part of the WCO's ongoing program of periodically reviewing and updating the Harmonized System nomenclature. The Commission has posted a copy of the WCO amendments on its Web site at *www.usitc.gov.* The Commission will recommend to the President such modifications in the HTS as it considers necessary or appropriate to conform the HTS with such amendments.

The Commission will also consider two additional possible modifications in the HTS identified by U.S. Customs and Border Protection as part of this investigation. The first relates to the HTS nomenclature for taro (also known as dasheens). In the HTS, fresh or

chilled taro is provided for in HTS subheading 0714.40.10, while fresh or chilled dasheens are provided for in HTS subheading 0714.90.10. As part of this investigation, the Commission intends to consider whether it is necessary or appropriate to recommend to the President that one of the two subheadings be deleted from the HTS. The second additional possible modification relates to the HTS nomenclature for corned beef, which is provided for in HTS subheading 1602.50.10. The superior subheading to subheading 1602.50.10 provides for certain meat of bovine animals that is not cured. However, corned beef is a cured meat product. As part of this investigation, the Commission intends to consider whether it is necessary or appropriate to recommend to the President that the HTS be modified to provide for corned beef under a superior subheading for cured meat of bovine animals.

An up-to-date copy of the HTS, which incorporates the Harmonized System in its overall structure, can be found on the Commission Web site at *www.usitc.gov.* Hard copies and electronic copies on CD can be found at many of the 1,400 Federal Depository Libraries located throughout the United States and its territories; further information about these locations can be found at *www.gpoaccess.gov* or by contacting GPO Access by telephone at (866) 512–1800.

*Proposed Recommendations, Opportunity To Comment:* In preparing its recommended modifications, the Commission will first prepare proposed recommendations and provide opportunity to interested Federal agencies and the public to present their views in writing on those proposed recommendations. The Commission expects to publish the proposed recommendations on its Web site in December 2014, and will publish a notice in the **Federal Register** at that time providing notice of their availability and the procedures for filing written views, including the date by which such written views must be filed. To assist the public in understanding the proposed changes and in developing comments, the Commission will include, with the proposed recommendations and in its report to the President, a non-authoritative cross-reference table linking the proposed tariff codes to the corresponding current tariff codes. Persons using the successive versions of this table should be aware that the cross-references shown are subject to change during the course of the investigation.

*Recommendations to the President:* The Commission will submit its recommended modifications to the President in the form of a report that will include a summary of the information on which the recommendations were based, together with a statement of the probable economic effect of each recommended change on any industry in the United States. The report also will include a copy of all written views submitted by interested Federal agencies and a copy or summary, prepared by the Commission, of the views of all other interested parties. The Commission expects to submit that report in July 2015.

By order of the Commission.

Issued: August 20, 2014.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2014–20175 Filed 8–25–14; 8:45 am]

**BILLING CODE 7020–02–P**

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–378]**

### Controlled Substances: Adjustment to the Established 2014 Aggregate Production Quota for Marijuana

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** Notice.

**SUMMARY:** This notice addresses a comment received as a result of a notice with request for comments published May 5, 2014, adjusting the established 2014 aggregate production quota for marijuana, a schedule I controlled substance under the Controlled Substances Act.

**DATES:** Effective August 26, 2014.

**FOR FURTHER INFORMATION CONTACT:** Imelda L. Paredes, Office of Diversion Control, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152, Telephone: (202) 598–6812.

**SUPPLEMENTARY INFORMATION:**

#### Legal Authority

The Drug Enforcement Administration (DEA) implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended. Titles II and III are referred to as the ''Controlled Substances Act'' and the ''Controlled Substances Import and Export Act,'' respectively, and are collectively referred to as the ''Controlled Substances Act'' or the ''CSA'' for the purpose of this action. 21 U.S.C. 801–971. The DEA publishes the implementing regulations for these statutes in title 21 of the Code of Federal Regulations (CFR), parts 1300 to 1321. The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while providing for the legitimate medical, scientific, research, and industrial needs of the United States. Controlled substances have the potential for abuse and dependence and are controlled to protect the public health and safety.

Section 306 of the 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 each year. The Attorney General has delegated this authority under 21 U.S.C. 826 to the Administrator of the DEA, 28 CFR 0.100.

#### Background

The DEA established the initial 2014 aggregate production quotas and assessments for annual need on September 9, 2013 (78 FR 55099). The notice stipulated that, as provided for in 21 CFR 1303.13, all aggregate production quotas and assessments for annual need are subject to adjustment. On May 5, 2014, a notice titled, ''Controlled Substances: Adjustment to the Established 2014 Aggregate Production Quota for Marijuana,'' was published in the **Federal Register** (79 FR 55099). That notice adjusted the established 2014 aggregate production quota for marijuana for reasons stated therein. All interested persons were invited to comment on or object to the adjusted 2014 aggregate production quota for marijuana on or before June 4, 2014.

#### Comments Received

The DEA received one comment on the notice with request for comments. The commenter supported the adjusted 2014 aggregate production quota for marijuana. The DEA appreciates the support for this adjusted 2014 aggregate production quota for marijuana which will provide for the estimated scientific, research, and industrial needs of the United States.

#### Determination for Adjusting the Established 2014 Aggregate Production Quota for Marijuana

The DEA has taken into consideration the one comment received during the 30-day period and the Administrator has determined, pursuant to Section 306

of the CSA (21 U.S.C. 826), based on all of the above, and for the reasons stated in the May 5, 2014, notice, that the adjusted established 2014 aggregate production quota for marijuana to be manufactured in the United States in 2014 to provide for the estimated scientific, research, and industrial needs of the United States, and the establishment and maintenance of reserve stocks, expressed in grams of anhydrous acid or base, shall remain as follows:

| Basic class-schedule I | Previously established 2014 quota | Adjusted 2014 quota |
|---|---|---|
| Marijuana | 21,000 g | 650,000 g |

Dated: August 20, 2014.

**Michele M. Leonhart,**

*Administrator.*

[FR Doc. 2014–20317 Filed 8–25–14; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Richard C. Quigley, D.O.; Decision and Order

On November 13, 2013, I, the Deputy Administrator, Drug Enforcement Administration, issued an Order to Show Cause and Immediate Suspension of Registration (hereinafter OTSC/ISO or Order) to Richard C. Quigley, D.O. (Registrant), of Oscoda, Michigan. The Order, which also sought the revocation of Registrant's DEA Certificate of Registration and the denial of any pending applications to renew or modify his registration, alleged, *inter alia,* that on ten occasions between June 6 and August 30, 2013, Registrant prescribed schedule III controlled substances combining hydrocodone and acetaminophen, to four undercover law enforcement officers, without ''conduct[ing] a physical examination or properly assess[ing] the needs of [the] individual[s] for controlled substances.'' *Id.* at 2–3. The Order thus alleged that Registrant acted outside of the usual course of professional practice and lacked a legitimate medical purpose in issuing the prescriptions and thus violated both federal and state law. *Id.* (citing 21 CFR 1306.04(a); Mich. Comp. Laws sections 333.7333; 333.7405).[1]

Based on ''the egregious and repeated nature of [his] misconduct,'' the Order further concluded that Registrant's ''continued registration during the pendency of these proceedings would constitute an imminent danger to the public health or safety.'' *Id.* at 4. Accordingly, I ordered that Registrant's registration be immediately suspended. *Id.*

On November 18, 2013, a DEA Diversion Investigator (DI) attempted to serve the OTSC/ISO on Registrant. GX 2, at 2. However, she ''discovered that [Registrant] had abandoned his practice, pulled his children out of school, and fled . . . to Canada.'' *Id.* Upon inquiring with U.S. Customs and Border Protection, the DI determined that Registrant ''and his family entered Canada on September 26, 2013'' and had not returned to the United States. *Id.* at 2–3.

Simultaneously with the DI's attempt to effect service, on November 18, 2013, a Legal Assistant with the Office of Chief Counsel mailed the OTSC/ISO to Registrant, at the mailing address he had previously provided the Agency, by certified mail, return receipt requested. GX 8. On November 21, 2013, the legal assistant queried the U.S. Postal Service's Track and Confirm'' Web page; the Web page stated: ''Moved, Left No Address.'' *Id.* Thereafter, on November 29, the mailing was returned to the Office of Chief Counsel. *Id.*

On December 2, 2013, the Legal Assistant re-mailed the OTSC/ISO to Registrant by First Class Mail to the same address. *Id.* However, on December 11, 2013, the mailing was returned bearing a label which read: ''MOVED LEFT NO ADDRESS, UNABLE TO FORWARD, RETURN TO SENDER.'' *Id.*

Concurrently with her attempts to effect service by mail, on November 20, the Legal Assistant emailed the OTSC–ISO to Registrant at the contact email address he had previously provided to the Agency's Registrant Information Consolidated System (RICS). *Id.* at 2. According to the Legal Assistant, she ''received notification from my email program that delivery to the recipient was complete. I did not receive any error message that indicated that the email was not delivered.'' *Id.*

Based on the above, I find that the Government has complied with its constitutional obligation to ''to provide 'notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.' '' *Jones* v. *Flowers,* 547 U.S. 220, 226 (2006) (quoting *Mullane* v. *Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950)). Moreover, '' 'when notice is a person's due . . . [t]he means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it.' '' *Jones,* 547 U.S. at 229 (quoting *Mullane,* 339 U.S. at 315).

Here, while the Government's efforts to effect service by both hand delivery and mail were not effective, several courts have held that the emailing of process can, depending on the facts and circumstances, satisfy due process, especially where service by conventional means is impracticable because a person secretes himself. *See Rio Properties, Inc.* v. *Rio Int'l Interlink,* 284 F.3d 1007, 1017–18 (9th Cir. 2002); *Snyder, et al.* v. *Alternate Energy Inc.,* 857 N.Y.S. 2d 442, 447–449 (N.Y. Civ. Ct. 2008); *In re International Telemedia Associates, Inc.,* 245 B.R. 713, 721–22 (Bankr. N.D. Ga. 2000). To be sure, courts have recognized that the use of email to serve process has ''its limitations,'' including that ''[i]n most instances, there is no way to confirm receipt of an email message.'' *Rio Properties,* 284 F.3d at 1018.

Due process does not, however, require actual notice, *Jones,* 547 U.S. at 226 (quoting *Dusenberry,* 534 U.S. 161, 170 (2002)), but rather, only '' 'notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.' '' *Id. (quoting Mullane,* 339 U.S. at 314). Here, I conclude that because the Government's use of traditional means of service was rendered futile by Registrant's having fled the United States, the use of email to effect service at an email address he had previously provided the Agency was ''reasonably calculated . . . to apprise [Registrant] of the pendency of the action'' where the Government did not receive back either an error or undeliverable message. *See Emilio*

[1] The Show Cause Order also notified Registrant of his right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, the procedure for electing either option, and the consequence for failing to do either. GX 1, at 5 (citing 21 CFR 1301.43(a), (c), (d)–(e)).

*Luna,* 77 FR 4829, 4830 (2012).[2] I therefore conclude that the Government has satisfied its obligation under the Due Process Clause to properly serve Registrant.

I further find that more than thirty (30) days have now passed since service of the OTSC/ISO and that neither Registrant, nor anyone purporting to represent him, has either requested a hearing or submitted a written statement in lieu of a hearing. I therefore find that Registrant has waived his right to a hearing or to submit a written statement in lieu of a hearing. 21 CFR 1301.43(d). I make the following findings.

**Findings**

Registrant previously held a DEA Certificate of Registration, pursuant to which he was authorized to dispense controlled substances in schedules II through V as a practitioner at the registered address of 2099 N. US Hwy 23, Oscoda, Michigan. GX 22, at 1. According to the affidavit of the Chief of the DEA Registration and Program Support Section, on March 10, 2014, a renewal notice for this registration was mailed to Registrant. *Id.* However, on April 18, 2014, the notice was returned to DEA headquarters as undeliverable, and on April 30, 2014, this registration expired. Thereafter, on May 7, 2014, DEA sent a delinquent renewal notice to Registrant. *Id.* However, when, as of June 1, 2014, no renewal application had been received, the registration was retired from the DEA computer system. *Id.*

Pursuant to 5 U.S.C. 556(e), I take official notice of the fact that Registrant was also previously licensed by the State of Michigan as an osteopathic physician. However, Registrant's medical license expired on December 31, 2013.

The Government represents that it did not seize any controlled substances pursuant to the authority granted by the Immediate Suspension Order. Req. for Final Agency Action, at 12.

**Mootness**

The Government acknowledges that Registrant's registration expired on April 30, 2014 and that ''he did not timely renew.'' *Id.* Indeed, there is no pending application—whether timely or not—before the Agency. Thus, there is neither an existing registration to revoke nor a pending application to act upon. Under Agency precedent, these findings ordinarily render a show cause proceeding moot. *See, e.g., Ronald J. Riegel,* 63 FR 67132 (1998).

DEA, however, has recognized a limited exception to this rule in cases which commence with the issuance of an immediate suspension order because of the collateral consequences which may attach with the issuance of such a suspension. *See William R. Lockridge,* 71 FR 77791, 77797 (2006). The ''collateral consequences'' may include the loss of title to any controlled substances that have been seized pursuant to the immediate suspension order, *see* 21 U.S.C. 824(f), harm to reputation, and having to report the suspension on future applications to either this Agency or State Board. *See Lockridge,* 71 FR at 77797.

Here, the Government acknowledges that no controlled substances were seized in this case (indeed, Registrant was already in Canada). Instead, it argues that ''DEA has recognized that a final agency action is necessary to address 'harm to reputation' and other adverse collateral consequences that result from the initial suspension of [a] registration.'' Req. for Final Agency Action, at 12–13 (citing *Lockridge,* 71 FR at 77797 (citing *In re Surrick,* 338 F.3d 224, 230 (3d Cir. 2003); *Dailey* v. *Vought Aircraft Co.,* 141 F.3d 224, 228 (5th Cir. 1998); *Kirkland* v. *National Mortgage Network, Inc.,* 884 F.2d 1367, 1370 (11th Cir. 1989) (quotation omitted))).

Yet each of these cases had a critical factor that distinguishes them from the present case—the person challenging the action cared enough to show up and litigate. Not so here.

In *Lockridge,* the Agency declined to find a case moot where a physician who had been issued an immediate suspension order fully litigated the allegations of a show cause order and allowed his registration to expire only after the ALJ issued a decision recommending that his DEA registration be revoked. 71 FR at 77796. While the Agency relied in part on the collateral consequences which attach with the issuance of an immediate suspension order, noting that the suspension would have to be reported on any future DEA application and likely on any state application, as well as the potential harm to the physician's reputation, it also noted that the parties had expended considerable resources in litigating the allegations and that there was also no evidence that the physician intended to permanently cease the practice of medicine. *Id.* at 77797.

Subsequent to *Lockridge,* however, the Agency has held several cases moot notwithstanding the issuance of an immediate suspension order. *See Tin T. Win,* 78 FR 52802 (2013); *Robert Charles Ley,* 76 FR 20033 (2011); *Elmer P. Manolo,* 73 FR 50353 (2008).

In *Manolo,* the Agency issued an immediate suspension order to a physician. While the physician initially requested a hearing on the allegations, thereafter the State suspended his medical license and the Government successfully moved for summary disposition. *See* 21 U.S.C. 824(a)(3).

On review, the Agency noted that the physician had allowed his DEA registration to expire and failed to file a renewal application. 73 FR at 50353. Further noting that the Government did not seek to litigate the allegations underlying the immediate suspension order but sought revocation based on the physician's loss of his state authority, the then-Deputy Administrator ordered the parties to brief the issue of whether the case was now moot, and further directed the physician, in the event he contended that the case was not moot, to explain why he did not ''file a renewal application and what collateral consequences attach[ed] as a result of the suspension order.'' *Id.* at 50354.

While the Government acknowledged that the case had become moot and should be dismissed, Respondent did not comply with the briefing order. *Id.* Based on the physician's ''failure to comply with the briefing order, his failure to file a renewal application, and his failure to provide any evidence of his intent to remain in professional practice or of other collateral consequences that attached with the issuance of the suspension order,'' the then-Deputy Administrator held that the case was moot. *Id. See also Ley,* 76 FR at 20033–34 (holding case moot where physician subject to ISO allowed his registration to expire, failed to identify any collateral consequences, and waived his right to challenge the allegations).

More recently, in *Win,* an ISO was served on a physician who then failed to request a hearing or submit a written statement in lieu of a hearing. 78 FR at 52802. Shortly after the Government filed its request for final agency action, the physician's registration expired. *Id.* at 52803. On review, the Administrator took official notice of the Agency's registration records and determined that the physician had failed to file a renewal application. *Id.* The Administrator then directed the

[2] In *Robert Leigh Kale,* 76 FR 48898, 48899–900 (2011), the Administrator explained that the use of email to serve an Order to Show Cause is acceptable only after traditional methods of service have been tried and been ineffective. While here, the Government emailed the OTSC/ISO before it had determined that mailing would be ineffective, given the information it had obtained that Registrant had fled to Canada, I conclude that the Government was not required to wait for the mail to be returned unclaimed or undeliverable before attempting email service.

Government to notify her as to whether any controlled substances had been seized pursuant to the ISO thus creating a collateral consequence which precluded a finding of mootness. *Id.* Thereafter, the Government notified the Administrator that no controlled substances had been seized and acknowledged that the case was moot. *Id.* Accordingly, the Administrator dismissed the case as moot. *Id.*

While the Government asserts that this case is not moot because of the ''harm to [Registrant's] reputation'' and other potential collateral consequences such as his having to disclose the suspension on future applications, Request for Final Agency Action, at 12; it ignores that Registrant has not sought to challenge the allegations.[3] So too, not only did Registrant allow his Michigan license to expire, he has fled the United States. These findings are more than sufficient to conclude that Registrant does not intend to remain in professional practice (at least in this country).

Accordingly, I conclude that this proceeding is moot.

**Order**

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b) and 0.104, I order that the Order to Show Cause and Immediate Suspension of Registration issued to Richard C. Quigley, D.O., be, and it hereby is, dismissed. This Order is effective immediately.

Dated: August 15, 2014.

**Thomas M. Harrigan,**

*Deputy Administrator.*

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**BILLING CODE 4410–09–P**

[3] Here, while the thirty-day period for requesting a hearing would have lapsed sometime in late December 2013, and Registrant's registration did not expire until April 30, 2014, the Request for Final Agency Action was not submitted until June 18, 2014.

## DEPARTMENT OF JUSTICE

## Drug Enforcement Administration

**[Docket No. DEA–392]**

## Importer of Controlled Substances Registration: SA INTL GMBH C/O., Sigma Aldrich Co., LLC

**ACTION:** Notice of registration.

**SUMMARY:** SA INTL GMBH C/O., Sigma Aldrich Co., LLC, applied to be registered as an importer of certain basic classes of controlled substances. The DEA grants SA INTL GMBH C/O., Sigma Aldrich Co., LLC, registration as an importer of these controlled substances.

**SUPPLEMENTARY INFORMATION:** By notice dated May 28, 2014, and published in the **Federal Register** on June 4, 2014, 79 FR 32319, SA INTL GMBH C/O., Sigma Aldrich Co., LLC., 3500 Dekalb Street, St. Louis, Missouri 63118, applied to be registered as an importer of a certain basic classes of controlled substances. In reference to the non-narcotic raw material, no comments or objections have been received. Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

The Drug Enforcement Administration (DEA) has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of SA INTL GMBH C/O., Sigma Aldrich Co., LLC., to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above-named company is granted registration as an importer of the basic classes of controlled substances listed:

| Controlled substance | Schedule |
|---|---|
| Cathinone (1235) | I |
| Methcathinone (1237) | I |
| Mephedrone (1248) | I |
| N-Ethylamphetamine (1475) | I |
| Aminorex (1585) | I |
| Gamma Hydroxybutyric Acid (2010). | I |
| Methaqualone (2565) | I |
| Alpha-ethyltryptamine (7249) | I |
| Ibogaine (7260) | I |
| Lysergic acid diethylamide (7315) | I |
| Marihuana (7360) | I |
| Tetrahydrocannabinols (7370) | I |
| Mescaline (7381) | I |
| 4-Bromo-2,5-dimethoxyamphetamine (7391). | I |
| 4-Bromo-2,5-dimethoxyphenethylamine (7392). | I |
| 4-Methyl-2,5-dimethoxyamphetamine (7395). | I |
| 2,5-Dimethoxyamphetamine (7396). | I |
| 3,4-Methylenedioxyamphetamine (7400). | I |
| N-Hydroxy-3,4-methylenedioxyamphetamine (7402). | I |
| 3,4-Methylenedioxy-N-ethylamphetamine (7404). | I |
| 3,4-Methylenedioxymethamphetamine (7405). | I |
| 4-Methoxyamphetamine (7411) | I |
| Bufotenine (7433) | I |
| Diethyltryptamine (7434) | I |
| Dimethyltryptamine (7435) I | |
| Psilocybin (7437) | I |
| Psilocyn (7438) | I |
| 1-[1-(2-Thienyl)cyclohexyl]piperidine (7470). | I |
| N-Benzylpiperazine (7493) | I |
| MDPV (7535) | I |
| Heroin (9200) | I |
| Normorphine (9313) | I |
| Etonitazene (9624) | I |
| Amphetamine (1100) | II |
| Methamphetamine (1105) | II |
| Methylphenidate (1724) | II |
| Amobarbital (2125) | II |
| Pentobarbital (2270) | II |
| Secobarbital (2315) | II |
| Glutethimide (2550) | II |
| Nabilone (7379) | II |
| Phencyclidine (7471) | II |
| Cocaine (9041) | II |
| Codeine (9050) | II |
| Oxycodone (9143) | II |
| Hydromorphone (9150) | II |
| Diphenoxylate (9170) | II |
| Ecgonine (9180) | II |
| Ethylmorphine (9190) | II |
| Hydrocodone (9193) | II |
| Levorphanol (9220) | II |
| Meperidine (9230) | II |
| Methadone (9250) | II |
| Morphine (9300) | II |
| Thebaine (9333) | II |
| Opium, powdered (9639) | II |
| Levo-alphacetylmethadol (9648) | II |
| Oxymorphone (9652) | II |
| Fentanyl (9801) | II |

The company plans to import the listed controlled substances for sale to research facilities for drug testing and analysis.

In reference to drug codes 7360 and 7370, the company plans to import a synthetic cannabidiol and a synthetic tetrahydrocannabinol. No other activity for this drug code is authorized for this registration.

Dated: August 19, 2014.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator.*

[FR Doc. 2014–20200 Filed 8–25–14; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–392]**

### Bulk Manufacturer of Controlled Substances Application: Chemtos, LLC

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before October 27, 2014.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. Request for hearings should be sent to: Drug Enforcement Administration, Attention: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR pt. 0, subpt. R, App.

In accordance with 21 CFR 1301.33(a), this is notice that on June 6, 2014, Chemtos, LLC, 14101 W. Highway 290, Building 2000B, Austin, Texas 78737–9331, applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

| Controlled substance | Schedule |
|---|---|
| Amphetamine (1100) | II |
| Methamphetamine (1105) | II |
| Lisdexamfetamine (1205) | II |
| Methylphenidate (1724) | II |
| Nabilone (7379) | II |
| Phenylacetone (8501) | II |
| Cocaine (9041) | II |
| Codeine (9050) | II |
| Etorphine HCl (9059) | II |
| Dihydrocodeine (9120) | II |
| Oxycodone (9143) | II |
| Hydromorphone (9150) | II |
| Ecgonine (9180) | II |
| Ethylmorphine (9190) | II |
| Hydrocodone (9193) | II |
| Levomethorphan (9210) | II |
| Levorphanol (9220) | II |
| Isomethadone (9226) | II |
| Meperidine (9230) | II |
| Meperidine intermediate-A (9232) | II |
| Meperidine intermediate-B (9233) | II |
| Meperidine intermediate-C (9234) | II |
| Methadone (9250) | II |
| Methadone intermediate (9254) | II |
| Morphine (9300) | II |
| Thebaine (9333) | II |
| Dihydroetorphine (9334) | II |
| Levo-alphacetylmethadol (9648) | II |
| Oxymorphone (9652) | II |
| Racemethorphan (9732) | II |
| Racemorphan (9733) | II |

The company plans to manufacture small quantities of the listed controlled substances in bulk for distribution to its customers for use as reference standards.

Dated: August 19, 2014.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator.*

[FR Doc. 2014–20195 Filed 8–25–14; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–392]**

### Bulk Manufacturer of Controlled Substances Application: Cerilliant Corporation

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before October 27, 2014.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. Request for hearings should be sent to: Drug Enforcement Administration, Attention: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:**

The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR pt. 0, subpt. R, App.

In accordance with 21 CFR 1301.33(a), this is notice that on June 9, 2014, Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402, applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

| Controlled substance | Schedule |
|---|---|
| 3-Fluoro-N-methylcathinone (3–FMC) (1233). | I |
| Cathinone (1235) | I |
| Methcathinone (1237) | I |
| 4-Fluoro-N-methylcathinone (4–FMC) (1238). | I |
| Pentedrone (α-methylaminovalerophenone) (1246). | I |
| Mephedrone (4-Methyl-N-methylcathinone) (1248). | I |
| 4-Methyl-N-ethylcathinone (4–MEC) (1249). | I |
| Naphyrone (1258) | I |
| N-Ethylamphetamine (1475) | I |
| N,N-Dimethylamphetamine (1480) | I |
| Fenethylline (1503) | I |
| Aminorex (1585) | I |
| 4-Methylaminorex (cis isomer) (1590). | I |
| Gamma Hydroxybutyric Acid (2010). | I |
| Methaqualone (2565) | I |
| JWH–250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole) (6250). | I |
| SR–18 and RCS–8 (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole) (7008). | I |
| 5-Flouro-UR–144 and XLR11 [1-(5-Fluoro-pentyl) 1–H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl) methanone (7011). | I |
| AB–FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide) (7012). | I |
| JWH–019 (1-Hexyl-3-(1-naphthoyl)indole) (7019). | I |
| ADB–PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide) (7035). | I |
| APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide (7048). | I |
| JWH–081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole) (7081). | I |

| Controlled substance | Schedule |
|---|---|
| SR–19 and RCS–4 (1-Pentyl-3[(4-methoxy)-benzoyl] indole (7104). | I |
| JWH–018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole) (7118). | I |
| JWH–122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole) (7122). | I |
| UR–144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (7144). | I |
| JWH–073 (1-Butyl-3-(1-naphthoyl)indole) (7173). | I |
| JWH–200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole) (7200). | I |
| AM–2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole) (7201). | I |
| JWH–203 (1-Pentyl-3-(2-chlorophenylacetyl) indole) (7203). | I |
| PB–22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate) (7222). | I |
| 5F–PB–22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate) (7225). | I |
| Alpha-ethyltryptamine (7249) | I |
| CP–47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol) (7297). | I |
| CP–47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S) 3-hydroxycyclohexyl-phenol) (7298). | I |
| Lysergic acid diethylamide (7315) | I |
| 2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C–T–7) (7348). | I |
| Marihuana (7360) | I |
| Tetrahydrocannabinols (7370) | I |
| Parahexyl (7374) | I |
| Mescaline (7381) | I |
| 2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine (2C–T–2) (7385). | I |
| 3,4,5–Trimethoxyamphetamine (7390). | I |
| 4–Bromo–2,5–dimethoxyamphetamine (7391). | I |
| 4–Bromo–2,5–dimethoxyphenethylamine (7392). | I |
| 4-Methyl-2,5-dimethoxyamphetamine (7395). | I |
| 2,5-Dimethoxyamphetamine (7396). | I |
| JWH–398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole (7398). | I |
| 2,5-Dimethoxy-4-ethylamphetamine (7399). | I |
| 3,4-Methylenedioxyamphetamine (7400). | I |
| 5-Methoxy-3,4-methylenedioxyamphetamine (7401). | I |
| N-Hydroxy-3,4-methylenedioxyamphetamine (7402). | I |
| 3,4-Methylenedioxy-N-ethylamphetamine (7404). | I |
| 3,4-Methylenedioxymethamphetamine (7405). | I |
| 4-Methoxyamphetamine (7411) | I |
| 5-Methoxy-N–N-dimethyltryptamine (7431). | I |
| Alpha-methyltryptamine (7432) | I |
| Bufotenine (7433) | I |
| Diethyltryptamine (7434) | I |
| Dimethyltryptamine (7435) | I |
| Psilocybin (7437) | I |
| Psilocyn (7438) | I |
| 5-Methoxy-N,N-diisopropyltryptamine (7439). | I |
| N-Ethyl-1-phenylcyclohexylamine (7455). | I |
| 1-(1-Phenylcyclohexyl)pyrrolidine (7458). | I |
| 1-[1-(2-Thienyl)cyclohexyl]piperidine (7470). | I |
| N-Benzylpiperazine (7493) | I |
| 4-Methyl-alphapyrrolidinopropiophenone (4-mePPP) (7498). | I |
| 2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C–D) (7508). | I |
| 2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C–E) (7509). | I |
| 2-(2,5-Dimethoxyphenyl) ethanamine (2C–H) (7517). | I |
| 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C–I) (7518). | I |
| 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C–C) (7519). | I |
| 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C–N) (7521). | I |
| 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C–P) (7524). | I |
| 2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C–T–4) (7532). | I |
| MDPV (3,4-Methylenedioxypyrovalerone) (7535). | I |
| 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B–NBOMe) (7536). | I |
| 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C–NBOMe) (7537). | I |
| 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I–NBOMe) (7538). | I |
| Methylone (3,4-Methylenedioxy-N-methylcathinone) (7540). | I |
| Butylone (7541) | I |
| Pentylone (7542) | I |
| alpha-pyrrolidinopentiophenone (α-PVP) (7545). | I |
| alpha-pyrrolidinobutiophenone (α-PBP) (7546). | I |
| AM–694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole) (7694). | I |
| Acetyldihydrocodeine (9051) | I |
| Benzylmorphine (9052) | I |
| Codeine-N-oxide (9053) | I |
| Desomorphine (9055) | I |
| Codeine methylbromide (9070) | I |
| Dihydromorphine (9145) | I |
| Heroin (9200) | I |
| Hydromorphinol (9301) | I |
| Methyldesorphine (9302) | I |
| Methyldihydromorphine (9304) | I |
| Morphine methylbromide (9305) | I |
| Morphine methylsulfonate (9306) | I |
| Morphine-N-oxide (9307) | I |
| Normorphine (9313) | I |
| Pholcodine (9314) | I |
| Acetylmethadol (9601) | I |
| Allylprodine (9602) | I |
| Alphacetylmethadol except levo-alphacetylmethadol (9603). | I |
| Alphameprodine (9604) | I |
| Alphamethadol (9605) | I |
| Betacetylmethadol (9607) | I |
| Betameprodine (9608) | I |
| Betamethadol (9609) | I |
| Betaprodine (9611) | I |
| Dipipanone (9622) | I |
| Hydroxypethidine (9627) | I |
| Noracymethadol (9633) | I |
| Norlevorphanol (9634) | I |
| Normethadone (9635) | I |
| Trimeperidine (9646) | I |
| Phenomorphan (9647) | I |
| 1-Methyl-4-phenyl-4-propionoxypiperidine (9661). | I |
| Tilidine (9750) | I |
| Para-Fluorofentanyl (9812) | I |
| 3-Methylfentanyl (9813) | I |
| Alpha-methylfentanyl (9814) | I |
| Acetyl-alpha-methylfentanyl (9815). | I |
| Beta-hydroxyfentanyl (9830) | I |
| Beta-hydroxy-3-methylfentanyl (9831). | I |
| Alpha-methylthiofentanyl (9832) | I |
| 3-Methylthiofentanyl (9833) | I |
| Thiofentanyl (9835) | I |
| Amphetamine (1100) | II |
| Methamphetamine (1105) | II |
| Lisdexamfetamine (1205) | II |
| Phenmetrazine (1631) | II |
| Methylphenidate (1724) | II |
| Amobarbital (2125) | II |
| Pentobarbital (2270) | II |
| Secobarbital (2315) | II |
| Glutethimide (2550) | II |
| Nabilone (7379) | II |
| 1-Phenylcyclohexylamine (7460) | II |
| Phencyclidine (7471) | II |
| 1-Piperidinocyclohexanecarbonitrile (8603). | II |
| Alphaprodine (9010) | II |
| Cocaine (9041) | II |
| Codeine (9050) | II |
| Dihydrocodeine (9120) | II |
| Oxycodone (9143) | II |
| Hydromorphone (9150) | II |
| Diphenoxylate (9170) | II |
| Ecgonine (9180) | II |
| Ethylmorphine (9190) | II |
| Hydrocodone (9193) | II |
| Levomethorphan (9210) | II |
| Levorphanol (9220) | II |
| Isomethadone (9226) | II |
| Meperidine (9230) | II |
| Meperidine intermediate-A (9232) | II |
| Meperidine intermediate-B (9233) | II |
| Meperidine intermediate-C (9234) | II |
| Metazocine (9240) | II |
| Methadone (9250) | II |
| Methadone intermediate (9254) | II |

| Controlled substance | Schedule |
|---|---|
| Dextropropoxyphene, bulk (non-dosage forms) (9273). | II |
| Morphine (9300) | II |
| Thebaine (9333) | II |
| Levo-alphacetylmethadol (9648) | II |
| Oxymorphone (9652) | II |
| Noroxymorphone (9668) | II |
| Racemethorphan (9732) | II |
| Alfentanil (9737) | II |
| Remifentanil (9739) | II |
| Sufentanil (9740) | II |
| Carfentanil (9743) | II |
| Tapentadol (9780) | II |
| Fentanyl (9801) | II |

The company plans to manufacture small quantities of the listed controlled substances to make reference standards which will be distributed to their customers.

Dated: August 19, 2014.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator.*

[FR Doc. 2014–20201 Filed 8–25–14; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–392]**

### Manufacturer of Controlled Substances Registration: PCAS-Nanosyn, LLC

**ACTION:** Notice of registration.

**SUMMARY:** PCAS-Nanosyn, LLC applied to be registered as a manufacturer of certain basic classes of narcotic and non-narcotic controlled substances. The DEA grants PCAS-Nanosyn, LLC registration as a manufacturer of those controlled substances.

**SUPPLEMENTARY INFORMATION:** By notice dated April 21, 2014, and published in the **Federal Register** on April 30, 2014, 79 FR 24452, PCAS-Nanosyn, LLC, 3331–B Industrial Drive, Santa Rosa, California 95403, applied to be registered as a manufacturer of certain basic classes of narcotic or non-narcotic controlled substances. No comments or objections have been received.

The Drug Enforcement Administration (DEA) has considered the factors in 21 U.S.C. 823(a) and determined that the registration of PCAS-Nanosyn, LLC to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the basic classes of narcotic and non-narcotic controlled substances listed:

| Controlled substance | Schedule |
|---|---|
| Amphetamine (1100) | II |
| Methamphetamine (1105) | II |
| Methylphenidate (1724) | II |
| Phencyclidine (7471) | II |
| Codeine (9050) | II |
| Oxycodone (9143) | II |
| Hydromorphone (9150) | II |
| Hydrocodone (9193) | II |
| Methadone (9250) | II |
| Morphine (9300) | II |
| Oripavine (9330) | II |
| Oxymorphone (9652) | II |
| Fentanyl (9801) | II |

The company is a contract manufacturer. At the request of the company's customers, it manufactures derivatives of controlled substances only in bulk form.

Dated: August 19, 2014.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator.*

[FR Doc. 2014–20196 Filed 8–25–14; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–392]**

### Manufacturer of Controlled Substances Registration: Patheon Pharmaceuticals, Inc.

**ACTION:** Notice of registration.

**SUMMARY:** Patheon Pharmaceuticals, Inc., applied to be registered as a manufacturer of a certain basic class of controlled substance. The DEA grants Patheon Pharmaceuticals, Inc., registration as a manufacturer of the controlled substance.

**SUPPLEMENTARY INFORMATION:** By notice dated April 21, 2014, and published in the **Federal Register** on April 28, 2014, 79 FR 23373, Patheon Pharmaceuticals, Inc., 2110 E. Galbraith Road, Cincinnati, Ohio 45237, applied to be registered as a manufacturer of a certain basic class of non-narcotic controlled substance. No comments or objections have been received.

The Drug Enforcement Administration (DEA) has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Patheon Pharmaceuticals, Inc., to manufacture the basic class of this controlled substance is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of Gamma Hydroxybutyric Acid (2010), a basic class of controlled substance listed in schedule I.

The company plans to manufacture the listed controlled substance for distribution to its customers.

Dated: August 19, 2014.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator.*

[FR Doc. 2014–20198 Filed 8–25–14; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Fire Protection in Shipyard Employment Standard

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Fire Protection in Shipyard Employment Standard,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq. Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before September 25, 2014.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely

respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201408-1218-005* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

**FOR FURTHER INFORMATION CONTACT:** Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the Fire Protection in Shipyard Employment Standard information collection codified in regulations 29 CFR part 1915, subpart P. The Standard makes it mandatory for an Occupational Safety and Health Act (OSH Act) covered employer engaged in shipyard employment to develop a written fire safety plan and written statement or policy that contains information about fire watches and fire response duties and responsibilities. The Standard also requires the employer to obtain medical examinations for certain workers and to develop training programs and to train employees exposed to fire hazards. Additionally, the Standard requires an employer to create and maintain records to certify that employees have been made aware of the details of the fire safety plan and that employees have been trained as required by the Standard. OSH Act sections 2(b)(9), 6(b)(7), and 8(c) authorize this information collection. See 29 U.S.C. 651(b)(9), 655(b)(7), 657(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0248.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2014. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 2, 2014 (79 FR 25153).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0248. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL–OSHA.

*Title of Collection:* Fire Protection in Shipyard Employment Standard.

*OMB Control Number:* 1218–0248.

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

*Total Estimated Number of Respondents:* 294.

*Total Estimated Number of Responses:* 53,121.

*Total Estimated Annual Time Burden:* 6,051 hours.

*Total Estimated Annual Other Costs Burden:* $0.

Dated: August 20, 2014.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2014–20248 Filed 8–25–14; 8:45 am]

BILLING CODE P

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Comment Request for Information Collection for Work-Flex Plan Submission and Reporting Requirements; Extension With No Revisions

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the collection of data about the Work Flex Plan Submission and Reporting Requirements. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee's section below on or before October 27, 2014.

**ADDRESSES:** Submit written comments to Heather Fleck, Division of WIA Adult Services and Workforce System, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–4209, Washington, DC 20210, Telephone number: 202–693–2956 (this is not a toll-free number). Fax: 202–693–3015. Email: *fleck.heather@dol.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

Section 192 of the Workforce Investment Act (WIA) (Pub. L. 105–220, August 7, 1998) permits states to apply for a workforce flexibility (Work-Flex) waiver authority to implement reforms to their workforce investment systems in exchange for program improvements. The Act provides that the Secretary may grant Work-Flex waiver authority for up to five years pursuant to a Work-Flex Plan submitted by a state. Under Work-Flex, governors are granted the authority to approve requests submitted by their local areas to waive certain statutory and regulatory provisions of WIA Title I programs. States may also request waivers from the Secretary of certain requirements of the Wagner-Peyser Act (Sections 8–10) as well as certain provisions of the Older Americans Act for state agencies that administer the Senior Community Service Employment Program (SCSEP). The intent of the Work-Flex provision is to provide states and local areas with operational flexibility to improve employment and training program productivity for adult, dislocated, and youth populations. One of the underlying principles for granting Work-Flex waivers is that the waivers will result in improved performance outcomes for persons served and that waiver authority will be granted in consideration of improved performance.

Section 190 of the Workforce Innovation and Opportunity Act (WIOA) (H.R. 803, July 22, 2014) includes similar provisions for States to submit Workforce Flexibility Plans. Many of WIOA's provisions take effect on July 1, 2015, but the existing WIA state and local plan provisions remain in effect until July 1, 2016. The Employment and Training Administration (ETA) is conducting a review of WIOA's implementation timeline and waiver provisions, and may amend this information collection as part of its implementation actions.

This information collection is submitted under the legal requirements of WIA, the law in effect at this time.

## II. Work-Flex Plan Instructions

States requesting designation as a Work-Flex state must submit a Work-Flex Plan which includes descriptions of:

a. The process by which local areas in the state may submit and obtain approval by the state of applications for waivers of requirements applicable under Title I of WIA, including provisions for public review and comment on local area waiver applications.

b. The statutory and regulatory requirements of Title I that are likely to be waived by the state under the plan.

c. The requirements applicable under Sections 8–10 of the Wagner-Peyser Act that are proposed to be waived, if any.

d. The statutory and regulatory requirements of the Older Americans Act of 1965 applicable to state agencies on aging with respect to administration of the SCSEP that are proposed to be waived, if any.

e. The outcomes to be achieved by the waiver authority including, where appropriate, revisions to adjusted levels of performance included in the state or local Plans under Title I of WIA.

f. Special administrative measures (in addition to current procedures) to be taken to ensure appropriate accountability for Federal funds in connection with the waivers.

g. Prior to submitting a Work-Flex plan, the state must provide all interested parties and the general public adequate notice and a reasonable opportunity for comment on the waivers proposed to be implemented. The plan should describe the process used for ensuring meaningful public comment, including a description of the Governor's and the state Workforce Investment Board's involvement in drafting, reviewing and commenting.

## III. Work-Flex Quarterly Report: Instructions

Report for each waiver granted:

1. Waiver (assigned by State)
2. Date received
3. Date granted
4. Local Area(s) requesting waiver
5. Purpose (brief statement)
6. Regulation/statute affected.
7. State-imposed conditions of waiver use, as appropriate.

## IV. Review Focus

The Department of Labor is particularly interested in comments which:

* evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* enhance the quality, utility, and clarity of the information to be collected; and

* minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

## V. Current Actions

*Type of Review:* Extension with no revisions:

*Title:* Work-Flex Plan Submission and Reporting Requirements.

*OMB Number:* 1205–0432.

*Affected Public:* State and local governments.

*Form:* See above instructions. There is no form.

*Total Estimated Annual Respondents:* 5.

*Estimates Annual Frequency:* 5 state plans annually; 204 quarterly reports.

*Average Time per Response:* 38.4 hours.

*Estimated Total Annual Burden Hours:* 960.

*Total Burden Cost (capital/startup):* 0.

*Total Burden Cost (operating/maintaining):* 0.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

**Portia Wu,**

*Assistant Secretary for Employment and Training Administration, Labor.*

[FR Doc. 2014–20249 Filed 8–25–14; 8:45 am]

**BILLING CODE 4510–FN–P**

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice: 14–082]**

## NASA Advisory Council; Science Committee; Heliophysics Subcommittee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the

Heliophysics Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

**DATES:** Tuesday, September 23, 2014, 9:00 a.m.–5:00 p.m., and Wednesday, September 24, 2014, 8:30 a.m.–4:00 p.m., Local Time.

**ADDRESSES:** NASA Headquarters, Room 6H41, 300 E Street SW., Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Ms. Ann Delo, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–0750, fax (202) 358–2779, or *ann.b.delo@nasa.gov.*

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the capacity of the room. This meeting will also be available telephonically. Any interested person may call the USA toll free conference call number 800–857–4254, pass code SCIENCE, to participate in this meeting by telephone. The agenda for the meeting includes the following topics:

—Heliophysics Division Overview and Program Status

—Flight Mission Status Report

—Heliophysics Science Performance Assessment

—Low Cost Access to Space Projects

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ann Delo via email at *ann.b.delo@nasa.gov* or by fax at (202) 358–2779. U.S. citizens and Permanent Residents (green card holders) are requested to submit their name and affiliation 3 working days prior to the meeting to Ann Delo. It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

**Patricia D. Rausch,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 2014–20172 Filed 8–25–14; 8:45 am]

BILLING CODE 7510–13–P

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

**[NARA–2014–050]**

## Records Schedules; Availability and Request for Comments

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

**DATES:** Requests for copies must be received in writing on or before September 25, 2014. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

**ADDRESSES:** You may request a copy of any records schedule identified in this notice by contacting Records Management Services (ACNR) using one of the following means:

*Mail:* NARA (ACNR), 8601 Adelphi Road, College Park, MD 20740–6001.

*Email: request.schedule@nara.gov.*

*FAX:* 301–837–3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

**FOR FURTHER INFORMATION CONTACT:** Margaret Hawkins, Director, Records Management Services (ACNR), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: 301–837–1799. Email: *request.schedule@nara.gov.*

**SUPPLEMENTARY INFORMATION:** Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless specified otherwise. An item in a schedule is media neutral when the disposition instructions may be applied to records regardless of the medium in which the records are created and maintained. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is limited to a specific medium. (See 36 CFR 1225.12(e).)

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records

that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

**Schedules Pending**

1. Department of Defense, Office of the Secretary of Defense (DAA–0220–2013–0001, 5 items, 2 temporary items). Records related to Department of Defense commemorative programs including administrative files and Web site administrative files. Proposed for permanent retention are program files including reports, meeting minutes, newsletters, and related records; program Web site content files of unique electronic documents; and photographs, videos, and films.

2. Department of Defense, Office of the Secretary of Defense (DAA–0330–2013–0003, 1 item, 1 temporary item). Master files of an electronic information system containing information on participants in studies sponsored by the Defense Security Cooperation Agency.

3. Department of Energy, Agency-wide (DAA–0434–2014–0002, 2 items, 2 temporary items). Records related to administration of the Family Medical Leave Act.

4. Department of Health and Human Services, Office of the Inspector General (DAA–0468–2013–0012, 4 items, 3 temporary items). Records include evaluation reports, working papers, and fraud investigation program files. Proposed for permanent retention are significant final evaluation reports.

5. Department of the Navy, Naval Nuclear Propulsion Program (DAA–0594–2014–0001, 2 items, 2 temporary items). General correspondence.

6. Department of the Navy, United States Marine Corps (DAA–0127–2013–0018, 1 item, 1 temporary item). Master files of an electronic information system used to manage and track change of station assignments.

7. Department of the Treasury, Agency-wide (DAA–0056–2013–0001, 2 items, 2 temporary items). Agreements, reports, and other records relating to interagency agreements that permit computerized comparisons of automated data.

8. Administrative Office of the United States Courts, Agency-wide (DAA–0116–2014–0002, 1 item, 1 temporary item). Working papers and convenience copies of subject files.

9. Library of Congress, Agency-wide (DAA–0297–2014–0010, 23 items, 21 temporary items). Records related to acquisition of materials, processing and preservation of items and collections, registration of readers, and the handling of reference and loan requests. Proposed for permanent retention are records of research products and final reports of preservation research and testing.

10. Library of Congress, Office of General Counsel (DAA–0297–2014–0015, 16 items, 11 temporary items). Records include proposed legislation and regulations files, background materials to issued regulations, financial disclosure reporting files, and background papers and working files. Proposed for permanent retention are significant legal opinions, enacted legislation files, significant litigation case files, and Trust Fund Board records.

11. Library of Congress, Office of the Inspector General (DAA–0297–2014–0016, 6 items, 3 temporary items). Records include annual audit plan files, background materials for audits, and routine investigative case files. Proposed for permanent retention are semiannual reports to Congress, final audit reports, and significant investigative case files.

12. Securities and Exchange Commission, Agency-wide (DAA–0266–2014–0002, 3 items, 2 temporary items). Records include division- and office-level strategic plans and related work products. Proposed for permanent retention are Commission-level strategic plans.

13. Securities and Exchange Commission, Agency-wide (DAA–0266–2014–0003, 2 items, 1 temporary item). Records consist of background materials and correspondence used to develop or modify agency organizational structure. Proposed for permanent retention are organizational records.

14. Securities and Exchange Commission, Division of Corporation Finance (DAA–0266–2014–0007, 1 item, 1 temporary item). Master files of an electronic information system used to track filing review activities.

Dated: August 19, 2014.

**Paul M. Wester, Jr.,**

*Chief Records Officer for the U.S. Government.*

[FR Doc. 2014–20284 Filed 8–25–14; 8:45 am]

**BILLING CODE 7515–01–P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Arts Advisory Panel Meeting

**AGENCY:** National Endowment for the Arts, National Foundation on the Arts and Humanities.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that one meeting of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference from the National Endowment for the Arts, Washington, DC 20506 as follows (all meetings are Eastern time and ending times are approximate):

*Literature* (application review): This meeting will be closed.

**DATES:** September 18, 2014. 3:00 p.m. to 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *plowitzk@arts.gov,* or call 202/682–5691.

**SUPPLEMENTARY INFORMATION:** The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 15, 2012, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Dated: August 21, 2014.

**Kathy Plowitz-Worden,**

*Panel Coordinator, National Endowment for the Arts.*

[FR Doc. 2014–20235 Filed 8–25–14; 8:45 am]

**BILLING CODE 7537–01–P**

## NUCLEAR REGULATORY COMMISSION

**[NRC–2014–0001]**

### Sunshine Act Meeting

**DATE:** Weeks of August 25, September 1, 8, 15, 22, 29, 2014.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**Week of August 25, 2014**

*Tuesday, August 26, 2014*

10:00 a.m. Affirmation Session (Public Meeting) (Tentative)

a. Final Rule: Continued Storage of Spent Nuclear Fuel (RIN 3150–AJ20) (Tentative)

b. Direct Final Rule: Safeguards Information—Modified Handling Categorization Change for Materials Facilities (RIN 3150–AJ18) (Tentative)

c. Continued Storage of Spent Nuclear Fuel—Memorandum and Order Addressing Suspension of Final Licensing Decisions and Pending Contentions (Tentative)

d. Direct Final Rule: Adding Shine Medical Technologies, Inc.'s Accelerator-Driven Subcritical Operating Assembly to the Definition of Utilization Facility (Tentative)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

**Week of September 1, 2014—Tentative**

There are no meetings scheduled for the week of September 1, 2014.

**Week of September 8, 2014—Tentative**

*Tuesday, September 9, 2014*

9:30 a.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9)

*Wednesday, September 10, 2014*

9:30 a.m. Strategic Programmatic Overview of the New Reactors Business Line (Public Meeting) (Contact: Donna Williams, 301–415–1322)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

**Week of September 15, 2014—Tentative**

*Monday, September 15, 2014*

1:30 p.m. NRC All Employees Meeting (Public Meeting), Marriott Bethesda North Hotel, 5701 Marinelli Road, Rockville, MD 20852

*Tuesday, September 16, 2014*

10:30 a.m. Discussion of Management and Personnel Issues (Closed—Ex. 2 and 6)

2:00 p.m. Briefing on Project Aim 2020 (Closed—Ex. 2)

*Thursday, September 18, 2014*

9:00 a.m. Briefing on Management of Low-Level Waste, High-Level Waste, and Spent Nuclear Fuel (Public Meeting) (Contact: Cinthya I. Román, 301–287–9091)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

**Week of September 22, 2014—Tentative**

There are no meetings scheduled for the week of September 22, 2014.

**Week of September 29, 2014—Tentative**

*Thursday, October 2, 2014*

10:00 a.m. Meeting with the Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: Ed Hackett, 301–415–7360)

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Rochelle Bavol at (301) 415–1651 or via email at *Rochelle.Bavol@nrc.gov.*

* * * * *

**ADDITIONAL INFORMATION**

By a vote of 4–0 on August 21, 2014, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that item d in the above referenced Affirmation Session on August 26, 2014, be affirmed with less than one week notice to the public.

The start time for the Briefing on Project Aim 2020 (Closed—Ex. 2) on September 16, 2014, was changed from 9:30 a.m. to 2:00 p.m.

The start time for the Briefing on Management of Low-Level Waste, High-Level Waste, and Spent Nuclear Fuel (Public Meeting) on September 18, 2014, was corrected from 9:30 a.m. to 9:00 a.m.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Patricia.Jimenez@nrc.gov* or *Brenda.Akstulewicz@nrc.gov.*

Dated: August 21, 2014.

**Rochelle C. Bavol,**

*Policy Coordinator, Office of the Secretary.*

[FR Doc. 2014–20296 Filed 8–22–14; 11:15 am]

BILLING CODE 7590–01–P

## PRESIDIO TRUST

### Notice of renewal of the Charter of the Fort Scott Council, Now Named the Presidio Institute Advisory Council

**AGENCY:** The Presidio Trust.

**ACTION:** Notice of renewal of the Charter of the Fort Scott Council, now named the Presidio Institute Advisory Council.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), the Executive Director of the Presidio Trust (''Trust'') announces its intent to renew the charter of the Fort Scott Council under the new title, Presidio Institute Advisory Council (''Council''). The Council was formed to advise the Executive Director of the Trust on matters pertaining to the rehabilitation and reuse of Fort Winfield Scott as a new national center focused on service and leadership development.

**SUPPLEMENTARY INFORMATION:** The Trust's Executive Director, in consultation with the Chair of the Board of Directors, has determined that the Council is in the public interest and supports the Trust in performing its duties and responsibilities under the Presidio Trust Act, 16 U.S.C. 460bb appendix.

The Council will continue to advise on the establishment of a new national center (''Presidio Institute'') focused on service and leadership development, with specific emphasis on: (a) Assessing the role and key opportunities of a national center dedicated to service and leadership at Fort Scott in the Presidio of San Francisco; (b) providing recommendations related to the Presidio Institute's programmatic goals, target audiences, content, implementation and evaluation; (c) providing guidance on a phased development approach that leverages a combination of funding sources including philanthropy; and (d) making recommendations on how to structure the Presidio Institute's business model to best achieve the Presidio Institute's mission and ensure long-term financial self-sufficiency.

**FOR FURTHER INFORMATION CONTACT:** Additional information is available online at *http://www.presidio.gov/explore/Pages/fort-scott-council.aspx.*

Dated: August 20, 2014.

**Karen A. Cook,**

*General Counsel.*

[FR Doc. 2014–20231 Filed 8–25–14; 8:45 am]

**BILLING CODE 4310–4R–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–72885; File No. SR–MIAX–2014–44]**

## Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 404 Regarding the Short Term Option Series Program

August 20, 2014.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b-4 thereunder,[2] notice is hereby given that, on August 15, 2014, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend its rules governing the Short Term Option Series Program to introduce finer strike price intervals for standard expiration contracts in option classes that also have short term options listed on them (''Related non-Short Term Options'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange is proposing to amend its rules governing the Short Term Option Series (''STOS'') Program to introduce finer strike price intervals for standard expiration contracts in Related non-Short Term Options. In particular, the Exchange is proposing to amend its rules to permit the listing of Related non-Short Term Options during the month prior to expiration in the same strike price intervals as allowed for STOS.

Under MIAX's current rules, the Exchange may list STOS in up to fifty option classes,[3] in addition to option classes that are selected by other securities exchanges that employ a similar program under their respective rules. For each of these option classes, the Exchange may list five STOS expiration dates at any given time, not counting monthly or quarterly expirations.[4] Specifically, on any Thursday or Friday that is a business day, the Exchange may list STOS in designated option classes that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which monthly or quarterly options expire.[5] These STOS, which can be several weeks or more from expiration, may be listed in strike price intervals of $0.50, $1, or $2.50, with the finer strike price intervals being offered for lower priced securities, and for options that trade in the Exchange's dollar strike program.[6] More specifically, the Exchange may list STOS in $0.50 intervals for strike prices less than $75, or for option classes that trade in one dollar increments in the Related non-Short Term Option, $1 intervals for strike prices that are between $75 and $150, and $2.50 intervals for strike prices above $150.[7]

The Exchange may also list standard expiration contracts, which are listed in accordance with the regular monthly expiration cycle. These standard expiration contracts must be listed in wider strike price intervals of $2.50, $5, or $10,[8] though the Exchange also operates strike price programs, such as the dollar strike program mentioned above,[9] that allow the Exchange to list a limited number of option classes in finer strike price intervals. In general, the Exchange must list standard expiration contracts in $2.50 intervals for strike prices of $25 or less, $5 intervals for strike prices greater than $25, and $10 intervals for strike prices greater than $200.[10] During the week prior to expiration only, the Exchange is permitted to list Related non-Short Term Option contracts in the narrower strike price intervals available for STOS.[11] Since this exception to the standard strike price interval is available only during the week prior to expiration, however, standard expiration contracts regularly trade at significantly wider intervals than their STOS counterparts, as illustrated below.

For example, assume ABC is trading at $56.54 and the monthly expiration contract is three weeks to expiration. Assume also that MIAX has listed all available STOS expirations and thus has STOS listed on ABC for weeks one, two, four, five, and six. Each of the five weekly ABC expiration dates can be listed with strike prices in $0.50 intervals, including, for example, the $56.50 at-the-money strike. Because the monthly expiration contract has three weeks to expiration, however, the near-the-money strikes must be listed in $5 intervals unless those options are eligible for one of the Exchange's other strike price programs. In this instance, that would mean that investors would be limited to choosing, for example, between $55 and $60 strike prices instead of the $56.50 at-the-money strike available for STOS. This is the case even though contracts on the same option class that expire both several weeks before and several weeks after the monthly expiration are eligible for finer strike price intervals. Under the proposed rule change, the Exchange would be permitted to list the Related non-Short Term Option on ABC, which is less than a month to expiration, in the same strike price intervals as allowed for STOS. Thus, the Exchange would be able to list, and investors would be able to trade, all expirations described above with the same uniform $0.50 strike price interval.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Rule 404.02(a).

[4] *See* Exchange Rule 404.02.

[5] *Id.*

[6] *See* Exchange Rule 404.02(e).

[7] *Id.*

[8] *See* Exchange Rule 404(d).

[9] *See* Exchange Rule 404.01(a), which allows MIAX to designate up to 150 option classes on individual classes on individual stocks to be traded in $1 strike price intervals where the strike price is between $50 and $1. *See* also Exchange Rule 404.04 ($0.50 Strike Program).

[10] *See* Exchange Rule 404(d).

[11] *See* Exchange Rule 404.02(e).

As proposed, the Exchange would be permitted to begin listing the monthly expiration contract in these narrower intervals at any time during the month prior to expiration, which begins on the first trading day after the prior month's expiration date, subject to the provisions of other Exchange rules. For example, since the April 2014 monthly option expired on Saturday, April 19, the proposed rule change would allow the Exchange to list the May 2014 monthly option in STOS intervals starting Monday, April 21.

MIAX believes that introducing consistent strike price intervals for STOS and Related non-Short Term Options during the month prior to expiration will benefit investors by giving them more flexibility to closely tailor their investment decisions. The Exchange also believes that the proposed rule change will provide the investing public and other market participants with additional opportunities to hedge their investments, thus allowing these investors to better manage their risk exposure.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the Securities Exchange Act of 1934 (the ''Act'') [12] and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act. Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As noted above, standard expiration options currently trade in wider intervals than their STOS counterparts, except during the week prior to expiration. This creates a situation where contracts on the same option class that expire both several weeks before and several weeks after the standard expiration are eligible to trade in strike price intervals that the standard expiration contract is not. There is continuing strong customer demand to have the ability to execute hedging and trading strategies in the finer strike price intervals available in STOS, and the Exchange believes that the proposed rule change will increase market efficiency by harmonizing strike price intervals for contracts that are close to expiration, whether those contracts happen to be listed pursuant to weekly or monthly expiration cycles.

The Exchange notes that, in addition to listing standard expiration contracts in STOS intervals during the expiration week, it already operates several programs that allow for strike price intervals for standard expiration contracts that range from $0.50 to $2.50.[15] The Exchange believes that each of these programs has been successful but notes that limitations on the number of option classes that may be selected for each of these programs means that many standard expiration contracts must still be listed in wider intervals than their STOS counterparts. For example, the $0.50 strike price program, which offers the narrowest strike price interval, only permits the Exchange to designate up to 20 option classes to trade in $0.50 intervals in addition to option classes selected by other exchanges that employ a similar program.[16] Thus, the proposed rules are necessary to fill the gap between strike price intervals allowed for STOS and Related non-Short Term Options. The Exchange believes that the proposed rule change, like the other strike price programs currently offered by the Exchange, will benefit investors by giving them more flexibility to closely tailor their investment and hedging decisions.

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with the proposed rule change. The Exchange believes that its members will not have capacity issues as a result of this proposal. The Exchange also represents that it does not believe that this expansion will cause fragmentation of liquidity.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Specifically, the Exchange believes that investors will benefit from the availability of strike price intervals in standard expiration contracts that match the intervals currently permitted for STOS with a similar time to expiration, and from the clarification regarding the listing of additional series during the week of expiration.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6) thereunder.[18]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of this requirement would allow the Exchange to compete with other exchanges proposing similar changes without putting the Exchange at a competitive disadvantage. The Exchange also stated that the proposal would foster competition by allowing finer strike price intervals for standard expiration contracts in Related non-Short Term Options to occur at more than one exchange. For these reasons, the Commission believes that the proposed rule change presents no novel

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

[15] *See supra* note 9.

[16] *See* Exchange Rule 404.04.

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest; and will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission designates the proposed rule change to be operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2014–44 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–MIAX–2014–44. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2014–44 and should be submitted on or before September 16, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–20211 Filed 8–25–14; 8:45 am]

**BILLING CODE 8011–01–P**

[19] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–72878; File No. SR–BATS–2014–033]**

## Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 11.13 of BATS Exchange, Inc.

August 20, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 11, 2014, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.13 to add an additional routing strategy.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

Earlier this year, the Exchange and its affiliate BATS Y-Exchange, Inc. (''BYX'') received approval to effect a merger (the ''Merger'') of the Exchange's parent company, BATS Global Markets, Inc., with Direct Edge Holdings LLC, the indirect parent of EDGX Exchange, Inc. (''EDGX'') and EDGA Exchange, Inc. (''EDGA'', and together with BZX, BYX and EDGX, the ''BGM Affiliated Exchanges'').[3] In the context of the Merger, the BGM Affiliated Exchanges are working to align certain system functionality, retaining only intended differences between the BGM Affiliated Exchanges. Thus, the proposal set forth below is intended to add certain system functionality currently offered by EDGA and EDGX in order to provide a consistent technology offering for users of the BGM Affiliated Exchanges.

The specific proposal set forth in more detail below would amend Rule 11.13, which describes the Exchange's routing processes, to add the SWP routing strategies, specifically SWPA and SWPB. The Exchange notes that the proposed rule text is based on the rules of EDGA and EDGX and is different only to the extent necessary to conform to the Exchange's current rules.[4] The SWP routing strategies are substantively identical to those offered by EDGA and EDGX with the exception that EDGA and EDGX also offer a third routing

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71375 (January 23, 2014), 79 FR 4771 (January 29, 2014) (SR–BATS–2013–059; SR–BYX–2013–039).

[4] *See* EDGA Rules 11.9(b)(1)(B)(iii), 11.9(b)(2)(o), and 11.9(b)(2)(p); EDGX Rule 11.9(b)(1)(B)(iii), 11.9(b)(2)(o), and 11.9(b)(2)(p).

strategy, SWPC, that the Exchange is not proposing to offer at this time.

The Exchange also notes that the SWPA routing strategy is substantively identical to the Exchange's current Parallel T routing strategy.[5] However, in order to allow a gradual migration from Parallel T to the proposed SWP routing strategies the Exchange is not proposing to eliminate Parallel T upon effectiveness of this proposal. Instead, the Exchange proposes to continue to accept orders designated for Parallel T routing and will eventually retire such routing strategy and remove reference to the routing strategy from Exchange rules once all affected Users have been migrated away from Parallel T to the SWP routing strategies. Further, adding the SWP routing strategies as proposed will ensure consistency with EDGA and EDGX with respect to the names used to describe the strategies (*i.e.,* eventually retiring Parallel T in favor of SWP) and will allow the Exchange to add the SWPB routing strategy.

As proposed, SWP is a routing option under which an order checks the System[6] for available displayed shares and then is sent to destinations on the System routing table.[7] Pursuant to SWP, orders route only to Protected Quotations[8] and only for displayed size. The System may route to multiple destinations and at multiple price levels simultaneously through SWP routing.

As noted above, the Exchange proposes to offer two forms of SWP routing, SWPA and SWPB. A SWPA order will be routed to destinations on the System routing table even if at the time of entry there is an insufficient share quantity in the SWPA order to fulfill the displayed size of all Protected Quotations. In contrast, the entire SWPB order will be cancelled back to a User immediately if at the time of entry there is an insufficient share quantity in the SWPB order to fulfill the displayed size of all Protected Quotations.

The Exchange also proposes to adopt the SWP routing strategies similar to EDGA and EDGX such that, in connection with the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan''), the System will immediately cancel orders utilizing an SWP routing strategy when an order to buy utilizing an SWP routing strategy has a limit price that is greater than the Upper Price Band or if a sell order utilizing an SWP routing strategy has a limit price that is less than the Lower Price Band.[9] The Exchange notes that it recently amended Rule 11.18 to make clear that the Exchange will not route buy (sell) interest at a price above (below) the Upper (Lower) Price Band.[10] The proposed language for the SWP routing strategies is different, however, because the Exchange proposes to immediately cancel the entirety of an order designated for an SWP routing strategy if the order's limit price is outside of the applicable price band.

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with Section 6(b) of the Act[11] and further the objectives of Section 6(b)(5) of the Act[12] because they are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and, in general, to protect investors and the public interest. The proposed rule change also is designed to support the principles of Section 11A(a)(1)[13] of the Act in that it seeks to assure fair competition among brokers and dealers and among exchange markets. In particular, the proposed change to introduce additional routing strategies will provide market participants with greater flexibility in routing orders consistent with Regulation NMS without developing order routing strategies on their own.

As noted above, the proposed rule changes to add functionality are generally intended to add certain system functionality currently offered by EDGA and EDGX in order to provide a consistent technology offering for the BGM Affiliated Exchanges. A consistent technology offering, in turn, will simplify the technology implementation, changes and maintenance by Users of the Exchange that are also participants on BYX, EDGA and/or EDGX. The proposed rule changes would also provide Users with access to functionality that may result in the efficient execution of such orders and will provide additional flexibility as well as increased functionality to the Exchange's System and its Users. As explained elsewhere in this proposal, the proposed SWPA and SWPB routing options are similar to routing strategies on other market centers, including EDGA and EDGX.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange provides routing services in a highly competitive market in which participants may avail themselves of a wide variety of routing options offered by self-regulatory organizations, alternative trading systems, other broker-dealers, market participants' own proprietary routing systems, and service bureaus. In such an environment, system enhancements such as the changes proposed in this rule filing do not burden competition, because they can succeed in attracting order flow to the Exchange only if they offer investors higher quality and better value than services offered by others. The Exchange reiterates that the proposed rule change is being proposed in the context of the technology integration of the BGM Affiliated Exchanges. Thus, the Exchange believes this proposed rule change is necessary to permit fair competition among national securities exchanges. In addition, the Exchange believes the proposed rule change will benefit Exchange participants in that it is one of several changes necessary to achieve a consistent technology offering by the BGM Affiliated Exchanges.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has neither solicited nor received written comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b–

[5] The Exchange does not currently offer an equivalent to the SWPB routing strategy.

[6] The term ''System'' is defined in Rule 1.5 (aa) as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.''

[7] As set forth in Rule 11.13(a)(3), the term ''System routing table'' refers to the proprietary process for determining the specific trading venues to which the System routes orders and the order in which it routes them.

[8] The term Protected Quotation is defined in Rule 1.5(t) and has the same meaning as is set forth in Regulation NMS Rule 600(b)(58).

[9] The Upper Price Band and Lower Price Band are defined terms in the Limit Up-Limit Down Plan.

[10] *See* Securities Exchange Act Release No. 72646 (July 21, 2014), 79 FR 43516 (July 25, 2014) (SR–BATS–2014–027).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78k-1(a)(1).

[14] 15 U.S.C. 78s(b)(3)(A).

4(f)(6) thereunder.[15] Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it is filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[16]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[17] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[18] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing, noting that a waiver of the operative delay will allow the Exchange to continue to strive towards a complete technology integration of the BGM Affiliated Exchanges, with gradual roll-outs of new functionality to ensure stability of the System. The Exchange also believes that the benefit to Exchange Users expected from the proposed rule change—greater flexibility in their efforts to fill orders and minimize trading costs—should not be delayed. Further, the Exchange states that introduction of the optional variations of the SWP routing strategy will not require any systems changes by Exchange Users that would necessitate a delay, as selection of the SWPA and SWPB variations is entirely optional and Users will not be affected by the change unless they select to use the newly offered variations. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BATS–2014–033 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BATS–2014–033. 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 at 100 F Street NE., Washington, DC 20549–1090 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2014–033, and should be submitted on or before September 16,2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–20203 Filed 8–25–14; 8:45 am]

**BILLING CODE 8011–01–P**

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–72879; File No. SR–BATS–2014–034]**

## Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Changes to Rules 11.9(f) and 21.1(g) of BATS Exchange, Inc.

August 20, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 11, 2014, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.9(f) to adopt a new Match Trade Prevention Modifier (''MTP'') called Cancel Smallest with respect to the Exchange's cash equities trading platform (''BATS Equities''). Consistent with its practice of offering similar functionality for the Exchange's equity options trading platform (''BATS Options'') as it does for BATS Equities, the Exchange also proposes to amend Rule 21.1(g) to add similar functionality to BATS Options. The Exchange has designated this proposal as non-controversial and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) under the Act.[3] The Exchange requests that the Commission waive the 30-day pre-operative waiting period contained in Rule 19b–4(f)(6)(iii)

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6)(iii).

under the Act.[4] If such waiver is granted by the Commission, the Exchange shall implement this rule proposal on or about August 22, 2014.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

Earlier this year, the Exchange and its affiliate BATS Y-Exchange, Inc. (''BYX'') received approval to affect a merger (the ''Merger'') of the Exchange's parent company, BATS Global Markets, Inc., with Direct Edge Holdings LLC, the indirect parent of EDGX Exchange, Inc. (''EDGX'') and EDGA Exchange, Inc. (''EDGA'', and together with BZX, BYX and EDGX, the ''BGM Affiliated Exchanges'').[5] In the context of the Merger, the BGM Affiliated Exchanges are working to align certain system functionality, retaining only intended differences between the BGM Affiliated Exchanges. Thus, the proposal set forth below is intended to add certain system functionality currently offered by EDGA and EDGX in order to provide a consistent technology offering for users of the BGM Affiliated Exchanges. Finally, as noted above, BATS Equities and BATS Options offer much of the same functionality, and thus, in adding functionality to BATS Equities, the Exchange also wishes to do the same for BATS Options.

Like EDGA and EDGX,[6] the Exchange currently offers various MTP modifiers under BATS Equities Rule 11.9(f) and BATS Options Rule 21.1(g) which are designed to prevent two orders with the same Unique Identifier (as defined below) from executing against each other. The MTP modifiers can be set at the market participant identifier (''MPID''), the Exchange Member identifier or the Exchange Sponsored Participant identifier level (any such identifier, a ''Unique Identifier'').[7] To align its MTP functionality with EDGA and EDGX, the Exchange now proposes add a new MTP modifier called Cancel Smallest (''MCS'') under BATS Equities Rule 11.9(f) and BATS Options Rule 21.1(g). An incoming order marked with the proposed MCS modifier will not execute against opposite side resting interest marked with any MTP modifier originating from the same Unique Identifier. If both orders are equivalent in size, both orders will be cancelled back to the originating User.[8] If the orders are not equivalent in size, the smaller of the two orders will be cancelled back to the originating User and the larger order will remain on the Book. The Exchange notes that the proposed rule text is substantively identical to the rules of EDGA and EDGX.[9]

The Exchange believes its MTP functionality allows certain firms to better internalize their agency order flow, which in turn may decrease costs to customers of such firms. The Exchange notes that MTP modifiers do not alleviate, or otherwise exempt, broker-dealers from their best execution obligations. As such, broker-dealers using MTP modifiers are obligated to internally cross agency orders at the same price, or a better price than they would have received had the orders been executed on the Exchange. Additionally, MTP modifiers assist market participants in complying with certain rules and regulations of the Employee Retirement Income Security Act (''ERISA'') that preclude and/or limit managing broker-dealers of such accounts from trading as principal with orders generated for those accounts. Finally, the Exchange notes that offering the MTP modifiers may streamline certain regulatory functions by reducing false positive results that may occur on Exchange generated wash trading surveillance reports when orders are executed under the same Unique Identifier. For these reasons, the Exchange believes the MTP modifiers offer users enhanced order processing functionality that may prevent potentially undesirable executions without negatively impacting broker-dealer best execution obligations.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act'') [10] and further the objectives of Section 6(b)(5) of the Act [11] because it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and, in general, to protect investors and the public interest. Specifically, the proposed MCS functionality would allow firms to better manage order flow and prevent undesirable executions against themselves, and the proposed change described herein enhances the choices available to such firms in how they do so. The proposed rule change also is designed to support the principles of Section 11A(a)(1)[12] of the Act in that it seeks to assure fair competition among brokers and dealers and among exchange markets.

The proposed rule change is generally intended to add certain system functionality currently offered by EDGA and EDGX in order to provide a consistent technology offering for the BGM Affiliated Exchanges. A consistent technology offering, in turn, will simplify the technology implementation, changes and maintenance by Users of the Exchange that are also participants on BYX, EDGA and/or EDGX. The proposed rule change would also provide Users with access to functionality that may result in the efficient execution of such orders and will provide additional flexibility as well as increased functionality to the Exchange's System and its Users.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange reiterates that the proposed

[4] *Id.*

[5] *See* Securities Exchange Act Release No. 71375 (January 23, 2014), 79 FR 4771 (January 29, 2014) (SR–BATS–2013–059; SR–BYX–2013–039).

[6] *See* EDGA Rule 11.9(f); EDGX Rule 11.9(f).

[7] Any Exchange Member that has an MPID issued by FINRA is identified in the Exchange's internal systems by that MPID. Each Exchange Member that does not already have an MPID and each Sponsored Participant is issued an identifier that is specific to the Exchange and allows the Exchange to determine the User for each order and trade.

[8] The term ''User'' is defined under Exchange Rule 11.5(cc) as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.''

[9] *See* EDGA Rule 11.9(f)(5); EDGX Rule 11.9(f)(5).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78k–1(a)(1).

rule change is being proposed in the context of the technology integration of the BGM Affiliated Exchanges. Thus, the Exchange believes this proposed rule change is necessary to permit fair competition among national securities exchanges. In addition, the Exchange believes the proposed rule change will benefit Exchange participants in that it is one of several changes necessary to achieve a consistent technology offering by the BGM Affiliated Exchanges.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has neither solicited nor received written comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6) thereunder.[14] Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it is filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [16] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing, noting that a waiver of the operative delay will allow the Exchange to align its MTP functionality across the BGM Affiliated Exchanges in a timely manner, thereby simplifying the technology implementation, changes and maintenance by Users of the Exchange that are also participants on other BGM Affiliated Exchanges. The Exchange also states that waiver of the operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to continue to strive towards a complete technology integration of the BGM Affiliated Exchanges, with gradual roll-outs of new functionality to ensure stability of the System. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BATS–2014–034 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BATS–2014–034. 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 at 100 F Street NE., Washington, DC 20549–1090 on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BATS–2014–034, and should be submitted on or before September 16, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–20205 Filed 8–25–14; 8:45 am]

**BILLING CODE 8011–01–P**

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–72884; File No. SR–CME–2014–32]**

## Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 802.H

August 20, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 7, 2014, Chicago Mercantile Exchange Inc. (''CME'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II and III below, which Items have been prepared primarily by CME. CME filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

4(f)(4)(ii)[4] thereunder, so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

CME is filing a proposed rule change that is limited to its business as a derivatives clearing organization. More specifically, the proposed rule change contains certain clarifying amendments to CME Rule 802.H.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, CME included statements concerning the purpose and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CME has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

CME is registered as a derivatives clearing organization with the Commodity Futures Trading Commission and currently offers clearing services for many different futures and swaps products. With this filing, CME proposes to make rule changes that apply to CME's Base Guaranty Fund. More specifically, the proposed changes would make clarifying amendments to current CME Rule 802.H (Base Cooling Off Period and Multiple Defaults).

CME previously amended CME Rule 802 on June 19, 2012 to establish a fixed $100 million amount for CME's contribution to the financial safeguards package associated with its Base Guaranty Fund (''Base CME Contribution''). That amendment inadvertently excluded the express language limiting CME's corporate contribution to the Base financial safeguards package during the Base Cooling-Off Period, similar to CME's structure for the CDS and IRS guaranty funds, which limit CME's obligation during the respective cooling off periods applicable to CDS and IRS. CME is now proposing to add the clarifying language into Rule 802.H to harmonize the relevant rule text across the Base, IRS and CDS product classes and to provide clarity to the marketplace regarding CME's obligation to replenish its Base CME Contribution during a Base Cooling-Off Period.

The proposed rule change that is described in this filing is limited to CME's Base Guaranty Fund and therefore is limited to its business as a derivatives clearing organization clearing products under the exclusive jurisdiction of the Commodity Futures Trading Commission (''CFTC'') and does not materially impact CME's security-based swap clearing business in any way. The proposed changes would become effective immediately but would be operationalized on August 20, 2014. CME notes that it has also submitted the proposed rule change that is the subject of this filing to its primary regulator, the CFTC, in CME Submission 14–277.

CME believes the proposed rule change is consistent with the requirements of the Exchange Act including Section 17A of the Exchange Act.[5] The proposed changes would amend rule text that applies to CME's Base Guaranty Fund to harmonize the relevant rule text across CME's Base, IRS and CDS product classes. The proposed changes would provide clarity to the marketplace regarding CME's obligation to replenish its Base CME Contribution during a Base Cooling-Off Period. Because the proposed amendments would clarify the operation of CME's rules and default management procedures in connection with its Base Guaranty Fund, the changes should therefore be seen to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest consistent with Section 17A(b)(3)(F) of the Exchange Act.[6]

Furthermore, the proposed changes are limited to CME's Base Guaranty Fund, which means the proposed changes are limited in their effect to products that are under the exclusive jurisdiction of the CFTC. As such, the proposed CME changes are limited to CME's activities as a DCO clearing swaps that are not security-based swaps; CME notes that the policies of the CFTC with respect to administering the Commodity Exchange Act are comparable to a number of the policies underlying the Exchange Act, such as promoting market transparency for over-the-counter derivatives markets, promoting the prompt and accurate clearance of transactions and protecting investors and the public interest.

Because the proposed changes are limited in their effect to CME's Base Guaranty Fund, the proposed changes are properly classified as effecting a change in an existing service of CME that:

(a) Primarily affects the clearing operations of CME with respect to products that are not securities, including futures that are not security futures, swaps that are not security-based swaps or mixed swaps; and forwards that are not security forwards; and

(b) does not significantly affect any securities clearing operations of CME or any rights or obligations of CME with respect to securities clearing or persons using such securities-clearing service.

As such, the changes are therefore consistent with the requirements of Section 17A of the Exchange Act[7] and are properly filed under Section 19(b)(3)(A)[8] and Rule 19b–4(f)(4)(ii)[9] thereunder.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

CME does not believe that the proposed rule change will have any impact, or impose any burden, on competition. The proposed changes simply provide clarity to the marketplace regarding CME's obligation to replenish its Base CME Contribution during a Base Cooling-Off Period. Further, the changes are limited to CME's Base Guaranty Fund and, as such, do not affect the security-based swap clearing activities of CME in any way and therefore do not impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

CME has not solicited, and does not intend to solicit, comments regarding this proposed rule change. CME has not received any unsolicited written comments from interested parties.

[4] 17 CFR 240.19b–4(f)(4)(ii).

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(4)(ii).

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A) [10] of the Act and Rule 19b–4(f)(4)(ii) [11] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–CME–2014–32 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–CME–2014–32. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

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–CME–2014–32 and should be submitted on or before September 16, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–20210 Filed 8–25–14; 8:45 am]

**BILLING CODE 8011–01–P**

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(4)(ii).

[12] 17 CFR 200.30–3(a)(12).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–72882; File No. SR–NYSEArca–2014–58]**

## Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting Approval of Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Relating to Listing and Trading of Shares of PIMCO Short-Term Exchange-Traded Fund and PIMCO Municipal Bond Exchange-Traded Fund Under NYSE Arca Equities Rule 8.600

August 20, 2014.

### I. Introduction

On June 25, 2014, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade the shares (''Shares'') of PIMCO Short-Term Exchange-Traded Fund and PIMCO Municipal Bond Exchange-Traded Fund (individually, ''Fund,'' and collectively, ''Funds'') under NYSE Arca Equities Rule 8.600. The proposed rule change was published for comment in the **Federal Register** on July 8, 2014.[3] On July 16, 2014, NYSE Arca filed Amendment No. 1 to the proposal.[4] The Commission received no comments on the proposal. This order grants approval of the proposed rule change, as modified by Amendment No. 1 thereto.

### II. Description of the Proposed Rule Change

The Exchange proposes to list and trade the Shares under 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''). The Trust is registered with the Commission as an investment company.[5] The Funds are series of the Trust.

The investment manager to the Funds will be Pacific Investment Management Company LLC (''PIMCO'' or ''Adviser''). PIMCO Investments LLC will serve as the distributor for the Funds. State Street Bank & Trust Co. will serve as the custodian and transfer agent to the Funds. 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.[6] The Exchange has made the following representations and statements describing the Funds and their respective investment strategies, including portfolio holdings and investment restrictions.[7]

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72509 (July 1, 2014), 79 FR 38605 (''Notice'').

[4] In Amendment No. 1, the Exchange amended the proposed rule change to: (a) clarify how certain Fund assets would be valued; and (b) specify where price information can be obtained for certain Fund holdings. Amendment No. 1 provided clarification to the proposed rule change, and because it does not materially affect the substance of the proposed rule change or raise novel or unique regulatory issues, Amendment No. 1 is not subject to notice and comment.

[5] According to the Exchange, the Trust filed an amendment to its registration statement on Form N–1A under the Securities Act of 1933 and the Investment Company Act of 1940 (''1940 Act'') relating to the Funds (File Nos. 333–155395 and 811–22250) (''Registration Statement''). In addition, the Exchange notes 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).

[6] *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 of 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.

[7] Additional information regarding the Trust, the Funds, and the Shares, investment strategies, investment restrictions, risks, net asset value (''NAV'') calculation, creation and redemption

*Characteristics of the Funds*

In selecting investments for each Fund, PIMCO will develop an outlook for interest rates, currency exchange rates and the economy, analyze credit and call risks, and use other investment selection techniques. The proportion of each 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.

With respect to each Fund, 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, each Fund may invest in Fixed Income Instruments, which include:

- Securities issued or guaranteed by the U.S. Government, its agencies, or government-sponsored enterprises (''U.S. Government Securities'');
- corporate debt securities of U.S. and non-U.S. issuers, including convertible securities and corporate commercial paper; [8]
- mortgage-backed and other asset-backed securities; [9]
- inflation-indexed bonds issued both by governments and corporations; [10]
- structured notes, including hybrid or ''indexed'' securities and event-linked bonds; [11]
- bank capital and trust preferred securities; [12]
- loan participations and assignments; [13]
- 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 Funds*

A Fund's investments in derivative instruments will be made in accordance with the 1940 Act and consistent with each Fund's investment objective and policies. With respect to each Fund, derivative instruments will include forwards; [14] exchange-traded and over-the-counter (''OTC'') options contracts; exchange-traded futures contracts; exchange-traded and OTC swap agreements; exchange-traded options on futures contracts; and OTC options on swap agreements.[15] Generally, a derivative is a financial contract whose value depends upon, or is 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. A Fund may, but is not required to, use derivative instruments for risk management purposes or as part of its investment strategies.[16]

According to the Exchange, each 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. A Fund may also use derivative instruments to enhance returns. To limit the potential risk associated with such transactions, a Fund will segregate or ''earmark'' assets determined to be liquid by PIMCO in accordance with procedures established

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 5, respectively.

[8] With respect to each of the Funds, 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 each of the Funds, at least 80% of issues of such securities held by a Fund must have $100 million or more par amount outstanding at the time of investment. *See also infra* note 22.

[9] Mortgage-related and other asset-backed securities include collateralized mortgage obligations (''CMO''s), 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.

[10] 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 (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.

[11] The Funds 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 upon, 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, a Fund may lose all or a portion of its principal invested in the bond or notional amount on a swap.

[12] 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.

[13] The Funds 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.

[14] Forwards are contracts to purchase or sell securities for a fixed price at a future date beyond normal settlement time (forward commitments).

[15] In the future, in the event that there are exchange-traded options on swaps, the Fund may invest in these instruments. *See* Notice, *supra,* note 3 at 38607.

[16] According to the Exchange, each 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.

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, each 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.[17] The Exchange notes that the markets for certain securities, or the securities themselves, may be unavailable or cost prohibitive as compared to derivative instruments, so suitable derivative transactions may be an efficient alternative for a Fund to obtain the desired asset exposure.

*PIMCO Short-Term Exchange-Traded Fund—Principal Investments*

According to the Exchange, the PIMCO Short-Term Exchange-Traded Fund will seek maximum current income, consistent with preservation of capital and daily liquidity. This Fund will seek to achieve its investment objective by investing under normal circumstances [18] at least 65% of its total assets in a diversified portfolio of Fixed Income Instruments of varying maturities, and derivatives based on Fixed Income Instruments. The average portfolio duration of the Fund will vary based on PIMCO's forecast for interest rates and will normally not exceed one year. In addition, the dollar weighted average portfolio maturity of the Fund, under normal circumstances, is expected not to exceed three years.

According to the Exchange, the Fund will invest primarily in investment grade debt securities, but may invest up to 10% of its total assets in high yield securities rated B or higher by Moody's, or equivalently rated by S&P or Fitch, or, if unrated, determined by PIMCO to be of comparable quality.[19]

In furtherance of the Fund's 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 20% of its assets in mortgage-related and other asset-backed securities, although this 20% limitation does not apply to securities issued or guaranteed by Federal agencies and/or U.S. government sponsored instrumentalities.

According to the Exchange, the Fund may invest in securities and instruments that are economically tied to foreign (non-U.S.) countries.[20]

The Fund may invest up to 10% of its total assets in securities denominated in foreign currencies, and may invest beyond this limit in U.S. dollar-denominated securities of foreign issuers.[21] According to the Exchange, the Fund will normally limit its foreign currency exposure (from non-U.S. dollar-denominated securities or currencies) to 20% of its total assets. The Fund may invest up to 5% of its total assets in securities and instruments that are economically tied to emerging market countries.[22]

The Fund may engage in foreign currency transactions on a spot (cash) basis and forward basis, and invest in foreign currency futures and exchange-traded and OTC options contracts.[23] 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 purchase or sell securities on a when-issued, delayed delivery, or forward

[17] To mitigate leveraging risk, the Adviser will segregate or ''earmark'' liquid assets or otherwise cover the transactions that may give rise to such risk.

[18] With respect to each Fund, 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 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] With respect to each Fund, 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 comparably rated securities and involve the risk that a Fund's portfolio manager may not accurately evaluate the security's comparative credit rating. To the extent that a Fund invests in unrated securities, a 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.

[20] 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. With respect to each Fund, 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).

[21] According to the Exchange, the Fund may have greater exposure (*i.e.,* up to 20% of its total assets) to foreign currencies through: (i) investments in securities denominated in such currencies, and (ii) direct investments in foreign currencies, including currency forwards. *See* Notice, *supra,* note 3 at 38607.

[22] 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 to which country the security is economically tied, 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 each of the Funds, at least 80% of issues of such securities held by a Fund must have $200 million or more par amount outstanding at the time of investment.

[23] The Fund will limit its investments in currencies to those currencies with a minimum average daily foreign exchange turnover of USD $1 billion as determined by the Bank for International Settlements (''BIS'') Triennial Central Bank Survey. As of the most recent BIS Triennial Central Bank Survey, at least 52 separate currencies had minimum average daily foreign exchange turnover of USD $1 billion. For a list of eligible currencies, *see www.bis.org.*

commitment basis and may engage in short sales.[24]

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).[25]

*PIMCO Short-Term Exchange-Traded Fund—Other (Non-Principal) Investments*

The PIMCO Short-Term Exchange-Traded Fund may invest up to 10% of its total assets in preferred stock, convertible securities, and other equity-related securities.[26]

The Fund may invest in variable and floating rate securities that are not Fixed Income Instruments. The Fund may invest in floaters and inverse floaters that are not Fixed Income Instruments and may engage in credit spread trades.

The Fund may invest in trade claims,[27] privately placed and unregistered securities, and exchange-traded and OTC-traded structured products, including credit-linked securities, commodity-linked notes, and structured notes. The Fund may invest in Brady Bonds.

The Fund may enter into repurchase agreements on instruments other than Fixed Income Instruments, in addition to repurchase agreements on Fixed Income Instruments mentioned above, 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 on instruments other than Fixed Income Instruments, in addition to reverse repurchase agreements on Fixed Income Instruments mentioned above, subject to the Fund's limitations on borrowings.[28] 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.

*PIMCO Municipal Bond Exchange-Traded Fund—Principal Investments*

According to the Exchange, the PIMCO Municipal Bond Exchange-Traded Fund will seek high current income exempt from federal income tax, consistent with preservation of capital; capital appreciation is a secondary objective. This Fund will seek to achieve its investment objective by investing under normal circumstances at least 80% of its assets in debt securities (Municipal Bonds) whose interest is, in the opinion of bond counsel for the issuer at the time of the issuance, exempt from federal income tax. Municipal Bonds are generally issued by or on behalf of states and local governments and their agencies, authorities, and other instrumentalities. Municipal Bonds include municipal lease obligations, municipal general obligation bonds, municipal cash equivalents, and pre-refunded and escrowed to maturity bonds. The Fund may invest in industrial development bonds, which are Municipal Bonds issued by a government agency on behalf of a private sector company and, in most cases, are not backed by the credit of the issuing municipality. The Fund may also invest in securities issued by entities whose underlying assets are Municipal Bonds.

The Fund may invest more than 25% of its total assets in bonds of issuers in California and New York; may invest 25% of more of its total assets in Municipal Bonds that finance education, health care, housing, transportation, utilities, and other similar projects; and may invest 25% or more of its total assets in industrial development bonds. The average portfolio duration of the Fund will normally vary from three to twelve years based on PIMCO's forecast for interest rates.

According to the Exchange, the Fund will invest primarily in investment grade debt securities, but may invest up to 10% of its total assets in Municipal Bonds or private activity bonds that are high yield securities rated Ba or higher by Moody's, or equivalently rated by S&P or Fitch, or, if unrated, determined by PIMCO to be of comparable quality.

The Fund may invest in residual interest bonds (''RIBs''), which brokers create by depositing a Municipal Bond in a trust. The trust in turn would issue a variable rate security and RIBs. The interest rate for the variable rate security will be determined by the remarketing broker-dealer, while the RIB holder will receive the balance of the income from the underlying municipal bond.

In furtherance of the Fund's 80% policy the Fund may invest in derivative instruments on Municipal Bonds, subject to applicable law and any other restrictions described herein.

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). The Fund may purchase or sell securities on a when-issued, delayed delivery, or forward commitment basis and may engage in short sales.

*PIMCO Municipal Bond Exchange-Traded Fund—Other (Non-Principal) Investments*

According to the Exchange, the PIMCO Municipal Bond Exchange-Traded Fund may invest up to 20% of its net assets in U.S. government securities, money market instruments, ''private activity'' bonds, and/or Fixed Income Instruments (other than Municipal Bonds), including derivative instruments related to such instruments, subject to applicable law and any other restrictions described herein.

[24] Each of the Funds may make short sales of securities: (i) To offset potential declines in long positions in similar securities; (ii) to increase the flexibility of the Fund; (iii) for investment return; and (iv) as part of a risk arbitrage strategy.

[25] 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] 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. With respect to each Fund, 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 a Fund in the aggregate invested in exchange-traded equity securities shall consist of equity securities, including stocks into which a convertible security is converted, whose principal market is not a member of the Intermarket Surveillance Group (''ISG'') or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement. Furthermore, not more than 10% of the net assets of a Fund in the aggregate invested in futures contracts or exchange-traded options contracts shall consist of futures contracts or exchange-traded options contracts whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

[27] 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.

[28] With respect to each Fund, 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.

The Fund may invest up to 10% of its total assets in preferred stock, convertible securities, and other equity-related securities.

The Fund may invest in variable and floating rate securities. The Fund may invest in floaters and inverse floaters and may engage in credit spread trades.

The Fund may invest in trade claims, privately placed and unregistered securities, and exchange-traded and OTC-traded structured products, including credit-linked securities, commodity-linked notes, and structured notes. The Fund may invest in Brady Bonds.

The Fund may enter into repurchase agreements on instruments other than Fixed Income Instruments, in addition to repurchase agreements on Fixed Income Instruments mentioned above, 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 on instruments other than Fixed Income Instruments, in addition to reverse repurchase agreements on Fixed Income Instruments mentioned above, subject to the Fund's limitations on borrowings.

*Other Investments (Both Funds)*

The Funds 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, PIMCO may temporarily invest up to 100% of a Fund's assets in certain defensive strategies, including holding a substantial portion of a Fund's 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. The Funds may invest in, to the extent permitted by Section 12(d)(1)(A) of the 1940 Act, other affiliated and unaffiliated funds, such as open-end or closed-end management investment companies, including other exchange-traded funds, provided that each of a Fund's investment in units or shares of investment companies and other open-end collective investment vehicles will not exceed 10% of that Fund's total assets. Each Fund may invest in 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.

*Investment Restrictions (Both Funds)*

Each 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 illiquid assets, that is, the limitation that a Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser, consistent with Commission guidance. Each Fund will monitor its respective portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of a Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

Each Fund will be diversified within the meaning of the 1940 Act. Each Fund intends to qualify annually and elect to be treated as a regulated investment company under Subchapter M of the Internal Revenue Code. None of the Funds will concentrate its investments in a particular industry, as that term is used in the 1940 Act, and as interpreted, modified, or otherwise permitted by a regulatory authority having jurisdiction from time to time. Each Fund's investments, including derivatives, will be consistent with that Fund's investment objective, and each Fund's use of derivatives may be used to enhance leverage. However, each Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.,* 2Xs and 3Xs) of a Fund's broad-based securities market index (as defined in Form N–1A).[29]

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), each 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 Funds will be in compliance with Rule 10A–3 under the Act,[30] as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares for each Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares of each Fund that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

## III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of Section 6 of the Act[31] and the rules and regulations thereunder applicable to a national securities exchange.[32] In particular, the Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act,[33] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission notes that the Funds and the Shares must comply with the requirements of NYSE Arca Rule 8.600 for the Shares to be listed and traded on the Exchange.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act,[34] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities. Quotation and last-sale information for the Shares

[29] According to the Exchange, each Fund's broad-based securities market index will be identified in a future amendment to the Registration Statement following a Fund's first full calendar year of performance. *See* Notice, *supra,* note 3 at 38610.

[30] 17 CFR 240.10A–3.

[31] 15 U.S.C. 78(f).

[32] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[33] 15 U.S.C. 78f(b)(5).

[34] 15 U.S.C. 78k–1(a)(1)(C)(iii).

will be available via the Consolidated Tape Association (''CTA'') high-speed line.[35] In addition, the Portfolio Indicative Value (''PIV''), as defined in NYSE Arca Equities Rule 8.600 (c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session.[36] On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, each of the Funds will disclose on the Trust's Web site the Disclosed Portfolio, as defined in NYSE Arca Equities Rule 8.600(c)(2), that will form the basis for such Fund's calculation of NAV at the end of the business day.[37] The NAV of each of the Funds will normally be determined as of the close of the regular trading session on the Exchange (ordinarily 4:00 p.m. Eastern time) on each business day.[38] In addition, a basket composition file, which includes the security names and share quantities, if applicable, required to be delivered in exchange for a Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the Exchange via the National Securities Clearing Corporation. Information regarding market price and volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Intra-day and closing price information regarding exchange-traded equity securities, including common stocks, preferred stocks, securities convertible into stocks, closed-end funds, exchange traded funds, exchange-traded structured products and other equity-related securities, will be available from the exchange on which such securities are traded. Intra-day and closing price information regarding exchange traded options (including options on futures), exchange-traded swaps and futures will be available from the exchange on which such instruments are traded. Intra-day and closing price information regarding Fixed Income Instruments also will be available from major market data vendors.[39] Price information relating to forwards, spot currency, OTC options, and swaps will be available from major market data vendors. Price information regarding RIBs, money market instruments, Brady Bonds, repurchase and reverse repurchase agreements other than those included in Fixed Income Instruments, private activity bonds, trade claims, privately placed and unregistered securities, and OTC structured products will be available from major market data vendors. Price information regarding other investment company securities will be available from on-line information services and from the Web site for the applicable investment company security. The Trust's Web site will include a form of the prospectus for each of the Funds and additional data relating to NAV and other applicable quantitative information.

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Commission notes that the Exchange will obtain representation from the issuer of the Shares of each Fund that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. The Exchange may halt trading in the Shares if trading is not occurring in the securities or the financial instruments constituting the Disclosed Portfolio of the Fund, or if other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.[40] In addition, trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. Further, the Commission notes that the Reporting Authority that provides the Disclosed Portfolio of each Fund must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material, non-public information regarding the actual components of the portfolio.[41] The Commission further notes that the Financial Industry Regulatory Authority (''FINRA''), on behalf of the Exchange,[42] will

[35] *See* Notice, *supra,* note 3 at 38613.

[36] According to the Exchange, several major market data vendors display and/or make widely available PIVs taken from the CTA or other data feeds.

[37] On a daily basis, the Funds will disclose the following information regarding each portfolio holding, as applicable to the type of holding: ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index, or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts, or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in a Fund's portfolio. The Web site information will be publicly available at no charge.

[38] The Exchange represents that for purposes of calculating NAV, portfolio securities, and other assets for which market quotes are readily available will be valued at market value. Market value will generally be determined on the basis of last reported sales prices, or if no sales are reported, based on quotes obtained from a quotation reporting system, established market makers, or pricing services. Fixed Income Instruments, including those to be purchased under firm commitment agreements/delayed delivery basis, will generally be valued on the basis of quotes obtained from brokers and dealers or independent pricing services. Foreign fixed income securities will generally be valued on the basis of quotes obtained from brokers and dealers or pricing services using data reflecting the earlier closing of the principal markets for those assets. Short-term debt instruments having a remaining maturity of 60 days or less will generally be valued at amortized cost, which approximates market value. Derivatives will generally be valued on the basis of quotes obtained from brokers and dealers or pricing services using data reflecting the earlier closing of the principal markets for those assets. Local closing prices will be used for all instrument valuation purposes. Foreign currency-denominated derivatives will generally be valued as of the respective local region's market close. Exchange-traded equity securities will be valued at the official closing price or the last trading price on the exchange or market on which the security is primarily traded at the time of valuation. If no sales or closing prices are reported during the day, exchange-traded equity securities will generally be valued at the mean of the last available bid and ask quotation on the exchange or market on which the security is primarily traded, or using other market information obtained from quotation reporting systems, established market makers, or pricing services. Investment company securities that are not exchange-traded will be valued at NAV. Equity securities traded OTC will be valued based on price quotations obtained from a broker-dealer who makes markets in such securities or other equivalent indications of value provided by a third-party pricing service. OTC options on swaps will be valued by a third party pricing service. RIBs, money market instruments, trade claims, privately placed and unregistered securities, structured products, repurchase agreements, reverse repurchase agreements, private activity bonds and other types of debt securities will generally be valued on the basis of independent pricing services or quotes obtained from brokers and dealers.

[39] According to the Exchange, major market data vendors may include, but are not limited to: Thomson Reuters, JPMorgan Chase PricingDirect Inc., Markit Group Limited, Bloomberg, and Interactive Data Corporation, among other major data vendors.

[40] *See* NYSE Arca Equities Rule 8.600(d)(2)(C) (providing additional considerations for the suspension of trading in or removal from listing of Managed Fund Shares on the Exchange). With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of each Fund. Trading in Shares of either Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.

[41] *See* NYSE Arca Equities Rule 8.600(d)(2)(B)(ii).

[42] The Exchange states that, while FINRA surveils trading on the Exchange pursuant to a regulatory services agreement, the Exchange is responsible for

Continued

communicate as needed regarding trading in the Shares, exchange-traded equities, exchange-traded options, futures contracts, and options on futures contracts with other markets or other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, exchange-traded equities, exchange-traded options, futures contracts, and options on futures contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, exchange-traded equities, exchange-traded options, futures contracts, and options on futures contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[43] FINRA, on behalf of the Exchange, also is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine. FINRA also can access data obtained from the Municipal Securities Rulemaking Board relating to municipal bond trading activity for surveillance purposes in connection with trading in the Shares. The Exchange states that it has a general policy prohibiting the distribution of material, non-public information by its employees. The Exchange also states that the Adviser is not a registered broker-dealer, but is affiliated with a broker-dealer and will implement and maintain a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition of or changes to the portfolios.[44]

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange has made representations, including:

(1) The Shares will conform to the initial and continuing listing criteria under NYSE Arca Equities Rule 8.600.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) Trading in the Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

(4) Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit (''ETP'') Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (a) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (b) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (c) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated PIV will not be calculated or publicly disseminated; (d) how information regarding the PIV and the Disclosed Portfolio is disseminated; (e) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.

(5) For initial and continued listing, each Fund must be in compliance with Rule 10A–3 under the Exchange Act.[45]

(6) 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 Funds, at least 80% of issues of such securities held by the Funds must have $100 million or more par amount outstanding at the time of investment. 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 Funds, at least 80% of issues of such securities held by the Funds must have $200 million or more par amount outstanding at the time of investment.

(7) Not more than 10% of the net assets of a Fund in the aggregate invested in exchange-traded equity securities shall consist of equity securities, including stocks into which a convertible security is converted, whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement. Furthermore, not more than 10% of the net assets of a Fund in the aggregate invested in futures contracts or exchange-traded options contracts shall consist of futures contracts or exchange-traded options contracts whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

(8) The PIMCO Short-Term Exchange-Traded Fund may invest up to 20% of its assets in mortgage-related and other asset-backed securities, although this 20% limitation does not apply to securities issued or guaranteed by Federal agencies and/or U.S. government sponsored instrumentalities.

(9) Each 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 assets, that is, the limitation that a fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser, in accordance with Commission guidance.

(10) To limit the potential risk associated with such transactions, a Fund will segregate or ''earmark'' assets determined to be liquid by PIMCO in accordance with procedures established by the Trust's Board and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain

FINRA's performance under this regulatory services agreement.

[43] For a list of the current members of ISG, *see http://www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[44] *See supra* note 6. An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[45] 17 CFR 240.10A–3.

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, each Fund will include appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of a Fund, including a Fund's use of derivatives, may give rise to leverage, causing a Fund to be more volatile than if it had not been leveraged. To mitigate leveraging risk, the Adviser will segregate or ''earmark'' liquid assets or otherwise cover the transactions that may give rise to such risk.

(11) The Funds will seek, where possible, to use counterparties whose financial status is such that the risk of default is reduced.

(12) A minimum of 100,000 Shares for each Fund will be outstanding at the commencement of trading on the Exchange.

(13) Each Fund's investments, including derivatives, will be consistent with each Fund's respective investment objective, and each Fund's use of derivatives may be used to enhance leverage. However, each Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.,* 2Xs and 3Xs) of such Fund's broad-based securities market index (as defined in Form N–1A).

This approval order is based on all of the Exchange's representations and description of the Funds, including those set forth above and in the Notice.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 1 thereto, is consistent with Section 6(b)(5) of the Act [46] and the rules and regulations thereunder applicable to a national securities exchange.

## IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[47] that the proposed rule change (SR–NYSEArca–2014–58), as modified by Amendment No. 1 thereto, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[48]

**Kevin M. O'Neill,**

*Deputy Secretary.*

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[46] 15 U.S.C. 78f(b)(5).

[47] 15 U.S.C. 78s(b)(2).

[48] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–72883; File No. SR–BX–2014–035]**

## Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Order Approving Proposed Rule Change Relating to Market Maker Quoting Obligations and the Introduction of a Lead Market Maker

August 20, 2014.

### I. Introduction

On June 19, 2014, NASDAQ OMX BX, Inc. (''BX'' or the ''Exchange''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] filed with the Securities and Exchange Commission (the ''Commission'') a proposed rule change relating to market maker quoting obligations and the introduction of a lead market maker. The proposed rule change was published for public comment in the **Federal Register** on July 8, 2014.[3] The Commission received no comment letters on the proposed rule change. This order approves the proposed rule change.

### II. Description of the Proposal

The Exchange proposes to amend the current BX Market Maker quoting obligations and adopt rules to permit BX Market Makers to act as Lead Market Makers (''LMMs''), provided the LMM meets certain obligations and quoting requirements. In addition, the Exchange proposes to provide assigned LMMs with certain participation entitlements. Finally, the Exchange proposes to provide Public Customers with priority when the Price/Time execution algorithm is in effect.

*A. BX Market Maker Quoting Obligations*

Currently, Chapter VII, Section 6(d)(i) of the BX Options Rules provides that on a daily basis, a Market Maker must during regular market hours make markets consistent with the applicable quoting requirements specified in the BX Options Rules, on a continuous basis in at least sixty percent (60%) of the series in options in which the Market Maker is registered. Chapter VII, Section 6(d)(i)(1) of the BX Options Rules provides that, to satisfy this requirement with respect to quoting a series, a Market Maker must quote such series 90% of the trading day (as a percentage of the total number of minutes in such trading day).

BX proposes to reduce the quoting requirement for BX Options Market Makers so a Market Maker must quote the options in which it is registered 60% of the trading day (as a percentage of the total number of minutes in such trading day) or such higher percentage as BX may announce in advance. In addition, this quoting obligation would apply to all of a Market Maker's registered options collectively on a daily basis. This quoting obligation would be reviewed on a monthly basis, and would allow the Exchange to review the Market Maker's daily compliance in the aggregate and determine the appropriate disciplinary action for single or multiple failures to comply with the continuous quoting requirement during the month period. However, determining compliance with the continuous quoting requirement on a monthly basis would not relieve a Market Maker of the obligation to provide continuous two-sided quotes on a daily basis, nor would it prohibit the Exchange from taking disciplinary action against a Market Maker for failing to meet the continuous quoting obligation each trading day.

*B. Lead Market Maker Allocation*

Currently, there are two types of Options Participants on BX: Options Order Entry Firms and Options Market Makers. The Exchange proposes to add a third type of Options Participant: an LMM. An approved BX Options Market Maker [4] may become an LMM in one or more listed options. Under the proposal, initial application(s) to become an LMM would be in a form and/or format prescribed by the Exchange and would include: (1) Background information on the LMM, including experience in trading options; (2) the LMM's clearing arrangements; (3) adequacy of capital; and (4) adherence to Exchange rules and ability to meet the obligations of an LMM.[5] Subsequent applications would be in a form and/or format prescribed by the Exchange and would include the information requested therein, including, but not limited to, an account of the abilities and background of the applicant as well as any other special requirements that the Exchange may require.[6] Once an applicant is approved by the Exchange as an LMM, any material change in capital would be reported in writing to the Exchange within two business days after the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 72502 (Jul. 1, 2014), 79 FR 38620 (''Notice'').

[4] *See* Chapter VII, Section 2.

[5] *See* proposed BX Options Rules at Chapter VII, Section 13(A)(b).

[6] *See* proposed BX Options Rules at Chapter VII, Section 13(A)(c).

change.[7] BX would not place any limit on the number of entities that may become LMMs, but there would only be one LMM per class.

When an options class is to be allocated or reallocated by the Exchange, the Exchange would solicit applications from all eligible LMMs. If the Exchange determines that special qualifications should be sought in the successful applicant, it would indicate such desired qualifications in the notice.[8]

Under the proposal, allocation applications would be submitted in writing to the Exchange's designated staff and would include, at a minimum, the name and background of the LMM, the LMM's experience and capitalization demonstrating an ability to trade the particular options class sought, and any other reasons why the LMM believes it should be assigned or allocated the security. In addition, the Exchange may also require that applications include other information such as system acceptance/execution levels and guarantees. The Exchange would be permitted to re-solicit applications for any reason, including if it determines that its initial solicitation resulted in an insufficient number of applicants.[9]

Allocation decisions and automatic allocations would be communicated in writing to Exchange members. Once the LMM is allocated an issue, such LMM would immediately notify the Exchange in writing of any change to the respective system acceptance/execution levels or any other material change in the application for any assigned issue. If an LMM seeks to withdraw from allocation in a security, it would be required to notify the Exchange at least one business day prior to the desired effective date of such withdrawal.[10] Options on Related Securities would be automatically allocated to the LMM that is already the LMM in Currently Allocated Options (as defined hereafter).[11] Only one LMM would be permitted to be allocated to an options class.[12]

The Exchange would allocate new options classes, or reallocate existing options classes to applicants based on the results of such factors as the Exchange deems appropriate. Among the factors that the Exchange may consider in making such decisions are: The number and type of securities in which applicants are currently registered; the capital and other resources of the applicant; recent allocation decisions within the past eighteen months; the desirability of encouraging the entry of new LMMs into the Exchange's market; order flow commitments; any prior transfers of LMM privileges by the applicant and the reasons therefor and such policies as the Board instructs the Exchange to follow in allocating or reallocating securities. The Exchange would also be permitted to consider: Quality of markets data; observance of ethical standards and administrative responsibilities. Solely with respect to options class allocations or reallocations, past or contemplated voluntary delisting of options by LMMs, done in the best interest of the Exchange, would not be viewed negatively by the Exchange in making allocation and reallocation decisions. The Exchange would be permitted to allocate option classes for a limited period of time or subject to such other terms and conditions as it deems appropriate.[13]

Requests to allocate or transfer allocation, or transfer of an options class request would be made in writing to the Exchange and such transfer may only be made to an approved LMM. The LMM would be assigned to an options class for a period defined by the Exchange. The Exchange would communicate such period in solicitation applications. The Exchange may re-allocate an options class after the defined period has expired.[14]

*C. LMM Obligations and Quotations*

Under the Proposal, the Exchange would require that LMM transactions constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and no LMM should enter into transactions or make bids or offers that are inconsistent with such a course of dealings.[15] Further, with respect to each class of options in his or her appointment, an LMM would be expected to engage, to a reasonable degree under the existing circumstances, in dealings for his own account when there exists, or it is reasonably anticipated that there will exist, a lack of price continuity, a temporary disparity between the supply of and demand for a particular option contract, or a temporary distortion of the price relationships between option contracts of the same class. Without limiting the foregoing, an LMM would be expected to perform certain additional activities in the course of maintaining a fair and orderly market pursuant to proposed Chapter VII, Section 14(b).[16]

With respect to unusual conditions, if the interest of maintaining a fair and orderly market so requires, BX Regulation may declare that unusual market conditions exist in a particular issue and allow LMMs in that issue to make auction bids and offers with spread differentials of up to two times, or in exceptional circumstances, typically up to three times, the legal limits permitted under BX Options Rules. In making such determinations to allow wider markets, BX Regulation would consider certain enumerated factors.[17] In the event that BX Regulation determines that unusual market conditions exist in any option, it would be the responsibility of BX Regulation to file a report with BX operations setting forth the relief granted for the unusual market conditions, the time and duration of such relief and the reasons therefor.[18]

In classes of options other than those to which the LMM is appointed, LMMs would not be permitted to engage in transactions for an account in which they have an interest that are disproportionate in relation to, or in derogation of, the performance of their obligations as specified in BX Options

[7] *See* proposed BX Options Rules at Chapter VII, Section 13(A)(d).

[8] *See* proposed BX Options Rules at Chapter VII, Section 13(B)(a).

[9] *See* proposed BX Options Rules at Chapter VII, Section 13(B)(b).

[10] *See* proposed BX Options Rules at Chapter VII, Section 13(B)(c)(d) and (e).

[11] *See* proposed BX Options Rules at Chapter VII, Section 13(B)(g).

[12] The Exchange is defining the term ''Related Securities'' for purpose of Chapter VII, Section 13 as follows: ''Related Securities means, but is not limited to: securities of a partially or wholly owned subsidiary; securities that are convertible into the securities of the issuer; warrants on securities of the issuer; securities issued in connection with a name change; securities issued in a reverse stock split; contingent value rights; ''tracking'' securities designed to track the performance of the underlying security or corporate affiliate thereof; securities created in connection with the merger or acquisition of one or more companies; securities created in connection with a ''spin-off'' transaction; convertible on non-convertible senior securities; and securities into which a listed security is convertible, where such Related Securities emanate from or are related to securities underlying options that are currently allocated to an LMM on the Exchange (''Currently Allocated Options''). The term Related Securities would not include Exchange Traded Funds. *See* proposed BX Options Rules at Chapter VII, Section 13(B)(f).

[13] *See* proposed BX Options Rules at Chapter VII, Section 13(C).

[14] *See* proposed BX Options Rules at Chapter VII, Section 13(D).

[15] *See* proposed BX Options Rules at Chapter VII, Section 14(a).

[16] *See* proposed BX Options Rules at Chapter VII, Section 14(b).

[17] *See* proposed BX Options Rules at Chapter VII, Section 14(c).

[18] *See* proposed BX Options Rules at Chapter VII, Section 14(c)(i).

Rules with respect to the classes in their appointment. Furthermore, LMMs would not be permitted to: (1) Individually or as a group, intentionally or unintentionally, dominate the market in option contracts of a particular class; and (2) effect purchases or sales on the Exchange except in a reasonable and orderly manner.[19]

LMMs would be prohibited from (1) any practice or procedure whereby LMMs trading any particular option issue determine by agreement the spreads or option prices at which they will trade that issue; and (2) any practice or procedure whereby LMMs trading any particular option issue determine by agreement the allocation of orders that may be executed in that issue.[20]

An LMM would be permitted to enter quotations only in the issues included in its appointment. An LMM would be required to provide continuous two-sided quotations throughout the trading day in its appointed issues for 90% of the time the Exchange is open for trading in each issue. Such quotations would be required to meet the legal quote width requirements of the BX Options Rules. These obligations would apply to all of the LMM's appointed issues collectively, rather than on an option-by-option basis. Compliance with this obligation would be determined on a monthly basis. BX Regulation may consider exceptions to the requirement to quote 90% (or higher) of the trading day based on demonstrated legal or regulatory requirements or other mitigating circumstances. However, determining compliance with the continuous quoting requirement on a monthly basis would not relieve an LMM of the obligation to provide continuous two-sided quotes on a daily basis, nor would it prohibit the Exchange from taking disciplinary action against an LMM for failing to meet the continuous quoting obligation each trading day.[21]

If a technical failure or limitation of a system of the Exchange prevents an LMM from maintaining, or prevents an LMM from communicating to the Exchange, timely and accurate electronic quotes in an issue, the duration of such failure would not be considered in determining whether the LMM has satisfied the 90% quoting standard with respect to that option issue. The Exchange would be permitted to consider other exceptions to this continuous electronic quote obligation based on demonstrated legal or regulatory requirements or other mitigating circumstances.[22] An LMM may be called upon by BX Regulation to submit a single quote or maintain continuous quotes in one or more series of an option issue within its appointment whenever, in the judgment of BX Regulation, it is necessary to do so in the interest of maintaining fair and orderly markets.[23]

An LMM would be compelled to buy/sell a specified quantity of option contracts at the disseminated bid/offer pursuant to his obligations with respect to firm quotes. All quotes and orders entered into the System by Options Participants are firm under BX Options Rules Chapter VII, Section 14(f) and Rule 602 of Regulation NMS under the Exchange Act (''SEC Rule 602'') for the number of contracts specified and according to the size requirements set forth under BX Options Rules. Market Maker bids and offers are not firm under BX Options Rules Chapter VII, Section 14(f) and SEC Rule 602: (1) For the period prior to the Opening Cross; or (2) if any of the circumstances provided in paragraphs (b)(3) or (c)(4) of SEC Rule 602 exist.[24] The obligations of BX Options Rules Chapter VII, Section 14(f) would not apply to LMMs with respect to adjusted option series, quarterly options series, or any series with a time to expiration of nine months or greater. For purposes of BX Options Rules Chapter VII, Section 14(f), an adjusted option series would be an option series wherein, as a result of a corporate action by the issuer of the underlying security, one option contract in the series represents the delivery of other than 100 shares of underlying security.[25]

*D. Lead Market Maker Priority*

The Exchange proposes to provide LMM participation entitlements in Chapter VI (Trading Systems) at Section 10. Specifically, with respect to Size Pro-Rata executions, the Exchange would afford an LMM a participation entitlement if the LMM's bid/offer is at the Exchange's disseminated price and all Public Customer[26] orders have been fully executed.[27] The LMM would not be entitled to receive a number of contracts that is greater than the displayed size associated with such LMM. LMM participation entitlements would be considered after the opening process. A BX Options LMM would receive the greater of: The LMM's Size Pro-Rata share; 50% of remaining interest if there is one or no other Market Maker at that price; 40% of remaining interest if there are two other Market Makers at that price; or 30% of remaining interest if there are more than two other Market Makers at that price; or if rounding would result in an allocation of less than one contract, a BX Options LMM would receive one contract. Rounding would be up or down to the nearest integer.

Orders for 5 contracts or fewer would be allocated to the LMM. The Exchange would review this provision quarterly and would maintain the small order size at a level that would not allow orders of 5 contracts or fewer executed by the LMM to account for more than 40% of the volume executed on the Exchange. After all Public Customer orders have been fully executed and LMM participation entitlements applied, if applicable, BX Options Market Makers would have priority over all other Participant orders at the same price.[28]

With respect to Price/Time executions, the Exchange proposes to provide that the highest bid and lowest offer would have priority except that Public Customer orders would have priority over non-Public Customer orders at the same price. Currently, Public Customer orders do not have priority over non-Public Customer orders at the same price. If there are two or more Public Customer orders for the same options series at the same price, priority would be afforded to such Public Customer orders in the sequence in which they are received by the System. For purposes of BX Options Rules Chapter VI, Section 10(1)(C)(1)(a), a Public Customer order would not include a Professional Order. Public Customer Priority would always be in effect when the Price/Time execution algorithm is in effect.[29] This would be a substantive change which would provide Public Customer orders with priority over non-Public Customer orders at the same price for executions under the Price/Time execution algorithm. Similar language would also

[19] *See* proposed BX Options Rules at Chapter VII, Section 14(d).

[20] *See* proposed BX Options Rules at Chapter VII, Section 14(e).

[21] *See* proposed BX Options Rules at Chapter VII, Section 14(f)(1).

[22] *See* proposed BX Options Rules at Chapter VII, Section 14(f)(1)(i).

[23] *See* proposed BX Options Rules at Chapter VII, Section 14(f)(2).

[24] *See* proposed BX Options Rules at Chapter VII, Section 14(f)(3).

[25] *See* proposed BX Options Rules at Chapter VII, Section 14(f)(4).

[26] *See* Chapter I, Section 1(50). The term ''Public Customer'' means a person that is not a broker or dealer in securities.

[27] Price Improving Orders will retain price priority before an LMM participation entitlement is provided at the Exchange's disseminated price. *See* Chapter VI, Sections 1(a)(6) and 7(b)(3)(B).

[28] *See* Notice, *supra* note 3 for examples illustrating the manner in which an LMM would be allocated contracts pursuant to the Size Pro-Rata model under the proposed rule change.

[29] *See* proposed Chapter VI, Section 10(1)(C)(1)(a).

be added to BX Options Rules Chapter VI, Section 10(1)(C)(2)(i) to conform the Size Pro-Rata language for clarity. Public Customer priority has been in effect when the Size Pro-Rata execution algorithm has been in effect. This amendment to the Size Pro-Rata language would seek to clarify Public Customer priority with respect to that algorithm. The Public Customer priority overlay recognizes the unique status of customers in the marketplace and the role their orders play in price competition and adding depth to the marketplace.

The Exchange proposes that LMM participant entitlements may be in effect when the Public Customer Priority Overlay is also in effect. After all Public Customer orders have been fully executed, upon receipt of an order, provided the LMM's bid/offer is at the Exchange's disseminated price, the LMM would be afforded a participation entitlement.[30] The LMM would not be entitled to receive a number of contracts that is greater than the displayed size associated with such LMM. A BX Options LMM would receive the greater of: (a) Contracts the LMM would receive if the allocation was based on time priority with Public Customer priority; (b) 50% of remaining interest if there is one or no other Market Maker at that price; (c) 40% of remaining interest if there are two other Market Makers at that price; or (d) 30% of remaining interest if there are more than two other Market Makers at that price or if rounding would result in an allocation of less than one contract, a BX Options LMM would receive one contract. Rounding would be up or down to the nearest integer.

Orders for 5 contracts or fewer would be allocated to the LMM. The Exchange would review this provision quarterly and would maintain the small order size at a level that would not allow orders of 5 contracts or fewer executed by the LMM to account for more than 40% of the volume executed on the Exchange.[31]

The Exchange proposes to implement this proposed rule change by rolling out the rule amendments on an option-by-option basis over a period of time. The Exchange would issue Options Trader Alerts in advance to inform market participants of the timing of implementation of this proposed rule change for various symbols.

[30] Price Improving Orders will retain price priority before an LMM participation entitlement is provided at the Exchange's disseminated price. *See* Chapter VI, Sections 1(a)(6) and 7(b)(3)(B).

[31] *See* Notice, *supra* note 3 for examples illustrating the manner in which an LMM would be allocated contracts pursuant to the Price/Time model under the proposed rule change.

## III. Commission Findings

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[32] The Commission believes that the proposal is consistent with Section 6(b)(5)[33] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

### *A. BX Market Maker Quoting Obligations*

BX proposes to reduce the quoting requirement for BX Options Market Makers so a Market Maker must quote the options in which it is registered 60% of the trading day (as a percentage of the total number of minutes in such trading day) or such higher percentage as BX may announce in advance. In addition, this quoting obligation would apply to all of a Market Maker's registered options collectively on a daily basis. This quoting obligation would be reviewed on a monthly basis, and would allow the Exchange to review the Market Maker's daily compliance in the aggregate and determine the appropriate disciplinary action for single or multiple failures to comply with the continuous quoting requirement during the month period. The Commission notes that determining compliance with the continuous quoting requirement on a monthly basis would not relieve a Market Maker of the obligation to provide continuous two-sided quotes on a daily basis, nor would it prohibit the Exchange from taking disciplinary action against a Market Maker for failing to meet the continuous quoting obligation each trading day. The Commission believes that the proposed changes to the quoting obligations of Market Makers are consistent with the Act. The Commission notes that the proposed changes to the quoting obligations of Market Makers are consistent with market maker obligations in place on other markets.[34]

[32] In approving this rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[33] 15 U.S.C. 78f(b)(5).

### *B. Lead Market Makers*

The Exchange proposes to add a third type of Options Participant: An LMM. Each market maker who desires to be an LMM would be required to submit an application to the Exchange. In allocating an option series, the Exchange would consider a number of factors including but not limited to, the number and type of securities in which applicants are currently registered; the capital and other resources of the applicant; recent allocation decisions within the past eighteen months; the desirability of encouraging the entry of new LMMs into the Exchange's market; order flow commitments; any prior transfers of LMM privileges by the applicant and the reasons therefore; quality of markets data; and observance of ethical standards and administrative responsibilities and such policies as the Board instructs the Exchange to follow in allocating or reallocating securities.

With respect to an LMM's obligations, the Exchange would require LMMs to be subject to heightened standards as compared to other market makers. An LMM would be required to provide continuous two-sided quotations throughout the trading day in its appointed issues for 90% of the time the Exchange is open for trading in each issue. Such quotations would be required to meet legal quote width requirements. These obligations would apply to all of the LMM's appointed issues collectively, rather than on an option-by-option basis. Compliance with this obligation would be determined on a monthly basis.[35]

In addition, an LMM's transactions would be required to constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market. An LMM would be required to engage in dealings for his own account when there exists, or it is reasonably anticipated that there will exist, a lack of price continuity, a temporary disparity between the supply of and demand for a particular option contract, or a temporary distortion of the price relationships between option contracts of the same class. An LMM would be required to: (1) To compete

[34] *See* NYSE Arca Rule 6.37B(c) and NYSE MKT Rule 925.1NY(c).

[35] The Commission notes that, as is the case with market makers, determining compliance with the continuous quoting requirement on a monthly basis would not relieve an LMM of the obligation to provide continuous two-sided quotes on a daily basis, nor would it prohibit the Exchange from taking disciplinary action against an LMM for failing to meet the continuous quoting obligation each trading day.

with other LMMs to improve the market in all series of options classes to which the LMM is appointed; (2) to make markets that will be honored for the number of contracts entered into the Trading System in all series of options classes within the LMM's appointment; (3) to update market quotations in response to changed market conditions in all series of options classes within the LMM's appointment; and (4) to quote with a difference not to exceed $5 (or such other quote width difference established by BX Regulation) between the bid and offer regardless of the price of the bid.

Under the proposal, an LMM would be entitled to a participation guarantee, as described more fully in Section II.D above, if the LMM's bid/offer is at the Exchange's disseminated price and all Public Customer orders have been fully executed.

The Commission believes that the proposed rules regarding LMMs are consistent with the Act and raise no novel issues. The Commission notes that the proposed rules regarding LMMs are substantially similar to the rules of other exchanges.[36] The Commission also believes that the Exchange's proposed priority and allocation rules are consistent with the Act. The Commission has previously approved participation guarantees for LMMs, provided such LMM meets specified, higher quoting obligations.[37] The Commission believes that these guarantees strike a reasonable balance between rewarding certain participants for making markets and providing other market participants an incentive to quote aggressively.

## IV. Conclusion

*It is therefore ordered,* pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–BX–2014–035), is hereby approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[38]

**Kevin M. O'Neill,**

*Deputy Secretary.*

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[36] *See e.g.,* NASDAQ OMX PHLX Rules 501, 505, 506 and 511 and NYSE Arca Rules 6.37A and 6.37B.

[37] *See e.g.,* Rule 8.87 of the Chicago Board Options Exchange, Incorporated.

[38] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–72881; File No. SR–BYX–2014–016]**

## Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 11.9(f) of BATS Y-Exchange, Inc.

August 20, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 11, 2014, BATS Y-Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.9(f) to adopt a new Match Trade Prevention Modifier (''MTP'') called Cancel Smallest. The Exchange has designated this proposal as non-controversial and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) under the Act.[3] The Exchange requests that the Commission waive the 30-day pre-operative waiting period contained in Rule 19b–4(f)(6)(iii) under the Act.[4] If such waiver is granted by the Commission, the Exchange shall implement this rule proposal on or about August 22, 2014.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

Earlier this year, the Exchange and its affiliate BATS Exchange, Inc. (''BZX'') received approval to affect a merger (the ''Merger'') of the Exchange's parent company, BATS Global Markets, Inc., with Direct Edge Holdings LLC, the indirect parent of EDGX Exchange, Inc. (''EDGX'') and EDGA Exchange, Inc. (''EDGA'', and together with BZX, BYX and EDGX, the ''BGM Affiliated Exchanges'').[5] In the context of the Merger, the BGM Affiliated Exchanges are working to align certain system functionality, retaining only intended differences between the BGM Affiliated Exchanges. Thus, the proposal set forth below is intended to add certain system functionality currently offered by EDGA and EDGX in order to provide a consistent technology offering for users of the BGM Affiliated Exchanges.

Like EDGA and EDGX,[6] the Exchange currently offers various MTP modifiers under BYX Rule 11.9(f) which are designed to prevent two orders with the same Unique Identifier (as defined below) from executing against each other. The MTP modifiers can be set at the market participant identifier (''MPID''), the Exchange Member identifier or the Exchange Sponsored Participant identifier level (any such identifier, a ''Unique Identifier'').[7] To align its MTP functionality with EDGA and EDGX, the Exchange now proposes add a new MTP modifier called Cancel Smallest (''MCS'') under BYX Rule 11.9(f). An incoming order marked with the proposed MCS modifier will not execute against opposite side resting interest marked with any MTP modifier originating from the same Unique Identifier. If both orders are equivalent in size, both orders will be cancelled back to the originating User.[8] If the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6)(iii).

[4] *Id.*

[5] *See* Securities Exchange Act Release No. 71375 (January 23, 2014), 79 FR 4771 (January 29, 2014) (SR–BATS–2013–059; SR–BYX–2013–039).

[6] *See* EDGA Rule 11.9(f); EDGX Rule 11.9(f).

[7] Any Exchange Member that has an MPID issued by FINRA is identified in the Exchange's internal systems by that MPID. Each Exchange Member that does not already have an MPID and each Sponsored Participant is issued an identifier that is specific to the Exchange and allows the Exchange to determine the User for each order and trade.

[8] The term ''User'' is defined under Exchange Rule 11.5(cc) as ''any Member or Sponsored

Continued

orders are not equivalent in size, the smaller of the two orders will be cancelled back to the originating User and the larger order will remain on the Book. The Exchange notes that the proposed rule text is substantively identical to the rules of EDGA and EDGX.[9]

The Exchange believes its MTP functionality allows certain firms to better internalize their agency order flow, which in turn may decrease costs to customers of such firms. The Exchange notes that MTP modifiers do not alleviate, or otherwise exempt, broker-dealers from their best execution obligations. As such, broker-dealers using MTP modifiers are obligated to internally cross agency orders at the same price, or a better price than they would have received had the orders been executed on the Exchange. Additionally, MTP modifiers assist market participants in complying with certain rules and regulations of the Employee Retirement Income Security Act (''ERISA'') that preclude and/or limit managing broker-dealers of such accounts from trading as principal with orders generated for those accounts. Finally, the Exchange notes that offering the MTP modifiers may streamline certain regulatory functions by reducing false positive results that may occur on Exchange generated wash trading surveillance reports when orders are executed under the same Unique Identifier. For these reasons, the Exchange believes the MTP modifiers offer users enhanced order processing functionality that may prevent potentially undesirable executions without negatively impacting broker-dealer best execution obligations.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act'')[10] and further the objectives of Section 6(b)(5) of the Act[11] because it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and, in general, to protect investors and the public interest. Specifically, the proposed MCS functionality would allow firms to better manage order flow and prevent undesirable executions against themselves, and the proposed change described herein enhances the choices available to such firms in how they do so. The proposed rule change also is designed to support the principles of Section 11A(a)(1)[12] of the Act in that it seeks to assure fair competition among brokers and dealers and among exchange markets.

The proposed rule change is generally intended to add certain system functionality currently offered by EDGA and EDGX in order to provide a consistent technology offering for the BGM Affiliated Exchanges. A consistent technology offering, in turn, will simplify the technology implementation, changes and maintenance by Users of the Exchange that are also participants on BZX, EDGA and/or EDGX. The proposed rule change would also provide Users with access to functionality that may result in the efficient execution of such orders and will provide additional flexibility as well as increased functionality to the Exchange's System and its Users.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange reiterates that the proposed rule change is being proposed in the context of the technology integration of the BGM Affiliated Exchanges. Thus, the Exchange believes this proposed rule change is necessary to permit fair competition among national securities exchanges. In addition, the Exchange believes the proposed rule change will benefit Exchange participants in that it is one of several changes necessary to achieve a consistent technology offering by the BGM Affiliated Exchanges.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has neither solicited nor received written comments on the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14] Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it is filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[16] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing, noting that a waiver of the operative delay will allow the Exchange to align its MTP functionality across the BGM Affiliated Exchanges in a timely manner, thereby simplifying the technology implementation, changes and maintenance by Users of the Exchange that are also participants on other BGM Affiliated Exchanges. The Exchange also states that waiver of the operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to continue to strive towards a complete technology integration of the BGM Affiliated Exchanges, with gradual roll-outs of new functionality to ensure stability of the System. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the

Participant who is authorized to obtain access to the System pursuant to Rule 11.3.''

[9] *See* EDGA Rule 11.9(f)(5); EDGX Rule 11.9(f)(5).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78k–1(a)(1).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change.

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BYX–2014–016 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–BYX–2014–016. 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 at 100 F Street NE., Washington, DC 20549–1090 on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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–BYX–2014–016, and should be submitted on or before September 16, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–20207 Filed 8–25–14; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–72880; File No. SR–BYX–2014–015]**

## Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 11.13 of BATS Y-Exchange, Inc.

August 20, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 11, 2014, BATS Y-Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.13 to add an additional routing strategy.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

Earlier this year, the Exchange and its affiliate BATS Exchange, Inc. (''BZX'') received approval to effect a merger (the ''Merger'') of the Exchange's parent company, BATS Global Markets, Inc., with Direct Edge Holdings LLC, the indirect parent of EDGX Exchange, Inc. (''EDGX'') and EDGA Exchange, Inc. (''EDGA'', and together with BZX, BYX and EDGX, the ''BGM Affiliated Exchanges'').[3] In the context of the Merger, the BGM Affiliated Exchanges are working to align certain system functionality, retaining only intended differences between the BGM Affiliated Exchanges. Thus, the proposal set forth below is intended to add certain system functionality currently offered by EDGA and EDGX in order to provide a consistent technology offering for users of the BGM Affiliated Exchanges.

The specific proposal set forth in more detail below would amend Rule 11.13, which describes the Exchange's routing processes, to add the SWP routing strategies, specifically SWPA and SWPB. The Exchange notes that the proposed rule text is based on the rules of EDGA and EDGX and is different only to the extent necessary to conform to the Exchange's current rules.[4] The SWP routing strategies are substantively identical to those offered by EDGA and EDGX with the exception that EDGA and EDGX also offer a third routing strategy, SWPC, that the Exchange is not proposing to offer at this time.

The Exchange also notes that the SWPA routing strategy is substantively identical to the Exchange's current Parallel T routing strategy.[5] However, in order to allow a gradual migration from Parallel T to the proposed SWP routing strategies the Exchange is not proposing to eliminate Parallel T upon effectiveness of this proposal. Instead, the Exchange proposes to continue to accept orders designated for Parallel T routing and will eventually retire such routing strategy and remove reference to the routing strategy from Exchange rules once all affected Users have been migrated away from Parallel T to the SWP routing strategies. Further, adding the SWP routing strategies as proposed

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[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71375 (January 23, 2014), 79 FR 4771 (January 29, 2014) (SR–BATS–2013–059; SR–BYX–2013–039).

[4] *See* EDGA Rules 11.9(b)(1)(B)(iii), 11.9(b)(2)(o), and 11.9(b)(2)(p); EDGX Rule 11.9(b)(1)(B)(iii), 11.9(b)(2)(o), and 11.9(b)(2)(p).

[5] The Exchange does not currently offer an equivalent to the SWPB routing strategy.

will ensure consistency with EDGA and EDGX with respect to the names used to describe the strategies (*i.e.,* eventually retiring Parallel T in favor of SWP) and will allow the Exchange to add the SWPB routing strategy.

As proposed, SWP is a routing option under which an order checks the System [6] for available displayed shares and then is sent to destinations on the System routing table.[7] Pursuant to SWP, orders route only to Protected Quotations [8] and only for displayed size. The System may route to multiple destinations and at multiple price levels simultaneously through SWP routing.

As noted above, the Exchange proposes to offer two forms of SWP routing, SWPA and SWPB. A SWPA order will be routed to destinations on the System routing table even if at the time of entry there is an insufficient share quantity in the SWPA order to fulfill the displayed size of all Protected Quotations. In contrast, the entire SWPB order will be cancelled back to a User immediately if at the time of entry there is an insufficient share quantity in the SWPB order to fulfill the displayed size of all Protected Quotations.

The Exchange also proposes to adopt the SWP routing strategies similar to EDGA and EDGX such that, in connection with the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan''), the System will immediately cancel orders utilizing an SWP routing strategy when an order to buy utilizing an SWP routing strategy has a limit price that is greater than the Upper Price Band or if a sell order utilizing an SWP routing strategy has a limit price that is less than the Lower Price Band.[9] The Exchange notes that it recently amended Rule 11.18 to make clear that the Exchange will not route buy (sell) interest at a price above (below) the Upper (Lower) Price Band.[10] The proposed language for the SWP routing strategies is different, however, because the Exchange proposes to immediately cancel the entirety of an order designated for an SWP routing strategy if the order's limit price is outside of the applicable price band.

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with Section 6(b) of the Act [11] and further the objectives of Section 6(b)(5) of the Act [12] because they are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and, in general, to protect investors and the public interest. The proposed rule change also is designed to support the principles of Section 11A(a)(1) [13] of the Act in that it seeks to assure fair competition among brokers and dealers and among exchange markets. In particular, the proposed change to introduce additional routing strategies will provide market participants with greater flexibility in routing orders consistent with Regulation NMS without developing order routing strategies on their own.

As noted above, the proposed rule changes to add functionality are generally intended to add certain system functionality currently offered by EDGA and EDGX in order to provide a consistent technology offering for the BGM Affiliated Exchanges. A consistent technology offering, in turn, will simplify the technology implementation, changes and maintenance by Users of the Exchange that are also participants on BZX, EDGA and/or EDGX. The proposed rule changes would also provide Users with access to functionality that may result in the efficient execution of such orders and will provide additional flexibility as well as increased functionality to the Exchange's System and its Users. As explained elsewhere in this proposal, the proposed SWPA and SWPB routing options are similar to routing strategies on other market centers, including EDGA and EDGX.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange provides routing services in a highly competitive market in which participants may avail themselves of a wide variety of routing options offered by self-regulatory organizations, alternative trading systems, other broker-dealers, market participants' own proprietary routing systems, and service bureaus. In such an environment, system enhancements such as the changes proposed in this rule filing do not burden competition, because they can succeed in attracting order flow to the Exchange only if they offer investors higher quality and better value than services offered by others. The Exchange reiterates that the proposed rule change is being proposed in the context of the technology integration of the BGM Affiliated Exchanges. Thus, the Exchange believes this proposed rule change is necessary to permit fair competition among national securities exchanges. In addition, the Exchange believes the proposed rule change will benefit Exchange participants in that it is one of several changes necessary to achieve a consistent technology offering by the BGM Affiliated Exchanges.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has neither solicited nor received written comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15] Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it is filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[16]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [17] normally does not become operative for 30 days after the date of its

[6] The term ''System'' is defined in Exchange Rule 1.5 (aa) as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.''

[7] As set forth in Exchange Rule 11.13(a)(3), the term ''System routing table'' refers to the proprietary process for determining the specific trading venues to which the System routes orders and the order in which it routes them.

[8] The term Protected Quotation is defined in Exchange Rule 1.5(t) and has the same meaning as is set forth in Regulation NMS Rule 600(b)(58).

[9] The Upper Price Band and Lower Price Band are defined terms in the Limit Up-Limit Down Plan.

[10] *See* Securities Exchange Act Release No. 72647 (July 21, 2014), 79 FR 43522 (July 25, 2014) (SR–BYX–2014–010).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78k–1(a)(1).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change.

[17] 17 CFR 240.19b–4(f)(6).

filing. However, Rule 19b–4(f)(6)(iii) [18] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing, noting that a waiver of the operative delay will allow the Exchange to continue to strive towards a complete technology integration of the BGM Affiliated Exchanges, with gradual roll-outs of new functionality to ensure stability of the System. The Exchange also believes that the benefit to Exchange Users expected from the proposed rule change—greater flexibility in their efforts to fill orders and minimize trading costs—should not be delayed. Further, the Exchange states that introduction of the optional variations of the SWP routing strategy will not require any systems changes by Exchange Users that would necessitate a delay, as selection of the SWPA and SWPB variations is entirely optional and Users will not be affected by the change unless they select to use the newly offered variations. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BYX–2014–015 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–BYX–2014–015. 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 at 100 F Street NE., Washington, DC 20549–1090 on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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–BYX–2014–015, and should be submitted on or before September 16, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2014–20206 Filed 8–25–14; 8:45 am]

BILLING CODE 8011–01–P

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 17 CFR 200.30–3(a)(12).

## DEPARTMENT OF STATE

**[Public Notice 8848]**

### Culturally Significant Objects Imported for Exhibition Determinations: ''Captain Linnaeus Tripe: Photographer of India and Burma, 1852–1860''

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000, I hereby determine that the objects to be included in the exhibition ''Captain Linnaeus Tripe: Photographer of India and Burma, 1852–1860,'' 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 National Gallery of Art, Washington, DC, from on or about September 21, 2014, until on or about January 4, 2015, the Metropolitan Museum of Art, New York, New York, from on or about February 24, 2015, until on or about March 25, 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 Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: August 19, 2014.

**Evan Ryan,**

*Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2014–20316 Filed 8–25–14; 8:45 am]

BILLING CODE 4710–05–P

## DEPARTMENT OF STATE

**[Public Notice 8849]**

### Culturally Significant Object Imported for Exhibition Determinations: ''Heaven and Earth: Art of Byzantium From Greek Collections''

**AGENCY:** Department of State.

**ACTION:** Notice, correction.

**SUMMARY:** On August 7, 2013, notice was published on page 48216 of the **Federal Register** (volume 78, number 152) of the determinations made by the Department of State pertaining to the exhibition ''Heaven and Earth: Art of Byzantium from Greek Collections.'' The referenced notice is corrected here to include an additional object for the exhibition. Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000, I hereby determine that the additional object to be included in the exhibition ''Heaven and Earth: Art of Byzantium from Greek Collections,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. I also determine that the exhibition or display of the additional object at the Art Institute of Chicago, Chicago, Illinois, from on or about September 27, 2014, until on or about February 15, 2015, 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 description of the additional object, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: August 19, 2014.

**Evan Ryan,**

*Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2014–20322 Filed 8–25–14; 8:45 am]

**BILLING CODE 4710–05–P**

## DEPARTMENT OF STATE

**[Public Notice 8847]**

### In the Matter of the Designation of Said Arif Also Known as Said Mohamed Arif Also Known as Omar Gharib Also Known as Abderahmane Also Known as Abderrahmane Also Known as Souleiman Also Known as Abdallah al-Jazairi Also Known as Slimane Chabani as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Said Arif, also known as Said Mohamed Arif, also known as Omar Gharib, also known as Abderahmane, also known as Abderrahmane, also known as Souleiman, also known as Abdallah al-Jazairi, also known as Slimane Chabani, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: August 8, 2014.

**John F. Kerry,**

*Secretary of State.*

[FR Doc. 2014–20311 Filed 8–25–14; 8:45 am]

**BILLING CODE 4710–10–P**

## DEPARTMENT OF TRANSPORTATION

**[ Docket No. DOT–MARAD 2014–0120]**

### Agency Requests for Renewal of a Previously Approved Information Collection(s): Application for Waiver of the Coastwise Trade Laws for Small Passenger Vessels

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice and request for comments

**SUMMARY:** The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information to be collected is necessary in order to process applications for waivers of the coastwise trade laws and to determine the effect of waivers of the coastwise trade laws on United States vessel builders and United States-built vessel coastwise trade businesses. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

**DATES:** Written comments should be submitted by October 27, 2014.

**ADDRESSES:** You may submit comments [identified by Docket No. MARAD–2014–0120] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Michael Hokana, 202–366–0760, Office of Cargo and Commercial Sealift, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, Email: *Michael.Hokana@dot.gov.*

**SUPPLEMENTARY INFORMATION:** *OMB Control Number:* 2133–0529

*Title:* Application for Waiver of the Coastwise Trade Laws for Small Passenger Vessels

*Form Numbers:* MA–1023

*Type of Review:* Renewal of previously approved information collection

*Background:* Owners of small passenger vessels desiring waiver of the coastwise trade laws affecting small passenger vessels will be required to file

a written application and justification for waiver to the Maritime Administration (MARAD). The agency will review the application and make a determination whether to grant the requested waiver.

*Number of Respondents:* 95

*Frequency:* Annually

*Estimated Average Burden per Response:* 1 hour

*Total Annual Burden:* 95 hours

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.regulations.gov.*

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

Dated: August 21, 2014.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2014–20323 Filed 8–25–14; 8:45 am]

BILLING CODE 4910–81–P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

### Meeting Notice (Closed)—Marine Transportation System National Advisory Council

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice of closed advisory council meeting.

**SUMMARY:** The Department of Transportation and the Maritime Administration (MARAD) announces that the Marine Transportation System National Advisory Council (MTSNAC) will meet on September 11, 2014. In January 2014, MARAD held a three-day National Maritime Strategy Symposium to discuss issues facing U.S.-flag vessels. The purpose of this initial public meeting was to generate ideas to improve, strengthen, and sustain the cargo opportunities and sealift capacity of the U.S.-flagged fleet engaged in international commercial trade. A second symposium was held in May which focused on domestic shipping, shipbuilding, ports and the needs of maritime stakeholders on the inland waterways, Great Lakes, gulf and coastwise trade. This meeting will be closed pursuant to 5 U.S.C. 552b(c)(3) in order to deliberate on pre-decisional Agency policy documents containing selected concepts submitted to MARAD from interested members of the public during the two symposiums and as comments in response to meeting notices published in the **Federal Register** to facilitate the development of a National Maritime Strategy (NMS). The input MARAD receives from the Council will be part of its on-going deliberations as it prepares a long term maritime strategy. As this national maritime strategy develops, MARAD will continue to provide additional opportunities for the public to comment.

**DATES:** The meeting will be held on Thursday, September 11, 2014, from 8:30 a.m. to 5:00 p.m.

**ADDRESSES:** The meeting will be held in the Media Center at the U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Richard Lolich, (202) 366–0704; Maritime Administration, 1200 New Jersey Ave. SE., MAR–540, Room W21–310, Washington, DC 20590–0001; *richard.lolich@dot.gov.*

**SUPPLEMENTARY INFORMATION:** The Marine Transportation System National Advisory Council (MTSNAC) is a chartered, non-federal body that responds to requests from the Maritime Administrator to identify and seek solutions, provide advice and make recommendations on certain maritime matters. The MTSNAC is comprised of 29 leaders from commercial transportation firms, port and water stakeholders, labor, and Federal, state and local public entities. The Council provides a broad maritime stakeholder and academic prospective to Departmental policies that affect efficient and environmentally friendly waterborne freight and passenger movements.

This meeting notice is being given pursuant to section 10 of the Federal Advisory Committee Act of 1972. A determination, as required by section 10(d) of the Federal Advisory Committee Act, has been made that this meeting may be closed to the public in accordance with subsection (c)(3) of section 552b, title 5, the Government in Sunshine Act of 1976. In this instance, the (c)(3) exemption applies because matters to be considered by the advisory committee concern pre-decisional and deliberative Government information. The policy purposes for withholding this sort of information from the public are 1. To encourage open and frank discussions on matters of MARAD policy between subordinates and superiors; 2. To protect against premature disclosure of proposed MARAD policies before they are actually adopted; and 3. To protect against public confusion that might result from disclosure of reasons and rationales that are not in fact ultimately relied on by MARAD. Accordingly, this meeting will not be open to the public.

**Authority:** 46 U.S.C. 51312; 5 U.S.C. 552b; 41 CFR parts 102–3.140 through 102–3.165; 5 U.S.C. app. Sections 1–16.

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By Order of the Maritime Administrator.

Dated: August 21, 2014.

**Thomas M. Hudson,**

*Secretary, Maritime Administration.*

[FR Doc. 2014–20305 Filed 8–25–14; 8:45 am]

BILLING CODE 4910–81–P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2014–0119]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel FIFTH WIFE; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before September 25, 2014.

**ADDRESSES:** Comments should refer to docket number MARAD–2014–0119. Written comments may be submitted by hand or by mail to the Docket Clerk,

U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel FIFTH WIFE is:

*Intended Commercial Use Of Vessel:* ''coast-wise pleasure charters''

*Geographic Region:* ''Hawaii''

The complete application is given in DOT docket MARAD–2014–0119 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: August 19, 2014.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2014–20289 Filed 8–25–14; 8:45 am]

**BILLING CODE 4910–81–P**

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2014 0118]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel GLOBALHOPPER; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before September 25, 2014.

**ADDRESSES:** Comments should refer to docket number MARAD–2014–0118. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:**

As described by the applicant the intended service of the vessel GLOBALHOPPER is:

*Intended Commercial Use Of Vessel:* ''Crewed Catamaran Charter''

*Geographic Region:* ''Florida, Puerto Rico''

The complete application is given in DOT docket MARAD–2014–0118 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: August 19, 2014.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2014–20282 Filed 8–25–14; 8:45 am]

**BILLING CODE 4910–81–P**

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

**AGENCY:** National Highway Traffic Safety Administration, U.S. Department of Transportation.

**ACTION:** Notice; correction.

**SUMMARY:** This document corrects a date and citation in a **Federal Register** notice published on Friday, July 25, 2014 (79 FR 43530) that announced an information collection request (OMB Control No. 201106–2127–007) was forwarded to the Office of Management and Budget for review and comment.

**FOR FURTHER INFORMATION CONTACT:** Ms. Laurie Flaherty, U.S. Department of Transportation, NHTSA, Room W44–322, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Flaherty's telephone number is (202) 366–2705 and fax number is (202) 366–7149.

## Correction

In the **Federal Register** of July 25, 2014, in FR Doc. 2014–0039, on page 43530, in the third column, under the **SUPPLEMENTARY INFORMATION**, change the OMB Control Number to read:

''OMB Control Number 2127–0679.''

**Jeffrey P. Michael,**

*Associate Administrator, Research and Program Development.*

[FR Doc. 2014–20239 Filed 8–25–14; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

### Office of Hazardous Materials Safety; Notice of Application for Special Permits

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of applications for special permits.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

**DATES:** Comments must be received on or before September 25, 2014.

*Address Comments To:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on August 14, 2014.

**Donald Burger,**

*Chief, General Approvals and Permits.*

| Application No. | Docket No. | Applicant | Regulation(s) affected | Nature of special permits thereof |
|---|---|---|---|---|
| | | **New Special Permits** | | |
| 16199–N | | Schlumberger Oilfield UK Plc Dyce Aberdeen, UK. | 49 CFR 173.201(c), 173.202(c), 173.203(c), 173.301(f), 173.302(a), 173.304(a) and (d). | To authorize the transportation in commerce of atoxic flammable gas in a non-DOT specification cylinder. (modes 1, 2, 4) |
| 16211–N | | East Penn Manufacturing Company Inc. Lyon Station, PA. | 49 CFR 173.6(a)(1)(ii) | To authorize the transportation in commerce of lead acid batteries that weigh up to 75 kg as materials of trade. (mode 1) |
| 16212–N | | Entegris, Inc., Billerica, MA. | 49 CFR 173.83(b) | To authorize the transportation in commerce of certain dual hazard gases without meeting segregation requirements when transported by vessel. (mode 3) |
| 16217–N | | Fuji Electric Co., Ltd. Shinagawa-ku, To. | 49 CFR 173.310 | To authorize the manufacture, mark, sale and use of a neutron radiation detector containing a Division 2.1 flammable gas. (modes 1, 2, 4) |
| 16218–N | | Mountain Blade Runner, LLC Montrose, CO. | 49 CFR § 172.101, Column (9B), § 172.204(c)(3), § 173.27(b)(2), § 175.30(a)(1), § 172.200, § 172.301(c), Part 178 and § 175.75. | To authorize the transportation in commerce of certain hazardous materials by 14 CFR Part 133 Rotorcraft External Load Operations transporting hazardous materials attached to or suspended from an aircraft, in remote areas of the U.S. only, without being subject to hazard communication requirements, quantity limitations and certain loading and stowage requirements. (mode 4). |

[FR Doc. 2014–20070 Filed 8–25–14; 8:45 am]

**BILLING CODE 4909–60–M**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

### Office of Hazardous Materials Safety; Special Permit Applications

**AGENCY:** Pipeline And Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice of actions on Special Permit Applications.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the actions on special permits applications in (July to July 2014). The mode of transportation involved are identified by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Special Permits. It should be noted that some of the sections cited were those in effect at the time certain special permits were issued.

Issued in Washington, DC, on August 14, 2014.

**Donald Burger,**

*Chief, Special Permits and Approvals Branch.*

| S.P No. | Applicant | Regulation(s) | Nature of special, permit thereof |
|---|---|---|---|
| | | **Modification Special Permit Granted** | |
| 15558–M | 3M Company, St. Paul, MN | 49 CFR 173.212, 172.301(a) and (c). | To modify the special permit to authorize the use of non-specification stainless steel portable tanks. |
| 10869–M | Norris Cylinder Company Longview, TX. | 49 CFR 173.301(a), 173.302a, 180.205(c), (f) and (g), and 180.2015. | To modify the special permit to revise the referenced drawings. |
| 15869–M | Mercedes-Benz USA, LLC (MBUSA) Montvale, NJ. | 49 CFR 172.102, Special provision A54. | To modify the the special permit to authorize additional battery types. |
| 11911–M | Transfer Flow, Inc. Chico, CA | 49 CFR 177.834(h), and 178.700(c)(1). | To modify the special permit to authorize design flexibility in lieu of modifying the special permit for each design change. |
| | | **New Special Permit Granted** | |
| 16046–N | Rohm and Haas Electronic Materials, LLC, North Andover, MA. | 49 CFR 173.3, 173.181, and 173.187. | To authorize the transportation in commerce of a damaged cylinder containing Division 4.3 and/or 4.2 materials in a salvage cylinder. (modes 1, 2, 3) |
| 16109–N | CST Enterprises, LLC, dba Colibri Group, New York, NY. | 49 CFR 173.304a(d)(3)(ii) | To authorize the transportation in comerce of certain non-DOT specification non-refillable inside containers similar to a DOT 2P containing certain Division 2.1 gases which are not subject to the hot water bath test and which are not fitted with a pressure relief device. (modes 1, 2, 3) |
| 16111–N | Allen Institute for Brain Science, Seattle, WA. | 49 CFR 173.24(b)(1) | To authorize the transportation in commerce of living human brain tissue continuously fed by oxidizing compressed gas. (mode 1) |
| 16175–N | National Aeronautics and Space Administration (NASA) Washington, DC. | 49 CFR 173.56, 173.302a and 173.304a. | To authorize the transportation in commerce of a Division 1.4S explosive without an EX classification approval and carbon dioxide in a non-DOT specification cylinder. (modes 1, 4) |
| | | **Emergency Special Permit Granted** | |
| 16186–N | Veolia ES Technical Solutions, L.L.C. Flanders, NJ. | 49 CFR Part 173 | To authorize the one-way transportation in commerce by motor vehicle certain hazardous materials in alternative packaging. (mode 1) |
| 16200–N | Olympus Trading, Inc., Springfield, VA. | 49 CFR 172.101, 172.204(c)(3), 173.27,; 175.30(a)(1), 175.320. | To authorize the transportation in commerce of Class 1.2 explosives, by cargo aircraft only, which is otherwise forbidden by the regulations. (mode 4) |
| | | **New Special Permit Withdrawn** | |
| 16149–N | Reclamation Technologies, Inc. dba, A-Gas Remtec Bowling Green, OH. | 49 CFR 171.23(a)(4) and 173.304a. | To authorize the transportation in commerce of certain non-DOT specification cylinders containing refrigerant gas for recovery and disposal. (modes 1, 3) |
| | | **Emergency Special Permit Withdrawn** | |
| 16207–N | Amerex Trussville, AL | 49 CFR 173.304a(2), 173.309(a)(3). | To authorize a maximum fill density of 68% for carbon dioxide fire extinguishers. (modes 1, 2) |
| 13207–M | Request by Hemco Fabrication & Services Midland, TX July 16, 2014. To modify the special permit to authorize additional portable tanks for the transportation in commerce of sulfuric acid. | | |
| 16116–N | Request by Commercial Body & Rigging Dallas, TX July 16, 2014. To authorize the manufacture, marking, sale, and use of non-DOT specification containers, manifolded together within a frame and securely mounted on a truck chassis, for the transportation in commerce of Class 3, Division 6.1, and Class 8 materials. | | |

[FR Doc. 2014–20073 Filed 8–25–14; 8:45 am]
BILLING CODE 4909–60–M

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

### Office of Hazardous Materials Safety; Notice of Delayed Special Permit Applications

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of Applications Delayed more than 180 days

**SUMMARY:** In accordance with the requirements of 49 U.S.C. 5117(c), PHMSA is publishing the following list of special permit applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

**FOR FURTHER INFORMATION CONTACT:** Ryan Paquet, Director, Office of Hazardous Materials Special Permits and Approvals, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

**Key to "Reason for Delay"**

1. Awaiting additional information from applicant
2. Extensive public comment under review
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis
4. Staff review delayed by other priority issues or volume of special permit applications

**Meaning of Application Number Suffixes**

N—New application
M—Modification request
R—Renewal Request
P—Party To Exemption Request

Issued in Washington, DC, on August 14, 2014.

**Donald Burger,**
*Chief, General Approvals and Permits.*

MODIFICATION TO SPECIAL PERMITS

| Application No. | Applicant | Reason for delay | Estimated date of completion |
|---|---|---|---|
| 15854–M | Colmac, Coil Manufacturing, Inc., Colville, WA | 4 | 09–30–2014 |
| 9610–M | ATK Small Caliber Systems, Independence, MO | 4 | 09–30–2014 |
| 9847–M | FIBA Technologies, Inc., (FIBA), Millbury, MA | 4 | 09–30–2014 |
| 11826–M | Linde Gas North America, LLC, Murray Hill, NJ | 4 | 09–30–2014 |
| 15806–M | Precision Technik, Atlanta, GA | 4 | 09–30–2014 |
| 15642–M | Praxair Distribution, Inc., Danbury, CT | 4 | 09–30–2014 |
| **New Special Permit Applications** | | | |
| 15767–N | Union Pacific Railroad Company, Omaha, NE | 1 | 09–30–2014 |
| 15977–N | NORA | 4 | 09–30–2014 |
| 15973–N | Cadman & Shurtleff, Inc., Raynham, MA | 4 | 09–30–2014 |
| 15971–N | National Aeronautics and Space Administration (NASA), Houston, TX | 4 | 09–30–2014 |
| 15955–N | Thompson Tank, Inc., Lakewood, CA | 3 | 09–30–2014 |
| 16022–N | Zhejiang Juhua Equipment Manufacturing Co., Ltd., Quzhou, Zhejiang | 4 | 09–30–2014 |
| 16013–N | Chem Technologies, Ltd., Middlefield, OH | 4 | 09–30–2014 |
| 15991–N | Dockweiler, Neustadt-Glewe, Germany | 4 | 09–30–2014 |
| 16011–N | Americase, Waxahache, TX | 4 | 08–31–2014 |
| 16001–N | VELTEK, Malvern, PA | 4 | 09–30–2014 |
| 16039–N | UTLX Manufacturing LLC, Alexandria, LA | 4 | 08–31–2014 |
| 16040–N | Multistar Ind., Inc., Othello, WA | 4 | 09–30–2014 |
| 16060–N | DaeryukCan Manufacturing Co., Ltd., Youngin-Myeon, Asan-Si, Ch | 4 | 09–30–2014 |
| 16067–N | E.I. duPont de Nemours and Company, Wilmington, DE | 4 | 08–31–2014 |
| 16061–N | Battery Solutions, LLC, Howell, MI | 4 | 09–30–2014 |
| **Renewal Special Permits Applications** | | | |
| 11602–R | East Tennessee Iron & Metal, Inc., Rogersville, TN | 4 | 08–31–2014 |
| 11860–R | GATX Corporation, Chicago, IL | 4 | 08–31–2014 |
| 15580–R | Wisconsin Central Ltd., Homewood, IL | 4 | 08–31–2014 |

[FR Doc. 2014–20072 Filed 8–25–14; 8:45 am]
BILLING CODE 4910–60–M

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

### Office of Hazardous Materials Safety; Notice of Applications for Modification of Special Permit

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of Applications for Modification of Special Permits.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Requests for modification of special permits (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. These appEcations have been separated from the new application for special permits to facilitate processing.

**DATES:** Comments must be received on or before September 10, 2014.

*Address Comments To:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington DC or at *http://regulations.gov.*

This notice of receipt of applications for modification of special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on August 18, 2014.

**Donald Burger,**

*Chief, General Approvals and Permits.*

| Application Docket No. | Applicant | Regulation(s) affected | Nature of special permits thereof |
|---|---|---|---|
| | | **Modification Special Permits** | |
| 8451–M ..... | Special Devices, Inc. Mesa, AR. | 49 CFR 173.320, 173.54(a), 173.56 (b), 173.57, 173.58, and 173.60. | To modify the special permit to authorize forbidden explosives. |
| 11150–M ..... | Maine State Ferry Service Augusta, ME. | 49 CFR 172.101 and 172.301(c). | To modify the special permit to authorize cylinders having a water capacity exceeding 100 pounds. |
| 11536–M ..... | Boeing Company, The Los Angeles, CA. | 49 CFR 173.102, Spec. Prov. 101, 173.24(g), 173.62, 173.185, 173.202; 173.211, and 173.304. | To modify the special permit to authorize new shipping and storage containers. |
| 12661–M ..... | UPS, Inc. Atlanta, GA ..... | 49 CFR 172.202, 172.203(c), (k) and (m), 172.301, 172.400, and 172.302(c). | To modify the special permit to authorize Division 6.2 materials. |
| 15747–M ..... | UPS, Inc. Atlanta, GA ..... | 49 CFR 177.817(a), 177.817(e), 172.606(b), and 172.203(a). | To modify the special permit to authorize Division 6.2 materials. |
| 16153–M ..... | Trailers y Tanques de Aluminio S.A. de C.V. Mexico. | 49 CFR 178.345–7(d) ..... | To modify the special permit to authorize less restrictive inspection requirements. |

[FR Doc. 2014–20071 Filed 8–25–14; 8:45 am]

**BILLING CODE 4909–60–M**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

August 21, 2014.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

**DATES:** Comments should be received on or before September 25, 2014 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8141, Washington, DC 20220, or email at *PRA@treasury.gov.*

**FOR FURTHER INFORMATION CONTACT:** Copies of the submission may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–1295, or viewing the entire information collection request at *www.reginfo.gov.*

### Alcohol and Tobacco Tax and Trade Bureau (TTB)

*OMB Number:* 1513–0028.

*Type of Review:* Revision of a currently approved collection.

*Title:* Application for an Industrial Alcohol User Permit.

*Form:* TTB F 5150.22.

*Abstract:* The form TTB F 5150.22 is used to determine the eligibility of the applicant to engage in certain operations involving specially denatured spirits and tax-free alcohol. Among other things, this form identifies the location of the premises and helps to establish whether the premises are in conformity with Federal laws and regulations.

*Affected Public:* Businesses or other for-profits; Not-for-profit institutions; State, local, or tribal governments.

*Estimated Annual Burden Hours:* 435.

**Brenda Simms,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2014–20267 Filed 8–25–14; 8:45 am]

BILLING CODE 4810–31–P

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0013]**

## Proposed Information Collection (Application for United States Flag for Burial Purposes) Activity: Comment Request

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine eligibility for issuance of a burial flag to the next-of-kin or friend of a deceased Veteran.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before October 27, 2014.

**ADDRESSES:** Submit written comments on the collection of information through *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0013'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Application for United States Flag for Burial Purposes, VA Form 27–2008.

*OMB Control Number:* 2900–0013.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* VA Form 27–2008 is used to gather information that is necessary to determine whether a burial flag may be issued to the next-of-kin or friend of a deceased Veteran to drape the casket or accompany the urn. Without this information, VA would be unable to properly determine eligibility for issuance of a burial flag.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 162,500 hours.

*Estimated Average Burden Per Respondent:* 15 minutes.

*Frequency of Response:* One time.

*Estimated Number of Respondents:* 650,000.

By direction of the Secretary.

Dated: August 21, 2014.

**Crystal Rennie,**

*Department Clearance Officer, Department of Veterans Affairs.*

[FR Doc. 2014–20237 Filed 8–25–14; 8:45 am]

BILLING CODE 8320–01–P

# FEDERAL REGISTER

Vol. 79 Tuesday,

No. 165 August 26, 2014


Part II

## Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Physaria globosa (Short's bladderpod), Helianthus verticillatus (whorled sunflower), and Leavenworthia crassa (fleshy-fruit gladecress); Final Rule

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**[Docket No. FWS–R4–ES–2013–0086; 4500030114]**

**RIN 1018–AZ60**

# Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Physaria globosa (Short's bladderpod), Helianthus verticillatus (whorled sunflower), and Leavenworthia crassa (fleshy-fruit gladecress)

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), designate critical habitat for *Physaria globosa* (Short's bladderpod), *Helianthus verticillatus* (whorled sunflower), and *Leavenworthia crassa* (fleshy-fruit gladecress) under the Endangered Species Act of 1973, as amended (Act). In total, approximately 1,006 hectares (ha) (2,488 acres (ac)) in Alabama, Georgia, Indiana, Kentucky, and Tennessee fall within the boundaries of the critical habitat designations.

**DATES:** This rule becomes effective on September 25, 2014.

**ADDRESSES:** This final rule is available on the internet at *http://www.regulations.gov* and *http://fws.gov/cookeville*. Comments and materials we received, as well as some supporting documentation we used in preparing this final rule, are available for public inspection at *http://www.regulations.gov*. All of the comments, materials, and documentation that we considered in this rulemaking are available by appointment, during normal business hours at: U.S. Fish and Wildlife Service, Tennessee Ecological Services Office, 446 Neal Street, Cookeville, TN 38501; telephone 931–528–6481; fax 931–528–7075.

The coordinates or plot points or both from which the maps are generated are included in the administrative record for this critical habitat designation and are available at *http://fws.gov/cookeville*, at *http://www.regulations.gov* at Docket No. FWS–R4–ES–2013–0086, and at the U.S. Fish and Wildlife Service, Tennessee Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**). Any additional tools or supporting information that we developed for this critical habitat designation will also be available at the Fish and Wildlife Service Web site and Field Office set out above, and may also be included in the preamble and at *http://www.regulations.gov*.

**FOR FURTHER INFORMATION CONTACT:** Mary E. Jennings, Field Supervisor, U.S. Fish and Wildlife Service, Tennessee Ecological Services Fish and Wildlife Office, (see **ADDRESSES** above). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

**SUPPLEMENTARY INFORMATION:**

## Executive Summary

*Why we need to publish a rule.* Under the Act, when we determine that any species is an endangered or threatened species, we must designate critical habitat to the maximum extent prudent and determinable. Critical habitat may be designated only by issuing a rule.

*This rule consists of:* A final rule designating critical habitat for Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress. We are designating:

- Approximately 373 ha (925.5 ac) in 20 units in Posey County, Indiana; Clark, Franklin, and Woodford Counties, Kentucky; and Cheatham, Davidson, Dickson, Jackson, Montgomery, Smith, and Trousdale Counties, Tennessee, for Short's bladderpod.
- Approximately 624.2 ha (1,542.3 ac) in four units in Cherokee County, Alabama; Floyd County, Georgia; and Madison and McNairy Counties, Tennessee, for whorled sunflower.
- Approximately 8.4 ha (20.6 ac) in seven units in Lawrence and Morgan Counties, Alabama, for fleshy-fruit gladecress.

*This rule consists of:* A final rule for designation of critical habitat for Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress.

*We have prepared an economic analysis of the designation of critical habitat.* We have prepared an analysis of the economic impacts of the critical habitat designation and related factors. We announced the availability of the draft economic analysis in the **Federal Register** on May 29, 2014 (79 FR 30792), allowing the public to provide comments. We have incorporated the comments and have completed the final economic analysis concurrently with this final determination.

*Peer review and public comment.* We sought comments from independent specialists to ensure that our designation is based on scientifically sound data and analyses. We obtained opinions from five knowledgeable individuals with scientific expertise to review our technical assumptions, analysis, and whether or not we had used the best available information. These peer reviewers generally concurred with our methods and conclusions and provided additional information, clarifications, and suggestions to improve this final rule. Information we received from peer review is incorporated in this final revised designation. We also considered all comments and information received from the public during the comment period.

## Previous Federal Actions

All previous Federal actions are described in the proposed rule to list Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress as endangered species under the Act, which published on August 2, 2013 (78 FR 47109). Also on this date, we proposed critical habitat for these species (78 FR 47059). On May 29, 2014 (79 FR 30792), we announced the availability of the draft economic analysis (DEA) for the proposed critical habitat designation, and the reopened the public comment period to allow comment on the DEA and further comment on the proposed rule.

## Summary of Comments and Recommendations

We requested written comments from the public on the proposed designation of critical habitat for Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress during two comment periods. The first comment period opened with the publication of the proposed rule (78 FR 47060) on August 2, 2013, and closed on October 1, 2013. We also requested comments on the proposed critical habitat designation and associated draft economic analysis during a second comment period, which opened on May 29, 2014, and closed on June 30, 2014 (79 FR 30792). We also contacted appropriate Federal, State, and local agencies; scientific organizations; and other interested parties and invited them to comment on the proposed rule and draft economic analysis during these comment periods.

During the first comment period, we received two comment letters directly addressing the proposed critical habitat designation. During the second comment period, we did not receive any comments on the proposed critical habitat designation or the draft economic analysis. We did not receive any requests for a public hearing during either comment period. All substantive information provided during comment

periods has either been incorporated directly into this final determination or addressed below.

*Peer Review*

In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), we solicited expert opinions from five knowledgeable individuals with scientific expertise that included familiarity with one or more of the species, the geographic region in which the species occur, and conservation biology principles. We received responses from all five of the peer reviewers.

We reviewed all comments received from the peer reviewers for substantive issues and new information regarding critical habitat for the Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress. The peer reviewers generally concurred with our methods and conclusions, and one of the peer reviewers provided additional information, clarifications, and suggestions to improve the final rule. Peer reviewer comments are addressed in the following summary and incorporated into this final rule as appropriate.

*Peer Reviewer Comments*

(1) *Comment:* A peer reviewer questioned why there is no unoccupied habitat for the fleshy fruit gladecress included in the critical habitat designation.

*Our Response:* We considered whether any sites where the species is historically known to have occurred, but is currently not present, should be designated as critical habitat. None of those sites are located on protected lands, and the best available data indicate that the species' absence from these sites is due to destruction or alteration of glade habitat, so that these previously occupied areas no longer provide the habitat features essential for the conservation of the species.

(2) *Comment:* A reviewer questioned whether we should have considered designating critical habitat on some of the sites where Short's bladderpod has been extirpated. The reviewer reasoned that, because we do not know how long seed can remain viable in the soil, it is possible that some of these sites could contain a dormant soil seed bank that could facilitate population recovery.

*Our Response:* We agree with the reviewer that data are lacking concerning the length of time that seeds remain viable in the soil. However, we reviewed available data for all localities from where we concluded that Short's bladderpod has been extirpated and determined that either the original data reporting the species' historical presence was too imprecise for surveyors to relocate those occurrences, despite attempts to do so, or that habitat has either been destroyed or altered to a degree that it no longer is essential for the conservation of the species. We reviewed the unoccupied habitat and found that these areas no longer provided the primary constituent elements or the habitat features needed for the survival of the species.

*Federal Comment*

During the public comment periods, we received one comment letter from the U.S. Army Corps of Engineers addressing the proposed critical habitat.

(3) *Comment:* The Corps of Engineers, Nashville District, expressed concern with the Service's identification of the potential need for special management considerations or protection to reduce the threat of prolonged inundation of sites (i.e., critical habitat) due to manipulation of regulated waters for flood control or other purposes. The Corps stated that the operation of the Cumberland River and tributary projects as a system will, during flood events, sometimes cause inundation of lower elevations of some critical habitat units, but that the units would not generally be subjected to prolonged inundation due to the need to quickly recover flood storage by lowering reservoir elevations. The Corps noted, however, that operations related to flood control are dictated by water conditions throughout the basin and the need to ensure that flood risks and impacts to human health and safety are addressed and minimized. For this reason the Corps requested that we exclude from our list of special management considerations their operations for flood control purposes or clarify that this operation is a health and safety management measure that will receive special consideration relative to a potential threat to the endangered species and its designated habitat.

*Our Response:* We acknowledge that the Corps' operation of the Cumberland River and tributary projects, as it relates to flood control, is an important service to the public that is necessary to minimize flood risks and impacts to human health. We also acknowledge that the Corps has been an active partner in pre-listing conservation efforts, allowing access for surveys and monitoring efforts that produced much of the data that we used in designating critical habitat for Short's bladderpod, and has expressed interest in working with the Service to develop management plans for Short's bladderpod and critical habitat units located on lands owned or managed by the Corps. After further consideration of the Corps' concerns and the potential benefits to the species, we have reaffirmed our decision not to exclude prolonged inundation of sites due to manipulation of regulated waters for flood control or other purposes from the list of actions that could require special management considerations or protections to minimize potential effects to the species or designated critical habitat.

As discussed below (see Section 7 Consultation), section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they fund, authorize, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. The Corps is currently preparing a biological assessment of the effects to listed species and critical habitat that could result from operations and maintenance of dams and other infrastructure on the Cumberland River for flood control and other purposes (not including navigation) for the purpose of consulting with the Service under Section 7(a)(2). The biological assessment should identify measures that could be taken to (1) minimize adverse effects from such circumstances, and (2) compensate for any adverse effects that are unavoidable due to prolonged inundation resulting from flood control operations. In the event that flood conditions should occur that require the Corps to raise reservoir levels for prolonged periods to protect human health and safety and minimize flood risks to downstream communities prior to having concluded consultation with the Service, the Act includes provisions that would allow the Corps to request emergency consultation within 48 hours of responding to such emergency conditions.

**Summary of Changes From Proposed Rule**

Based on information we received from the Tennessee Valley Authority after the proposed rule was published, we have added one additional critical habitat unit for the fleshy-fruit gladecress to this final rule. The total number of critical habitat units is now seven for this species. This unit is located in an electrical transmission line right-of-way on privately owned land in Lawrence County, Alabama, and is approximately 0.04 hectare (ha) (0.1 acre (ac)) in size. We included details of this unit in the notice of availability of the economic analysis and reopening of

the public comment period for the proposed critical habitat designation on May 29, 2014 (79 FR 30792).

**Critical Habitat**

*Background*

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features.

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management, such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the consultation requirements of section 7(a)(2) of the Act would apply, but even in the event of a destruction or adverse modification finding, the obligation of the Federal action agency and the landowner is not to restore or recover the species, but to implement reasonable and prudent alternatives to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific and commercial data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat). In identifying those physical or biological features within an area, we focus on the principal biological or physical constituent elements (primary constituent elements such as roost sites, nesting grounds, seasonal wetlands, water quality, tide, soil type) that are essential to the conservation of the species. Primary constituent elements are those specific elements of the physical or biological features that provide for a species' life-history processes and are essential to the conservation of the species.

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. For example, an area currently occupied by the species but that was not occupied at the time of listing may be essential to the conservation of the species and may be included in the critical habitat designation. We designate critical habitat in areas outside the geographical area occupied by a species only when a designation limited to its range would be inadequate to ensure the conservation of the species.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific and commercial data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information developed during the listing process for the species. Additional information sources may include the recovery plan for the species, articles in peer-reviewed journals, conservation plans developed by States and counties, scientific status surveys and studies, biological assessments, other unpublished materials, or experts' opinions or personal knowledge.

Habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act, (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to insure their actions are not likely to jeopardize the continued existence of any endangered or threatened species, and (3) section 9 of the Act's prohibitions on taking any individual of the species, including taking caused by actions that affect habitat. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of this species. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of these planning efforts calls for a different outcome.

*Physical or Biological Features*

In accordance with section 3(5)(A)(i) and 4(b)(1)(A) of the Act and regulations at 50 CFR 424.12, in determining which areas within the geographical area occupied by the species at the time of listing to designate as critical habitat, we consider the physical or biological features essential to the conservation of the species and which may require special management considerations or protection. These include, but are not limited to:

(1) Space for individual and population growth and for normal behavior;

(2) Food, water, air, light, minerals, or other nutritional or physiological requirements;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, or rearing (or development) of offspring; and

(5) Habitats that are protected from disturbance or are representative of the historical, geographical, and ecological distributions of a species.

We derive the specific physical or biological features essential for Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress from studies of these species' habitat, ecology, and life history as described in the Critical Habitat section of the proposed rule to designate critical habitat published in the **Federal Register** on August 2, 2013 (78 FR 47060), and in the information presented below. Additional information can be found in the final listing rule published elsewhere in this **Federal Register**. We have determined that these species require the following physical or biological features:

Space for Individual and Population Growth and for Normal Behavior

*Short's bladderpod.* This species occurs in Kentucky and Tennessee on soils and outcrops of calcareous geologic formations along the mainstem or tributaries of the Kentucky and Cumberland Rivers, respectively. The calcareous bedrock formations on which Short's bladderpod primarily is found are limestones of Mississippian, Silurian, or Ordivician age, with siltstone or shale interbedded at some occurrences (Kentucky Geological Survey, *http://www.arcgis.com/home/item.html?id=d32dc6edbf9245cdbac3fd7e255d3974*; Moore *et al.* 1967; Wilson 1972, 1975, 1979; Wilson *et al.* 1972, 1980; Marsh *et al.* 1973; Finlayson *et al.* 1980; Kerrigan and Wilson 2002). Soils where Short's bladderpod occurs in the Kentucky and Cumberland River drainages have formed from weathering of the underlying calcareous bedrock formations, which produced shallow or rocky, well-drained soils in which bedrock outcrops are common (U.S. Department of Agriculture (USDA) 1975, pp. 12–17; USDA 1981, pp. 46–47; USDA 1985, p. 64.; USDA 2001, pp. 19–20, 28, 59, 64; USDA 2004a, pp. 22–23, 36–37, 83, 87; USDA 2004b, pp. 21, 75, 82). The species inhabits these outcrops and soils where they occur on steeply sloped bluffs or hillsides, primarily with a south- to west-facing aspect (Shea 1993, p. 16). The combination of calcareous outcrops and shallow soils, steep slopes, and hot and dry conditions present on south- to west-facing slopes regulates the encroachment of herbaceous and woody species that exclude Short's bladderpod from vegetation communities present on more mesic sites. Where these conditions occur near the mainstem and tributaries of the Kentucky River in Kentucky and Cumberland River in Tennessee, they provide space for Short's bladderpod's individual and population growth.

Therefore, based on the above information, we identify steeply sloped hillsides or bluffs with calcareous outcrops or shallow or rocky, well-drained soils, typically on south- to west-facing aspects, as an essential physical or biological feature for this species.

*Whorled sunflower.* This species occurs in remnant prairie habitats found in uplands and swales of headwater streams in the Coosa River watershed in Georgia and Alabama and in the East Fork Forked Deer and Tuscumbia Rivers' watersheds in Tennessee. The soil types are silt loams, silty clay loams, and fine sandy loams at the sites where whorled sunflower occurs. These soils share the characteristics of being strongly to extremely acidic and having low to moderate natural fertility and low to medium organic matter content (USDA 1997, pp. 73–76; USDA 1978a, pp. 24–54; USDA 1978b, p. 20; USDA 1978c, p. 44). The silt loams occupy various land forms ranging from broad upland ridges to low stream terraces. These soils formed from weathered limestone or shale (USDA 1978a, pp. 24–54) or in alluvium (clay, silt, sand, gravel, or similar material deposited by running water) derived from loess (predominantly silt-sized sediment, which is formed by the accumulation of wind-blown dust) and are moderately well-drained to well-drained. The silty clay loams formed in alluvium or weathered limestone on floodplains, stream terraces, or upland depressions and are poorly drained. The fine sandy loams are on floodplains and are occasionally flooded during winter and early spring. Where these physical features occur within the headwaters of the Coosa River in Alabama and Georgia and the East Fork Forked Deer and Tuscumbia Rivers in Tennessee, they provide space for the whorled sunflower's individual and population growth.

Therefore, based on the information above, we identify silt loam, silty clay loam, or fine sandy loam soils on land forms including broad uplands, depressions, stream terraces, and floodplains as an essential physical or biological feature for this species.

*Fleshy-fruit gladecress.* This species is endemic to glade communities associated with limestone outcrops in Lawrence and Morgan Counties, Alabama (Rollins 1963). The terms glade and cedar glades refer to shallow-soiled, open areas that are dominated by herbaceous plants and characterized by exposed sheets of limestone or gravel, with *Juniperus virginiana* (eastern red cedar) frequently occurring in the deeper soils along their edges (Hilton 1997, p. 1; Baskin *et al.* 1986, p. 138; Baskin and Baskin 1985, p. 1). Much of the cedar glade habitat in northern Alabama is in a degraded condition, and populations of fleshy-fruit gladecress, in many cases, persist in glade-like remnants exhibiting various degrees of disturbance including pastures, roadside rights-of-way, and cultivated or plowed fields (Hilton 1997, p. 5). The limestone outcrops, gravel, and shallow soils present in cedar glades and glade-like remnants provide space for individual and population growth of fleshy-fruit gladecress by regulating the encroachment of herbaceous and woody vegetation that would exclude fleshy-fruit gladecress from plant communities found on deeper soils.

Therefore, based on the information above, we identify shallow-soiled, open areas with exposed limestone bedrock or gravel that are dominated by herbaceous plants as an essential physical or biological feature for this species.

Food, Water, Air, Light, Minerals, or Other Nutritional or Physiological Requirements

*Short's bladderpod.* Within the physical settings described above and the atypical physical setting where the species occurs in Indiana, the most vigorous (Shea 1992, p. 24) and stable (Tennessee Department of Environment and Conservation 2009, p. 1) Short's bladderpod occurrences are found in patches within forested sites where the canopy has remained relatively open over time. Overstory shading has been implicated as a factor contributing to the

disappearance of Short's bladderpod from four historically occupied sites and has been identified as a limiting factor at nearly one-fifth of remaining extant occurrences. Competition or shading from invasive, nonnative, herbaceous and shrub species is a documented threat to one-third of the extant Short's bladderpod occurrences. Therefore, based on the information above, we identify forest communities with low levels of canopy closure or openings in the canopy, in which invasive, nonnative plants are absent or are present at sufficiently low levels of abundance that would not inhibit growth or reproduction of Short's bladderpod plants, to be an essential physical or biological feature for this species.

*Whorled sunflower.* This species is found in moist, prairie-like remnants, which in a more natural condition exist as openings in woodlands and along adjacent creeks. Today, these conditions are most often found in small remnant patches or old field habitats adjacent to roadsides, railroad rights-of-way, and streams bordered by agricultural lands. Whorled sunflower grows most vigorously where there is little to no forest canopy cover, plants receive full sunlight for most of the day (Schotz 2011, p. 5) and herbaceous species that are characteristic of moist-site prairie vegetation are found.

Dominant grasses include *Schizachyrium scoparium* (little bluestem), *Sorghastrum nutans* (Indian grass), *Andropogon gerardii* (big bluestem), and *Panicum virgatum* (switch grass). Other common herbaceous associates include *Bidens bipinnata* (Spanish needles), *Carex cherokeensis* (Cherokee sedge), *Hypericum sphaerocarpum* (roundseed St. Johnswort), *Helianthus angustifolius* (swamp sunflower), *Helenium autumnale* (common sneezeweed), *Lobelia cardinalis* (cardinal flower), *Pycnanthemum virginianum* (Virginia mountainmint), *Physostegia virginiana* (obedient plant), *Saccharum giganteum* (sugarcane plumegrass), *Silphium terebinthinaceum* (prairie rosinweed), *Sporobolus heterolepis* (prairie dropseed), and *Symphyotrichum novae-angliae* (New England aster) (Tennessee Division of Natural Areas 2008, p. 5; Matthews et al. 2002, p. 23; Schotz 2001, p. 3). Encroachment by woody vegetation is a threat to whorled sunflower populations when left unmanaged in old fields, transportation rights-of-way, and borders of agricultural fields, as well as in densely shaded silvicultural plantations or forested sites. To prevent excessive shading or competition, these sites should be subjected to periodic disturbance or management to reduce or minimize encroachment of woody vegetation where a forest canopy is not present, or to provide low levels of canopy and midstory closure where they occur in woodlands.

Therefore, based on the information above, we identify sites in old fields, woodlands, and along streams, which receive full or partial sunlight for most of the day and where vegetation characteristics of moist prairie communities is present, to be an essential physical or biological feature for this species.

*Fleshy-fruit gladecress.* In Morgan, Lawrence, Franklin, and Colbert Counties in northwestern Alabama, glades occur in association with outcrops of Bangor Limestone, typically as level areas with exposed sheets of limestone or limestone gravel interspersed with fingers of cedar-hardwood vegetation. The Bangor Limestone is often near the soil surface, and can be seen in rocky cultivated fields and as small outcroppings at the base of low-lying forested hills (Hilton 1997).

All species within the small genus *Leavenworthia* are adapted to the unique physical characteristics of glade habitats, perhaps the most important of these being a combination of shallow soil depth and the resulting tendency to maintain temporary high moisture content at or very near the surface (Rollins 1963, pp. 4–6). Typically, only a few centimeters of soil overlie the bedrock, or, in spots, the soil may be almost lacking and the surface barren. The glade habitats that support all *Leavenworthia* species are extremely wet during the late winter and early spring and become extremely dry in summer (Rollins 1963, p. 5). These glades can vary in size from as small as a few meters to larger than 1 square kilometer ($km^2$) (0.37 square miles ($mi^2$)) and are characterized as having an open, sunny aspect (lacking canopy) (Quarterman 1950, p. 1; Rollins 1963, p. 5).

Fleshy-fruit gladecress populations are restricted to well-lighted portions of limestone outcroppings. Baskin and Baskin (1988, p. 837) indicated that a high light requirement was common among the endemic plants of rock outcrop plant communities in the un-glaciated eastern United States. This obligate need for high light has been supported by field observations showing that these eastern outcrop endemics, such as fleshy-fruit gladecress, grow on well-lighted portions of the outcrops but not in adjacent shaded forests; photosynthesize best in full sun, with a reduction in the presence of heavy shading; and compete poorly with plants that shade them (Baskin and Baskin 1988, p. 837). The most vigorous populations of fleshy-fruit gladecress are located in areas that receive full, or near full, sunlight at the canopy level, and have limited herbaceous competition (Hilton 1997, p. 5). Under these conditions, herbaceous species commonly found in glades in association with fleshy-fruit gladecress are listed in Table 1. Shading and competition are potential threats at the two largest populations of fleshy-fruit gladecress (Hilton 1997, p. 68). Nonnative plants including *Ligustrum vulgare* (common privet) and *Lonicera maackii* (bush honeysuckle) are a significant threat in many glades due to the ever present disturbances that allow for their colonization (Hilton 1997, p. 68).

TABLE 1—CHARACTERISTIC FLORA OF CEDAR GLADE HABITAT

| Scientific name | Common name |
|---|---|
| **Primary Characteristic Herbs** | |
| *Astragalus tennesseensis.* | Tennessee milkvetch. |
| *Leavenworthia alabamica.* | Alabama gladecress. |
| *Leavenworthia uniflora.* | Michaux's gladecress. |
| *Petalostemum* spp. ... | Prairie clover. |
| *Delphinium tricorne* ... | Dwarf larkspur. |
| *Arabis laevigata* ..... | Smooth rockcress. |
| *Schoenolirion croceum.* | Yellow sunnybell. |
| *Scutellaria parvula* .... | Small skullcap. |
| **Frequent Woody Species** | |
| *Juniperus virginiana* .. | Eastern red cedar. |

Therefore, based on the information above, we identify open, sunny exposures of limestone outcrops of the Bangor formation within glade plant communities that are characterized by the species listed in Table 1 and have relatively thin, rocky soils that are classified within the Colbert or Talbot soils mapping units as an essential physical or biological feature for this species.

Sites for Breeding, Reproduction, or Rearing (or Development) of Offspring

*Short's bladderpod.* This species likely is self-incompatible, and nearly 50 percent of extant occurrences are threatened with adverse effects associated with small populations including loss of genetic variation, inbreeding depression, and reduced availability of compatible mates. For this reason, it is essential that habitat for

pollinators be conserved in close proximity to known occurrences to increase the likelihood of pollen exchange among compatible mates. Where possible, habitat patches should be protected that would reduce fragmentation between multiple occurrences among which pollinator dispersal could facilitate gene flow.

Pollinators specific to Short's bladderpod have not been studied. Bees from the families Halictidae, Apidae, and Andrenidae were found to be the most common pollinators visiting four other species in the genus *Physaria,* and flies from the families Syrphidae, Tachinidae, and Conopidae also carried *Physaria* pollen (Edens-Meier *et al.* 2011, p. 293; Tepedino *et al.* 2012, pp. 143–145). In their study of pollinators of three species of *Physaria,* Tepedino *et al.* (2012, p. 144) estimated that maximum flight distance ranged from 100 m (330 ft) to 1.4 km (0.9 mi) for Andrenids and 40 to 100 m (130 to 330 ft) for Halictid bees. Because native, ground-nesting bees in the Andrenidae and Halictidae were the most reliable visitors and pollinators of the *Physaria* species they studied, Tepedino *et al.* (2012, p. 145) recommended avoiding physical disruption of the soil nesting substrate and its drainage patterns in sites harboring bee nests.

Short's bladderpod is thought to form soil seed banks (Dr. Carol Baskin, Professor, University of Kentucky, pers. comm., December 2012), and persistence of populations likely is dependent on formation and maintenance of this pool of dormant individuals. Sites where the species occurs should not be subjected to activities that would remove the soil seed bank. Moderate soil disturbance, however, could promote germination from the seed bank in locations where overstory shading and competition from herbaceous and shrub species have caused population declines. Positive responses have been observed following removal of competing vegetation and soil disturbance associated with grading of the roadside at the site where Short's bladderpod occurs in Indiana.

Therefore, based on the information above, we identify reproduction sites containing extant occurrences of the species within habitat patches providing suitable pollinator habitat, and in which surface features and bladderpod seedbed are not subjected to heavy disturbance, to be an essential physical or biological feature for this species.

*Whorled sunflower.* This species is self-incompatible, and the lack of compatible mates has been suggested as a possible cause of reduced achene production in one population (Ellis *et al.* 2009, p. 1840). Degraded habitat conditions also contribute to poor individual growth and reproductive output in whorled sunflower. Where woody vegetation encroaches on whorled sunflower populations, growth and flower production are reduced. While the species can produce new stems via shoot generation from rhizomes, the production of genetically distinct individuals needed to support population growth and maintain genetic variation within the species is dependent on flowering and outcrossing of compatible mates and production of viable achenes. Therefore, based on the information above, we identify the presence of compatible mates in sites that receive full or partial sunlight for most of the day to be an essential physical or biological feature for this species.

*Fleshy-fruit gladecress.* Glades where fleshy-fruit gladecress grows have very shallow soils overlying horizontally bedded limestone. Precipitation tends to be very seasonal within the species' geographic range, with wet weather concentrated in the winter and early spring and summer (Lyons and Antonovics 1991).

Fleshy-fruit gladecress is an annual species, the seeds of which germinate in the fall, overwinter as rosettes, and commence a month-long flowering period beginning in mid-March. The first seeds mature in late April, and during most years, the plants dry and drop all of their seeds by the end of May. *Leavenworthia* species are dormant by early summer, helping them to survive the dry period as seed; this dormancy is likely one of the major evolutionary adaptations in this genus enabling its species to endure the extreme drought conditions of late summer (Quarterman 1950, p. 5). As an annual, this species' long-term survival is dependent upon its ability to reproduce and reseed an area every year. Thus, populations decline and move toward extinction if conditions remain unsuitable for reproduction for many consecutive years.

The most vigorous populations of fleshy-fruit gladecress are located in areas that receive full, or near full, sunlight at the canopy level and have limited herbaceous competition (Hilton 1997). Rollins (1963) documented the loss of fleshy-fruit gladecress individuals caused by invading weedy species in fallow agricultural fields in northern Alabama. Under natural conditions, glades are edaphically (related to or caused by particular soil conditions) maintained through processes of drought and erosion interacting with other processes that disrupt encroachment of competing vegetation. The shallow soil, exposed rock, and frequently hot, dry summers create xeric conditions that regulate competition and shading from encroaching vegetation (Hilton 1997, p. 5; McDaniel and Lyons 1987, p. 6; Baskin et al. 1986, p. 138; Rollins 1963, p. 5).

Therefore, based on this information, we identify the presence of shallow soil and exposed rock that discourage competition and shading from encroaching vegetation to be an essential physical or biological feature for this species.

*Primary Constituent Elements*

Under the Act and its implementing regulations, we are required to identify the physical or biological features essential to the conservation of Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress in areas occupied at the time of listing, focusing on the features' primary constituent elements. Primary constituent elements (PCEs) are those specific elements of the physical or biological features that provide for a species' life-history processes and are essential to the conservation of the species.

Based on our current knowledge of the physical or biological features and habitat characteristics required to sustain the species' life-history processes, we determine that the PCEs for these three plant species are:

Short's Bladderpod

(1) PCE 1—Bedrock formations and outcrops of calcareous limestone, sometimes with interbedded shale or siltstone, in close proximity to the mainstem or tributaries of the Kentucky and Cumberland rivers. These outcrop sites or areas of suitable bedrock geology should be located on steeply sloped hillsides or bluffs, typically on south- to west-facing aspects.

(2) PCE 2—Shallow or rocky, well-drained soils formed from the weathering of underlying calcareous bedrock formations, which are undisturbed or subjected to minimal disturbance, so as to retain habitat for ground-nesting pollinators and potential for maintenance of a soil seed bank.

(3) PCE 3—Forest communities with low levels of canopy closure or openings in the canopy to provide adequate sunlight for individual and population growth. Invasive, nonnative plants must be absent or present in sufficiently low numbers not to inhibit growth or reproduction of Short's bladderpod.

Whorled Sunflower

(1) PCE 1—Silt loam, silty clay loam, or fine sandy loam soils on land forms including broad uplands, depressions, stream terraces, and floodplains within the headwaters of the Coosa River in Alabama and Georgia and the East Fork Forked Deer and Tuscumbia rivers in Tennessee.

(2) PCE 2—Sites in which forest canopy is absent, or where woody vegetation is present at sufficiently low densities to provide full or partial sunlight to whorled sunflower plants for most of the day, and which support vegetation characteristic of moist prairie communities. Invasive, nonnative plants must be absent or present in sufficiently low numbers not to inhibit growth or reproduction of whorled sunflower.

(3) PCE 3—Occupied sites in which a sufficient number of compatible mates are present for outcrossing and production of viable achenes to occur.

Fleshy-Fruit Gladecress

(1) PCE 1—Shallow-soiled, open areas with exposed limestone bedrock or gravel that are dominated by herbaceous vegetation characteristic of glade communities.

(2) PCE 2—Open or well-lighted areas of exposed limestone bedrock or gravel that ensure fleshy-fruit gladecress plants remain unshaded for a significant portion of the day.

(3) PCE 3—Glade habitat that is protected from both native and invasive, nonnative plants to minimize competition and shading of fleshy-fruit gladecress.

*Special Management Considerations or Protections*

When designating critical habitat, we assess whether the specific areas within the geographical area occupied by the species at the time of listing contain features that are essential to the conservation of the species and which may require special management considerations or protection. We believe that the features in each unit included in these designations require special management and protections.

Short's Bladderpod

The features essential to the conservation of Short's bladderpod may require special management considerations or protection to reduce the following threats: (1) Actions that would directly result in removal of soils or indirectly cause their loss due to increased rates of erosion; (2) building, paving, or grazing of livestock within or upslope of Short's bladderpod sites that alters water movement or causes soil erosion that results in sediment deposition in suitable habitat; (3) blasting or removal of hard rock and soil substrates; (4) dumping of trash and debris; (5) prolonged inundation of sites due to manipulation of regulated waters for flood control or other purposes; (6) indiscriminate maintenance of transportation rights-of-way, including grading, mowing, or herbicide application; and (8) shading and competition due to forest canopy closure and encroachment of invasive, nonnative plants.

Management activities that could ameliorate these threats include, but are not limited to: (1) Avoiding areas located in or upslope of Short's bladderpod sites when planning for location of commercial or residential development; maintenance, construction, or expansion of utility and transportation infrastructure; and access for livestock; (2) removing trash and debris that are dumped onto or upslope of Short's bladderpod sites; (3) locating suitable habitat, determining presence or absence of Short's bladderpod, and protecting or restoring as many sites or complexes of sites as possible; (4) evaluating the effects of flow regulation on Short's bladderpod occurrences within the fluctuation zone of regulated river reaches and adjusting management to avoid or minimize prolonged periods of inundation; (5) reaching out to all landowners, including private, State, and Federal landowners, to raise awareness of the plant and its habitat; (5) providing technical or financial assistance to landowners to help in the design and implementation of management actions that protect the plant and its habitat; (6) managing, including reducing, canopy cover and competition from native and invasive, nonnative plants to maintain an intact native forest community with canopy openings or low levels of canopy closure.

Whorled Sunflower

The features essential to the conservation of whorled sunflower may require special management considerations or protection to reduce the following threats: (1) Soil disturbance due to silvicultural site preparation, timber harvest, or cultivation of row crops; (2) indiscriminate herbicide use or mowing; (3) conversion of remnant prairie habitat to agricultural or industrial forestry uses; and (4) excessive shading or competition from native woody species or invasive, nonnative plants.

Management activities that could ameliorate these threats include, but are not limited to: (1) Avoiding areas located in close proximity to whorled sunflower sites when planning for establishing new sites for agriculture or pulpwood and timber production; (2) ensuring that herbicide use or mowing does not occur in whorled sunflower sites during the species' growing season; (3) locating suitable habitat, determining presence or absence of whorled sunflower, and protecting or restoring as many sites or complexes of sites as possible; (4) managing, including prescribed burning, mowing, and bush-hogging, to reduce canopy cover, minimize competition from native and invasive, nonnative plants, and maintain characteristic moist prairie vegetation; (5) reaching out to all landowners, including private, State, and Federal landowners, to raise awareness of the plant and its habitat; and (6) providing technical or financial assistance to landowners to help in the design and implementation of management actions that protect the plant and its habitat.

Fleshy-Fruit Gladecress

The features essential to the conservation of fleshy-fruit gladecress may require special management considerations or protection to reduce the following threats: (1) Actions that remove the soils and alter the surface geology of the glades; (2) building or paving over the glades; (3) construction or excavation up slope that alters water movement (sheet flow or seepage) down slope to gladecress sites; (4) planting trees adjacent to the edges of an outcrop resulting in shading of the glade and accumulations of leaf litter and tree debris; (5) encroachment by nonnative and native invading trees, shrubs, and vines that shade the glade; (6) the use and timing of application of certain herbicides that can harm gladecress seedlings; and (7) access by cattle to gladecress sites where habitat and plants may be trampled.

Management activities that could ameliorate these threats include (but are not limited to): (1) Avoiding limestone glades when planning development, conversion to agriculture, and other disturbances to glade complexes; (2) avoiding above-ground construction and/or excavations in locations that would interfere with natural water movement to gladecress habitat sites; (3) locating suitable habitat and determining the presence or absence of the species and identifying areas with glade complexes and protecting or restoring as many complexes as possible; (4) reaching out to all landowners, including private and State landowners, to raise awareness of the plant and its specialized habitat; (5) providing technical or financial

assistance to landowners to help in the design and implementation of management actions that protect the plant and its habitat; (6) avoiding pine tree plantings near glades; and (7) managing, including brush removal, to maintain an intact native glade vegetation community.

More information on the special management considerations for each critical habitat unit is provided in the individual unit descriptions below.

*Criteria Used To Identify Critical Habitat*

As required by section 4(b)(2) of the Act, we use the best scientific data available to designate critical habitat. In accordance with the Act and our implementing regulations at 50 CFR 424.12(b), we review available information pertaining to the habitat requirements of the species and identify occupied areas at the time of listing that contain the features essential to the conservation of the species. If, after identifying currently occupied areas, we determine that those areas are inadequate to ensure conservation of the species, in accordance with the Act and our implementing regulations at 50 CFR 424.12(e) we then consider whether designating additional areas—outside those currently occupied—are essential for the conservation of the species. As discussed in more detail below, we are not designating any areas outside the geographical area occupied by the species because occupied areas are sufficient for the conservation of the species, and we have no evidence that these species existed beyond their current geographical ranges in habitat types that are not represented by the critical habitat units we designated. Below we go into more detail about the criteria used to identify critical habitat for Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress.

Areas Occupied by Short's Bladderpod

For the purpose of proposing critical habitat for Short's bladderpod, we define the geographical area currently occupied by the species as required by section 3(5)(A)(i) of the Act. We considered those sites to be occupied where (1) Element Occurrence Records from State conservation agencies (Indiana Natural Heritage Data Center (INHDC) 2012; Kentucky Natural Heritage Program (KNHP) 2012; Tennessee Natural Heritage Inventory Database (TNHID) 2012) indicate that the species was extant at the time of the proposed listing rule (i.e., is considered currently extant), and (2) we determine that forest communities are present and no evidence of substantial ground disturbance is visible from inspection of aerial photography, available through Google Earth.

Areas Not Occupied by Short's Bladderpod

We considered whether there were any specific areas outside the geographical area found to be occupied by Short's bladderpod that are essential for the conservation of the species as required by section 3(5)(A)(i) of the Act. First, we considered whether there was sufficient area for the conservation of the species within the occupied areas determined above. In doing so, we evaluated whether protection or management of currently occupied sites and nearby suitable habitats would provide adequate representation, redundancy, and resiliency for Short's bladderpod conservation. The 26 extant occurrences of Short's bladderpod included in critical habitat units below are distributed among habitats that are representative of those in which the species' occurred in its historical geographic range and, if conserved, should provide adequate redundancy for the species to endure localized, stochastic disturbances. While populations are small at some of these occurrences, there is sufficient habitat available to support population growth; however, some management might be necessary to improve habitat conditions and population growth rates. Conserving or restoring habitat and viable populations at all occupied sites should provide conditions necessary for successful reproduction and population growth and resiliency for the species to recover from acute demographic effects of localized disturbances. Therefore, no areas outside of the currently occupied geographical areas would be essential for the conservation of the species, and we have not designated any additional areas.

Mapping Short's Bladderpod Critical Habitat

Once we determined the occupied areas, we next delineated critical habitat unit boundaries based on the presence of primary constituent elements. We used data for geology (Kentucky Geological Survey, available online at *http://www.arcgis.com/home/item.html?id=d32dc6edbf9245cdbac3fd7e255d3974*; Moore I. 1967; Wilson 1972, 1975, 1979; Wilson I. 1972, 1980; Marsh I. 1973; Finlayson I. 1980; Kerrigan and Wilson 2002), soils (USDA, Soil Survey Geographic Database, available online at *http://soildatamart.nrcs.usda.gov*), topographic contours, and locations of sites occupied by Short's bladderpod (INHDC 2012; KNHP 2012; TNHID 2012) as a basis for delineating units in ArcGIS. Additionally, we used aerial photography available through Google Earth to determine vegetation cover and for three-dimensional viewing of topographic features. We delineated units around occupied sites, with boundaries determined by the combined spatial arrangement of limestone bedrock, sometimes with interbedded shale or siltstone; shallow or rocky, well-drained soils; steeply sloped topography; and forest vegetation. In order to reduce threats from adjacent land uses, we extended unit boundaries from ridge tops or bluff lines above Short's bladderpod occurrences downslope to either obvious breaks in slope gradient or to the edge of water bodies that form a unit boundary. These units typically include individual occupied sites; however, where appropriate we delineated units so that they encompass more than one occupied site and span intervening areas in which the primary constituent elements are present. We delineated units spanning multiple occupied sites in order to minimize fragmentation and provide areas for pollinator nesting and dispersal to promote gene flow among extant occurrences.

Areas Occupied by Whorled Sunflower

For the purpose of designating critical habitat for whorled sunflower, we defined the geographical area currently occupied by the species as required by section 3(5)(A)(i) of the Act. We define occupied areas in Georgia and Alabama as those areas where the species was present during site visits by the Service during 2012. The most recent survey data available from TNHID (2012) confirmed the presence of whorled sunflower during 2005 and 2009, at the Madison and McNairy County, Tennessee, populations, respectively. Based on inspection of aerial photography for these locations, available through Google Earth, habitat still is present at these sites and no evidence of substantial ground disturbance was apparent; thus, we consider these sites to still be occupied by whorled sunflower.

Areas Not Occupied by Whorled Sunflower

We considered whether there were any specific areas outside the geographical area found to be occupied by whorled sunflower that are essential for the conservation of the species as required by section 3(5)(A)(i) of the Act. First, we considered whether there was sufficient area for the conservation of the species within the occupied areas

determined above. In doing so, we evaluated whether protection or management of currently occupied sites and nearby suitable habitats would provide adequate representation, redundancy, and resiliency for whorled sunflower's conservation. The four extant populations of whorled sunflower are distributed among habitats that we believe are representative of those in which the species occurred in its historical geographic range and, if conserved, should provide adequate redundancy for the species to endure localized, stochastic disturbances. While populations are small at most of these occurrences, there is sufficient habitat available to support population growth; however, management will be necessary to improve habitat conditions and population growth rates. Conserving or restoring habitat and viable populations at all occupied sites should provide conditions necessary for successful reproduction and population growth and resiliency for the species to recover from acute demographic effects of localized disturbances. Therefore, no areas outside of the currently occupied geographical areas would be essential for the conservation of the species, and we have not designated any additional areas.

Mapping Whorled Sunflower Critical Habitat

Once we determined the occupied areas, we next delineated critical habitat unit boundaries based on the presence of primary constituent elements. We used data for soils (USDA, Soil Survey Geographic Database, available online at *http://soildatamart.nrcs.usda.gov*) and locations of sites occupied by whorled sunflower as a basis for delineating units in ArcGIS. Additionally, we used aerial photography available through Google Earth to determine vegetation cover and for three-dimensional viewing of topographic features. We delineated units around occupied sites, with boundaries determined by the spatial arrangement of suitable soils (described above in PCE 1 for whorled sunflower) and to provide opportunities for minimizing fragmentation among subpopulations by restoring characteristic prairie vegetation in areas currently used for agricultural or industrial forestry purposes.

Areas Occupied by Fleshy-Fruit Gladecress

For the purpose of designating critical habitat for fleshy-fruit gladecress, we defined the geographical area currently occupied by the species as required by section 3(5)(A)(i) of the Act. We define occupied areas as those where recent surveys in 2011 confirmed the species was present (Shotz 2012, pers. comm.) and one additional site where TVA provided data confirming the species was present.

Areas Not Occupied by Fleshy-Fruit Gladecress

We considered whether there were any specific areas outside the geographical area found to be occupied by the fleshy-fruit gladecress that are essential for the conservation of the species as required by section 3(5)(A)(ii) of the Act. First, we evaluated whether there was sufficient area for the conservation of the species within the occupied areas determined as described above. To guide what would be considered needed for the species' conservation, we evaluated the seven sites where the species is known to occur. Currently occupied sites are distributed across the historical range of the species and are representative of the landscape settings and soil types that have been documented at gladecress occurrences. Six of the seven units within occupied areas contain suitable habitat (with special management) for natural expansion of existing populations or possible future augmentation if determined necessary during future recovery planning and implementation. Therefore, no areas outside of the currently occupied geographical areas would be essential for the conservation of the species, and we have not designated any additional areas.

Mapping Fleshy-Fruit Gladecress Critical Habitat

Once we determined the occupied areas, we next delineated the critical habitat unit boundaries based on the presence of primary constituent elements. We used various GIS layers, soil surveys, aerial photography, and known locations of the extant and historical populations. We used ArcGIS to delineate units around occupied sites, encompassing adjacent areas where the primary constituent elements were present to provide suitable habitat for natural expansion of the populations. The seven units in the proposed designation include the species' entire historical range. All of the units contain the primary constituent elements essential for the conservation of fleshy-fruit gladecress.

When determining critical habitat boundaries within this final rule, we made every effort to avoid including developed areas such as lands covered by buildings, pavement, and other structures because such lands lack physical or biological features for Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress. The scale of the maps we prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such developed lands. Any such lands inadvertently left inside critical habitat boundaries shown on the maps of this final rule have been excluded by text in the rule and are not designated as critical habitat. Therefore, a Federal action involving these lands will not trigger section 7 consultation with respect to critical habitat and the requirement of no adverse modification unless the specific action would affect the physical or biological features in the adjacent critical habitat.

The critical habitat designation is defined by the map or maps, as modified by any accompanying regulatory text, presented at the end of this document in the rule portion. We include more detailed information on the boundaries of the critical habitat designation in the preamble of this document. We will make the coordinates or plot points or both on which each map is based available to the public on *http://www.regulations.gov* at Docket No. FWS–R4–ES–2013–0086, on our Internet sites *http://www.fws.gov/cookeville*, *http://www.fws.gov/midwest/bloomington*, *http://www.fws.gov/daphne*, *http://www.fws.gov/frankfort*, *http://www.fws.gov/athens*, and at the field office responsible for the designation (see **FOR FURTHER INFORMATION CONTACT**).

**Final Critical Habitat Designation**

*Short's Bladderpod*

We are designating 20 units as critical habitat for Short's bladderpod. The critical habitat areas we describe below constitute our current best assessment of areas that meet the definition of critical habitat for Short's bladderpod. All these units are occupied at the time of listing. The areas we propose as critical habitat are: (1) Kings and Queens Bluff, (2) Lock B Road, (3) Jarrel Ridge Road, (4) Cheatham Lake, (5) Harpeth River, (6) Montgomery Bell Bridge, (7) Nashville and Western Railroad, (8) River Trace, (9) Old Hickory Lake, (10) Coleman-Winston Bridge, (11) Cordell Hull Reservoir, (12) Funns Branch, (13) Wartrace Creek, (14) Camp Pleasant Branch, (15) Kentucky River, (16) Owenton Road, (17) Little Benson Creek, (18) Boone Creek, (19) Delaney Ferry Road, and (20) Bonebank Road. The approximate area of each critical habitat unit, broken down by land ownership, is shown in Table 2.

TABLE 2—DESIGNATED CRITICAL HABITAT UNITS FOR SHORT'S BLADDERPOD IN HECTARES (HA) AND ACRES (AC)

| Critical habitat unit | Private ha (ac) | State/local ha (ac) | Federal ha (ac) | Size of unit ha (ac) |
|---|---|---|---|---|
| 1. Kings and Queens Bluff | 7.6 (18.9) | ..... | *3.0 (7.3) | 7.6 (18.9) |
| 2. Lock B Road | 10.1 (25.0) | ..... | *0.3 (0.8) | 10.1 (25.0) |
| 3. Jarrel Ridge Road | 5.2 (12.8) | ..... | *0.4 (1.1) | 5.2 (12.8) |
| 4. Cheatham Lake | 19.1 (47.2) | 3.4 (8.3) | 4.9 (12.0) | 27.3 (67.5) |
| 5. Harpeth River | 8.2 (20.3) | ..... | 17.3 (42.8) | 25.5 (63.1) |
| 6. Montgomery Bell Bridge | 2.1 (5.3) | ..... | 9.0 (22.3) | 11.2 (27.7) |
| 7. Nashville and Western Railroad | 20.8 (51.4) | 8.1 (20.0) | 1.5 (3.8) | 30.5 (75.3) |
| 8. River Trace | 42.8 (105.7) | ..... | *5.6 (13.8) | 42.8 (105.7) |
| 9. Old Hickory Lake | 1.9 (4.8) | ..... | 2.9 (7.1) | 4.8 (11.9) |
| 10. Coleman-Winston Bridge | 4.1 (10.1) | ..... | 3.3 (8.1) | 7.4 (18.2) |
| 11. Cordell Hull Reservoir | ..... | ..... | 12.3 (34.2) | 12.3 (34.2) |
| 12. Funns Branch | ..... | ..... | 20.8 (51.3) | 20.8 (51.3) |
| 13. Wartrace Creek | ..... | ..... | 37.5 (92.6) | 37.5 (92.6) |
| 14. Camp Pleasant Branch | 17.4 (42.9) | ..... | ..... | 17.4 (42.9) |
| 15. Kentucky River | 83.7 (206.7) | 9.4 (23.3) | ..... | 93.1 (230.0) |
| 16. Owenton Road | 1.3 (3.3) | 1.5 (3.7) | ..... | 2.8 (7.0) |
| 17. Little Benson Creek | 9.4 (23.3) | ..... | ..... | 9.4 (23.3) |
| 18. Boone Creek | 5.0 (12.4) | ..... | ..... | 5.0 (12.4) |
| 19. Delaney Ferry Road | 0.6 (1.4) | ..... | ..... | 0.6 (1.4) |
| 20. Bonebank Road | ..... | 1.7 (4.3) | ..... | 1.7 (4.3) |
| Total | 239.3 (591.5) | 24.1 (59.6) | 118.8 (297.2) | 373.0 (925.5) |

**Note:** Area sizes may not sum due to rounding.
*Indicates U.S. Army Corps of Engineers easements, which are not added to size of unit because these lands are included in ha (ac) figure given for the private lands on which easements are held.

We present brief descriptions of all units, and reasons why they meet the definition of critical habitat for Short's bladderpod, below. All of the proposed critical habitat units, except as specified below, contain all of the PCEs essential to the conservation of the species.

*Unit 1: Kings and Queens Bluff*

Unit 1 consists of 7.6 ha (18.9 ac) of private land, but the U.S. Army Corps of Engineers (Corps of Engineers) holds flood easements on approximately 40 percent of this land. This unit is located in Montgomery County, Tennessee, on a bluff on the right descending bank of the Cumberland River within the city limits of Clarksville, approximately 0.16 km (0.10 mi) south of the intersection of State Route 12 (Ashland City Road) and Queens Bluff Way. Beginning approximately 0.28 km (0.18 mi) south of the easternmost intersection of Ashland City Road (U.S.–41a Bypass) and Queens Bluff Road, this unit parallels the Cumberland River in a downstream direction for approximately 1.7 km (1.1 mi).

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to erosion or prolonged inundation due to water level manipulation; changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; and shading and competition due to encroachment of native and invasive, nonnative plants.

*Unit 2: Lock B Road*

Unit 2 consists of 10.1 ha (25.0 ac) of privately owned land, but the Corps of Engineers holds flood easements on approximately 3 percent of this land. This unit is located in Montgomery County, Tennessee, approximately 6.9 km (4.3 mi) south of the city limits of Clarksville, on a hillside that lies to the east and west of Lock B Road North, beginning approximately 0.8 km (0.5 mi) south of its junction with Gholson Road and continuing south for approximately 0.4 km (0.25 mi), at which point Lock B Road North veers to the southwest. From this point, this unit continues south for approximately 1.0 km (0.6 mi) along the hillside that is east of Lock B Road North. The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to potential right-of-way construction or maintenance using herbicides or mechanized equipment along Lock B Road North or the Illinois Central Railroad, both of which traverse portions of the unit, and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 3: Jarrel Ridge Road*

Unit 3 consists of 5.2 ha (12.8 ac) of privately owned lands, but the Corps of Engineers holds flood easements on approximately 8 percent of this land. This unit is located in Montgomery County, Tennessee, approximately 10 km south of the city limit of Clarksville, on a hillside that lies west and north of the southern terminus of Jarrel Ridge Road.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to erosion or prolonged inundation due to water level manipulation; changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; potential right-of-way construction or maintenance using herbicides or mechanized equipment along Jarrel Ridge Road at the unit boundary or the Illinois Central Railroad, which traverses the unit; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 4: Cheatham Lake*

Unit 4 consists of 27.3 ha (67.5 ac) of privately owned, local government, and Federal lands. This unit is located in Cheatham County, Tennessee, approximately 9.0 km (5.6 mi) west-northwest of the city limits of the town of Ashland City, on a series of hillsides that begins approximately 0.8 km (0.5 mi) northeast of the junction of Beech Grove Road and Cheatham Dam Road and arcs in a southeasterly direction for

approximately 2.2 km (1.4 mi). Here, the unit crosses Cheatham Dam Road, and continues for approximately 2.2 km in a southeasterly arc to its eastern boundary on the right descending bank of the Cumberland River, approximately 0.18 km (0.11 mi) south of Kimbrough Road. The land within this unit is approximately 70 percent privately owned, 12 percent owned by Ashland City, and 18 percent owned by the Corps of Engineers.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to erosion or prolonged inundation due to water level manipulation; changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; potential right-of-way construction or maintenance using herbicides or mechanized equipment along the Illinois Central Railroad, which traverses the unit; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 5: Harpeth River*

Unit 5 consists of 25.5 ha (63.1 ac) of privately owned and federal land in Cheatham County, Tennessee. This unit is located approximately 5 km (3.1 mi) west of the city limits of the town of Ashland City, on the west slope of a hillside and associated bluffs that begin on the point of land formed by the confluence of Cumberland and Harpeth rivers and extend upstream along the right descending bank of the Harpeth River, reaching the unit's southernmost boundary approximately 0.6 km (0.4 mi) east of SR–49, where it crosses the Harpeth River. The land within this unit is approximately 32 percent privately owned, and 68 percent is owned by the Corps of Engineers.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to erosion or prolonged inundation due to water level manipulation; changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 6: Montgomery Bell Bridge*

Unit 6 consists of 11.2 ha (27.7 ac) of privately owned and federal land in Cheatham and Dickson Counties, Tennessee. This unit is located approximately 5.5 km (3.4 mi) west of the city limits of the town of Ashland City, on a hillside and bluffs on the left descending bank of the Harpeth River that begin approximately 0.4 km (0.27 mi) east of the Montgomery Bell Bridge, where SR–49 crosses the river and bisects the unit, and parallels the river in an upstream direction for approximately 1.8 km (1.1 mi). The land within this unit is approximately 19 percent privately owned, and 81 percent is owned by the Corps of Engineers.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to erosion or prolonged inundation due to water level manipulation; changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 7: Nashville and Western Railroad*

Unit 7 consists of 30.5 ha (75.3 ac) of privately owned, local government, and Federal land in Cheatham County, Tennessee. This unit is located along the southwest city limit of the town of Ashland City, on hillsides and bluffs that begin approximately 0.26 km (0.16 mi) east of the confluence of Marrowbone Creek and the Cumberland River and extend upstream on the right descending bank of the Cumberland River for approximately 2.3 km (1.4 mi). Here, the unit continues in a southeasterly direction for approximately 0.9 km (0.5 mi) from the point where the river veers away from the hillside and bluffs. The land within this unit is approximately 68 percent privately owned, 27 percent owned by the Cheatham County Rail Association, and 5 percent owned by the Corps of Engineers.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to erosion or prolonged inundation due to water level manipulation; changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; potential right-of-way construction or maintenance using herbicides or mechanized equipment along the Nashville and Western Railroad, which traverses the unit; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 8: River Trace*

Unit 8 consists of 42.8 ha (105.7 ac) of privately owned land, with the exception of the River Trace road right-of-way. The Corps of Engineers holds flood easements on approximately 13 percent of the lands within the unit. This unit is located in Davidson and Cheatham Counties, Tennessee, on hillsides and bluffs approximately 0.9 km (0.6 mi) southeast of the city limit of the town of Ashland City, beginning at the western extent of River Trace and extending along both sides of this road in a southeasterly direction for a distance of approximately 2.3 km (1.4 mi). Here, the unit leaves River Trace and continues along the hillside and bluffs on the right descending bank of the Cumberland River in an upstream direction for approximately 2.1 km (1.3 mi).

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to erosion or prolonged inundation due to water level manipulation; changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; potential right-of-way construction or maintenance using herbicides or mechanized equipment along River Trace or the Nashville and Western Railroad, both of which traverse the unit; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 9: Old Hickory Lake*

Unit 9 consists of 4.8 ha (11.9 ac) of privately owned and Federal lands in Trousdale County, Tennessee. This unit is located approximately 3.5 km (2.2 mi) west of the southern city limits of the town of Hartsville and 0.5 km (0.3 mi) south of Oldham Road, on a hillside and bluffs on the right descending bank of the Cumberland River. Beginning approximately 0.4 km (0.25 mi) downstream of the mouth of Second Creek, this unit parallels the Cumberland River in a downstream direction for approximately 0.7 km (0.4 mi). The land within this unit is approximately 40 percent privately owned, and 60 percent is owned by the Corps of Engineers.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to erosion or prolonged inundation due to water level manipulation; changes in land use, including residential or commercial

construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 10: Coleman-Winston Bridge*

Unit 10 consists of 7.4 ha (18.2 ac) of privately owned and Federal lands in Trousdale County, Tennessee. The unit is located at the southern city limit of the town of Hartsville, on a hillside and bluffs overlooking the Cumberland River. Beginning on the right descending bank approximately 0.5 km (0.3 mi) east of SR–141, which bisects the unit where it crosses the Cumberland River at the Coleman-Winston Bridge, this unit parallels the river in a downstream direction for approximately 1.1 km (0.7 mi). The land within this unit is approximately 55 percent privately owned, and 45 percent is owned by the Corps of Engineers.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to erosion or prolonged inundation due to water level manipulation; changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; potential right-of-way construction or maintenance using herbicides or mechanized equipment along SR–141, which bisects the unit; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 11: Cordell Hull Reservoir*

Unit 11 consists of 12.3 ha (34.2 ac) of Federal lands in Smith County, Tennessee. This unit is located approximately 4.3 km (2.7 mi) north of the city limits of the town of Carthage, on hillsides and bluffs on the right descending bank of the Cumberland River. Beginning approximately 2.0 km (1.25 mi) upstream of the Cordell Hull Dam, this unit parallels the river in an upstream direction for approximately 0.6 km (0.4 mi), where it crosses a 0.3-km (0.2-mi) expanse of open water, and then continues paralleling the river for a distance of 1.2 km (0.7 mi). All of the land within this unit is owned by the Corps of Engineers, and the open water is not included in the area of the unit reported above.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to erosion or prolonged inundation due to water level manipulation; changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 12: Funns Branch*

Unit 12 consists of 20.8 ha (51.3 ac) of Federal lands in Jackson County, Tennessee. This unit is located approximately 12.1 km (7.5 mi) southwest of the city limits of the town of Gainesboro, on hillsides and bluffs on the right descending bank of the Cumberland River. Beginning approximately 0.4 km (0.2) mi upstream of the mouth of Funns Branch, this unit parallels the river in an upstream direction for approximately 1.0 km (0.65 mi) where it crosses a 0.3-km (0.2-mi) expanse of open water, and then continues paralleling the river for a distance of approximately 1.0 km (0.64 mi). All of the land within this unit is owned by the Corps of Engineers, and the open water is not included in the area of the unit reported above.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to erosion or prolonged inundation due to water level manipulation; changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 13: Wartrace Creek*

Unit 13 consists of 37.5 ha (92.6 ac) of Federal lands in Jackson County, Tennessee. This unit is located approximately 7.7 km (4.8 mi) west of the city limits of the town of Gainesboro, on hillsides and bluffs on the right descending bank of the Cumberland River. Beginning at the mouth of Indian Creek, this unit parallels the river in a downstream direction for approximately 1.6 km (1.0 mi), where it crosses the mouth of Wartrace Creek, and then continues paralleling the river for a distance of 2.5 km (1.5 mi). All of the land within this unit is owned by the Corps of Engineers, and areas of open water are not included in the area of the unit reported above.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to erosion or prolonged inundation due to water level manipulation; changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 14: Camp Pleasant Branch*

Unit 14 consists of 17.4 ha (42.9 ac) of privately owned lands in Franklin County, Kentucky. This unit is located approximately 8.3 km (5.8 mi) north of the city limits of Frankfort, on hillsides near Camp Pleasant Branch, a tributary to Elkhorn Creek. Beginning approximately 0.29 km (0.18 mi) west of the intersection of Indian Gap Road and Camp Pleasant Road, the unit begins in a hollow north of Indian Gap Road and extends to the east and north along hillsides above the right descending bank of Camp Pleasant Branch for approximately 0.75 km (0.5 mi) to the intersection of Camp Pleasant Road and Gregory Woods Road. Here the unit crosses Gregory Woods Road and extends north for a distance of approximately 0.58 km (0.36 mi), encompassing the hillside to the east of the road.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; potential right-of-way construction or maintenance using herbicides or mechanized equipment along Indian Gap Road, Camp Pleasant Road, or Gregory Woods Road, which are adjacent to the unit; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 15: Kentucky River*

This unit consists of 93.1 ha (230.0 ac) of privately owned and State land in Franklin County, Kentucky. This unit begins within the northwestern city limit of Frankfort, on a hillside that parallels U.S.–421 on its east side from approximately 0.21 km (0.13 mi) southeast of its junction with Clifty Drive to approximately 0.23 km (0.15 mi) northwest of its junction with U.S.–127. Here the unit follows the topography of the hillside as it turns away from the road to the east, leaving the city limits, and then arcs to the northeast, before abruptly turning back in a westerly direction. From this point, the hillside and this unit extend in a westerly direction for approximately 0.7 km (0.4 mi) and then parallel the Kentucky River in a downstream

direction in an arc approximately 5.3 km (3.3 mi) in length on its left descending bank, encompassing hillsides in two hollows that extend from the river to the west. Approximately 90 percent of the land in this unit is privately owned, and the Commonwealth of Kentucky owns approximately 10 percent, which is part of a State nature preserve.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to erosion or prolonged inundation due to water level manipulation; changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; potential right-of-way construction or maintenance using herbicides or mechanized equipment along U.S.–421, where it parallels the unit; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 16: Owenton Road*

Unit 16 consists of 2.8 ha (7.0 acres) of privately owned and City of Frankfort municipal park lands in Franklin County, Kentucky. The unit is located approximately 0.1 km (0.08 mi) north of the city limits of Frankfort on a hill that is adjacent to and west of U.S.–127 (Owenton Road), approximately 0.6 km (0.4 mi) north of the intersection of U.S.–127 and U.S.–421. The land within this unit is approximately 46 percent privately owned, and 54 percent is owned by the City of Frankfort.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; potential right-of-way construction or maintenance using herbicides or mechanized equipment on U.S.–127; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 17: Little Benson Creek*

Unit 17 consists of 9.4 ha (23.3 ac) of privately owned lands in Franklin County, Kentucky, located within the city limits of Frankfort. Beginning approximately 1.1 km (0.7 mi) south of the intersection of Mills Lane and Ninevah Road, this unit lies on a hillside on the east side of Ninevah Road and extends to the south for approximately 0.5 km (0.3 mi), where it crosses Ninevah Road and follows a hillside that parallels Ninevah Road for approximately 1.0 km (0.65 mi) on its west side.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; potential right-of-way construction or maintenance using herbicides or mechanized equipment on Ninevah Road; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 18: Boone Creek*

Unit 18 consists of 5.0 ha (12.4 ac) of privately owned lands in Clark County, Kentucky. This unit is located approximately 13.2 km (8.2 mi) southwest of the city limits of Winchester, and begins adjacent to Grimes Mill Road approximately 0.17 km north of the Fayette and Clark County line. From here, the unit extends on a hillside to the east for a distance of approximately 0.21 km (0.13 mi), where the unit and hillside then parallel a bend in Boone Creek on its left descending bank for a distance of approximately 0.68 km (0.42 mi).

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats related to changes in land use, including residential or commercial construction, which could cause removal of forest vegetation or soils or soil loss due to erosion; potential right-of-way construction or maintenance using herbicides or mechanized equipment on Grimes Road; and shading or competition due to encroachment of native and invasive, nonnative plants.

*Unit 19: Delaney Ferry Road*

Unit 19 consists of 0.6 ha (1.4 ac) of privately owned lands in Woodford County, Kentucky. This unit is located approximately 7.8 km (4.8 mi) south of the city of Versailles. Beginning approximately 2.1 km (1.3 mi) east of the intersection of Troy Pike and Delaney Ferry Road, this unit extends approximately 0.08 km (0.05 mi) northeast along Delaney Ferry Road, where the unit boundary turns to the northwest for approximately 0.08 km (0.05 mi). From this northeast corner of the unit, the boundary extends to the southwest approximately 0.05 km (0.03 mi), where it turns to the southeast, paralleling a driveway for 0.05 km (0.03 mi) before turning to the southwest for approximately 0.03 km (0.02 mi). From this point the unit boundary turns to the southeast for approximately 0.05 km (0.03 mi), returning to the starting point.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats of shading or competition due to encroachment of native and invasive, nonnative plants. The current landowner manages encroaching vegetation to prevent shading and competition where Short's bladderpod occurs within the unit.

*Unit 20: Bonebank Road*

Unit 20 consists of 1.7 ha (4.3 ac) of lands in Posey County, Indiana, which are owned by the Indiana Department of Natural Resources. This unit is located approximately 13 km (8.1 mi) southwest of the city limits of Mt. Vernon, beginning at the intersection of Graddy Road and Bonebank Road and paralleling Bonebank Road on its west side for a distance 0.73 km (0.45 mi) north of the intersection. The surface geology at this site—Quaternary glacial outwash—and soils are markedly different from other sites on calcareous geology throughout the rest of the species' range. However, this site supports an occurrence that has numbered in the hundreds to more than a thousand individuals in the past, and the PCE of forest vegetation with canopy openings (PCE 3) is present at the road edge.

The feature essential to the conservation of the species in this unit may require special management considerations or protection to address threats of shading or competition due to encroachment of native and invasive, nonnative plants.

*Whorled Sunflower*

We are designating four units as critical habitat for whorled sunflower. The critical habitat areas we describe below constitute our current best assessment of areas that meet the definition of critical habitat for whorled sunflower. All these units are occupied at the time of listing. The four areas we propose as critical habitat are: (1) Mud Creek, (2) Coosa Valley Prairie, (2) Prairie Branch, and (4) Pinson. The approximate area of each proposed critical habitat unit is shown in Table 3. All of the critical habitat units for this species are located entirely on privately owned land.

TABLE 3—DESIGNATED CRITICAL HABITAT UNITS FOR WHORLED SUNFLOWER

| Critical habitat unit | County, state | Hectares | Acres |
|---|---|---|---|
| 1. Mud Creek | Cherokee, Alabama | 210.6 | 520.4 |
| 2. Coosa Valley Prairie | Floyd, Georgia | 366.9 | 906.5 |
| 3. Prairie Branch | McNairy, Tennessee | 6.0 | 14.9 |
| 4. Pinson | Madison, Tennessee | 40.7 | 100.5 |
| Total | | 624.2 | 1,542.3 |

We present brief descriptions of all units, and reasons why they meet the definition of critical habitat for whorled sunflower, below.

*Unit 1: Mud Creek*

Unit 1 consists of 210.6 ha (520.4 ac) of privately owned lands in Cherokee County, Alabama, located approximately 11.6 km (7.2 mi) southeast of the city limits of Cedar Bluff. The unit begins approximately 0.06 km (0.04 mi) north of the junction of CR–164 and CR–29 and extends in a northerly direction to encompass much of the drainage area of an unnamed tributary to Mud Creek and to the northeast to encompass much of the drainage area of a second unnamed tributary to Mud Creek. The easternmost boundary of this unit is adjacent to CR–101, from approximately 1.0 km (0.6 mi) to 1.4 km (0.9 mi) north of its junction with CR–164. Silt loam and silty clay loam soils are present throughout the unit, spanning broad uplands, and terraces and flood plains of headwater streams in the Coosa River watershed (PCE 1).

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats of soil disturbance due to silvicultural site preparation or timber harvest; indiscriminate herbicide use or mowing for silvicultural purposes or road right-of-way maintenance; conversion of remnant prairie habitat to agricultural or industrial forestry uses; and excessive shading or competition from native woody species or invasive, nonnative plants.

*Unit 2: Coosa Valley Prairie*

Unit 2 consists of 366.9 ha (906.5 ac) of privately owned lands in Floyd County, Georgia, located approximately 4.5 km (2.8 mi) northwest of the city limits of Cave Spring. This unit corresponds to the boundary of The Nature Conservancy's conservation easement on lands formerly owned by The Campbell Group and now owned by Plum Creek, a site commonly referred to as the Coosa Valley Prairie. The northern boundary of this unit follows Jefferson Road for approximately 1.4 km (0.9 mi) in a southeasterly direction, beginning approximately 1.7 km (1.0 mi) east of the Alabama-Georgia State line. From the eastern extent on Jefferson Road, the unit boundary follows an unnamed dirt road south for a distance of approximately 1.5 km (0.9 mi), where the boundary turns to the west and south before turning back to the north and again to the west, reaching the Alabama–Georgia State line. Here, the unit follows the State line in a northwest direction for approximately 0.8 km (0.5 mi) before turning east and following an unnamed dirt road in a northeasterly direction for approximately 2.7 km (1.7 mi) and reuniting with the northern boundary on Jefferson Road. Silt loam and silty clay loam soils are present throughout the unit, spanning broad uplands, depressions, and terraces and flood plains of headwater streams in the Coosa River watershed (PCE 1). Prairie openings and woodlands with low levels of canopy cover (PCE 2) are present throughout much of the unit. While Ellis and McCauley (2009, pp. 1837–1838) found very few viable achenes and low germination rates at this site, whorled sunflower has responded favorably to habitat management efforts by increasing in numbers, and there likely are now a sufficient number of compatible mates for production of viable achenes (PCE 3) at this site.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats of soil disturbance due to silvicultural site preparation or timber harvest; indiscriminate herbicide use or mowing for silvicultural purposes or road right-of-way maintenance; conversion of remnant prairie habitat to agricultural or industrial forestry uses, and excessive shading or competition from native woody species or invasive, nonnative plants.

*Unit 3: Prairie Branch*

Unit 3 consists of 6.0 ha (14.9 ac) of privately owned land in McNairy County, Tennessee, and is located approximately 0.6 km (0.5 mi) south of the easternmost city limit of Ramer. This unit is located along Prairie Branch, a tributary to Muddy Creek, beginning approximately 0.42 km (0.26 mi) upstream of the point where it passes under Mt. Vernon Road and extending downstream for approximately 2.0 km (1.2 mi). Within this reach, the critical habitat unit forms a buffer extending 15 m (50 ft) upslope from the tops of the banks on both sides of Prairie Branch. Sandy loam soils (PCE 1) are present throughout the unit, as are small patches of vegetation containing whorled sunflower and other wet prairie species (PCE 2).

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats of soil disturbance due to agricultural practices; indiscriminate herbicide use or mowing for road or railroad right-of-way maintenance; conversion of remnant prairie habitat to agricultural uses; and competition from invasive, nonnative plants.

*Unit 4: Pinson*

Unit 4 consists of 40.7 ha (100.5 ac) of privately owned land in Madison County, Tennessee, and is located approximately 4.1 km (2.5 mi) northwest of the city limits of Henderson, Tennessee. Beginning approximately 0.7 km southeast of the junction of U.S.–45 and Bear Creek Road, this unit extends approximately 0.08 km (0.05 mi) northeast of U.S.–45, crossing a railroad track, and then turns in a southeasterly direction, paralleling the track for a distance of approximately 0.5 km (0.3 mi). From this corner, the unit boundary turns southwest for a distance of approximately 0.79 km (0.49 mi), and then turns to the northwest for a distance of approximately 0.65 km (0.4 mi). From this corner, the unit boundary turns to the northeast for a distance of approximately 0.63 km (0.39 mi). Silt loam soils (PCE 1) are present throughout the unit, small patches of vegetation containing whorled sunflower and wet prairie species (PCE 2) are present, and a sufficient number of compatible mates are present for the

production of a limited number of viable achenes (PCE 3) (Ellis and McCauley 2009, p. 1838).

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats of soil disturbance due to agricultural practices; indiscriminate herbicide use or mowing road or railroad right-of-way maintenance; conversion of remnant prairie habitat to agricultural uses; and excessive shading or competition from native woody species or invasive, nonnative plants. Much of the land within this unit has been converted to agricultural uses, but is included because of the potential for decreasing fragmentation among the subpopulations that are present in this unit by restoring suitable vegetation within previously converted lands.

*Fleshy-Fruit Gladecress*

We are designating seven units as critical habitat for fleshy-fruit gladecress. The critical habitat areas we describe below constitute our current best assessment of areas that meet the definition of critical habitat for fleshy-fruit gladecress. All these units are occupied at the time of listing. The seven areas we are designating as critical habitat are: (1) Bluebird Glades; (2) Stover Branch Glades; (3) Indian Tomb Hollow Glade; (4) Cedar Plains South; (5) Cedar Plains North; (6) Massey Glade, and (7) Hillsboro Glade. The approximate area of each proposed critical habitat unit is shown in Table 4.

TABLE 4—DESIGNATED CRITICAL HABITAT UNITS FOR FLESHY-FRUIT GLADECRESS

| Critical habitat unit | County | Ownership | Hectares | Acres |
|---|---|---|---|---|
| 1. Bluebird Glades | Lawrence | Private | 0.2 | 0.5 |
| 2. Stover Branch Glades | Lawrence | Private | 3.2 | 7.8 |
| 3. Indian Tomb Hollow Glade | Lawrence | Federal | 0.5 | 1.1 |
| 4. Cedar Plains South | Morgan | Private | 0.04 | 0.1 |
| 5. Cedar Plains North | Morgan | Private | 1.7 | 4.2 |
| 6. Massey Glade | Morgan | Private | 2.75 | 6.8 |
| 7. Hillsboro Glade | Lawrence | Private | 0.04 | 0.1 |
| Total | | | 8.43 | 20.6 |

We present brief descriptions of all units, and reasons why they meet the definition of critical habitat for fleshy-fruit gladecress, below.

*Unit 1: Bluebird Glades*

Unit 1 consists of 0.2 ha (0.5 ac) of privately owned land located in southeast Lawrence County, Alabama. The unit contains two subpopulations and is located along Alabama State Route 157 approximately 3.5 km (2.2 mi) southeast of the intersections of State Routes 36 and 157, approximately 3.7 km (2.3 mi) southwest of Danville, Alabama. These plants are located within a highly disturbed, limestone glade within a former mobile home site. Well-lighted, open areas (PCE 2), with shallow soils and exposed limestone bedrock or gravel that are dominated by characteristic glade vegetation (PCE 1), are present within the unit.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats of the invasion of exotic species into open glades and possible changes in land use, including road widening or development. Due to human-caused disturbances, exotic species, most notably Chinese privet and Japanese honeysuckle, threaten this site (Schotz 2009, pp. 13–14).

*Unit 2: Stover Branch Glades*

Unit 2 consists of 3.2 ha (7.8 ac) of privately owned land located in southeast Lawrence County, Alabama. The unit contains two subpopulations; one subpopulation is located on the southwest side of County Road 203 approximately 1.4 km (0.9 mi) south-southeast of Alabama State Route 157, and one subpopulation is located along the southwest side of State Route 157, approximately 1.6 to 2.1 km (1 to 1.3 mi) southeast of State Route 36, in Speake, Alabama. These subpopulations are located within a pasture and are actively maintained by livestock grazing. Well-lighted, open areas (PCE 2), with shallow soils and exposed limestone bedrock or gravel that are dominated by characteristic glade vegetation (PCE 1), are present within the unit.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats of invasive species into open glades and incompatible livestock grazing. Invasive species encroachment and continuous livestock grazing during the plant's reproductive cycle constitute ongoing threats to this site (Schotz 2009, pp. 15–16).

*Unit 3: Indian Tomb Hollow Glade*

Unit 3 consists of 0.5 ha (1.1 ac) of federally owned land located within the Bankhead National Forest in Lawrence County, Alabama. The unit is located on the west and northwest side of County Road 86 at a point roughly 4.5 km (2.8 mi) south of State Route 36 near Speake, Alabama. Habitat in this unit consists of a relatively small glade characterized by a flat limestone outcrop that is heavily buffered by nearly impenetrable tangles of eastern red cedar and upland swamp privet. Well-lighted, open areas (PCE 2), with shallow soils and exposed limestone bedrock or gravel that are dominated by characteristic glade vegetation (PCE 1), are present within the unit. The U.S. Forest Service provides management to control encroachment of invasive species (PCE 3).

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats of the invasion of exotic species into open glade and damage from vehicles. Moderate encroachment of exotic species, most notably Chinese privet and Japanese honeysuckle, threatens this site along the glade periphery (Schotz 2009, pp. 18–19). This site also shows minimal incidence of trash disposal and damage from recreational vehicles.

*Unit 4: Cedar Plains South*

Unit 4 consists of 0.04 ha (0.1 ac) of privately owned land located in Morgan County, Alabama. This unit is located on Cedar Plains Road, 1.2 km (0.75 mi) south of County Road 55 and approximately 8 km (5 mi) west of the junction of U.S. Highway 31 and County Road 55 in Falkville. This population represents an excellent landscape context but contains the smallest number of plants of any of the known occurrences. Habitat in this unit

consists of a well-lighted limestone glade opening (PCE 2) located within a limestone forest primarily comprised of eastern red cedar and various other hardwoods. Herbaceous vegetation characteristic of glade communities is present within the well-lighted glade (PCE 1), and competition and shading from native and invasive, nonnative plants are currently not a threat to the habitat in this unit (PCE 3). The features essential to the conservation of the species in this unit may require special management considerations or protections to prevent future adverse effects due to competition and shading caused by encroachment of native and invasive, nonnative plants.

*Unit 5: Cedar Plains North*

Unit 5 consists of 1.7 ha (4.2 ac) of privately owned land located in Morgan County, Alabama. This unit is located on Cedar Plains Road, from 0.6 to 1 km (0.4 to 0.6 mi) north of County Road 55, approximately 8 km (5 mi) west of the junction of U.S. Highway 31 and County Road 55 in Falkville. These populations are located within a pasture and are actively maintained by livestock grazing. Well-lighted, open areas (PCE 2), with shallow soils and exposed limestone bedrock or gravel that are dominated by characteristic glade vegetation (PCE 1), are present within the unit. This glade complex, although subjected to ongoing agricultural interests, represents the greatest concentration of plants currently known for the species.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats of invasive species into open glades and incompatible livestock grazing. Invasive species encroachment and continuous livestock grazing during the plant's reproductive cycle constitute ongoing threats to this site (Schotz 2009, pp. 23–24).

*Unit 6: Massey Glade*

Unit 6 consists of 2.75 ha (6.8 ac) of privately owned land located in Morgan County, Alabama. This unit is located on County Road 55, 0.3 to 0.6 km (0.2 to 0.4 mi) west of Cedar Plains Road, approximately 8.3 km (5.2 mi) west of the junction of U.S. Highway 31 and County Road 55 in Falkville. This population is located within a highly disturbed complex of limestone pavement barrens scattered in an actively utilized pasture and within the yards and fields of nearby homes. Well-lighted, open areas (PCE 2), with shallow soils and exposed limestone bedrock or gravel that are dominated by characteristic glade vegetation (PCE 1), are present within the unit.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats of invasive species into open glades and incompatible livestock grazing. Invasive species encroachment and continuous livestock grazing during the plant's reproductive cycle constitute ongoing threats to this site (Schotz 2009, pp. 25–26).

*Unit 7. Hillsboro Glade*

Unit 7 consists of 0.04 ha (0.1 ac) of privately owned land in Lawrence County, Alabama. This unit is currently occupied and is located within a powerline right-of-way approximately 400 feet south of the intersection of County Roads 217 and 222, near Hillsboro. Habitat in this unit consists of a relatively small limestone glade outcrop within a powerline right-of-way that is bordered by a forested area. Well-illuminated, open areas (Primary Constituent Element (PCE 2), with shallow soils and exposed limestone bedrock that are dominated by characteristic glade vegetation (PCE 1), are present within the unit.

The features essential to the conservation of the species in this unit may require special management considerations or protection to address threats of the invasion of exotic species into open glades, indiscriminate herbicide use or mowing for electrical transmission line right-of-way maintenance, and possible changes in land use, including agriculture or development.

**Effects of Critical Habitat Designation**

*Section 7 Consultation*

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they fund, authorize, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of proposed critical habitat.

Decisions by the 5th and 9th Circuit Courts of Appeals have invalidated our regulatory definition of ''destruction or adverse modification'' (50 CFR 402.02) (see *Gifford Pinchot Task Force* v. *U.S. Fish and Wildlife Service,* 378 F. 3d 1059 (9th Cir. 2004) and *Sierra Club* v. *U.S. Fish and Wildlife Service,* 245 F.3d 434 (5th Cir. 2001)), and we do not rely on this regulatory definition when analyzing whether an action is likely to destroy or adversely modify critical habitat. Under the provisions of the Act, we determine destruction or adverse modification on the basis of whether, with implementation of the proposed Federal action, the affected critical habitat would continue to serve its intended conservation role for the species.

If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Examples of actions that are subject to the section 7 consultation process are actions on State, tribal, local, or private lands that require a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or a permit from the Service under section 10 of the Act) or that involve some other Federal action (such as funding from the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency). Federal actions not affecting listed species or critical habitat, and actions on State, tribal, local, or private lands that are not federally funded or authorized, do not require section 7 consultation.

As a result of section 7 consultation, we document compliance with the requirements of section 7(a)(2) through our issuance of:

(1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or

(2) A biological opinion for Federal actions that may affect and are likely to adversely affect listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to jeopardize the continued existence of a listed species and/or destroy or adversely modify critical habitat, we provide reasonable and prudent alternatives to the project, if any are identifiable, that would avoid the likelihood of jeopardy and/or destruction or adverse modification of critical habitat. We define ''reasonable and prudent alternatives'' (at 50 CFR 402.02) as alternative actions identified during consultation that:

(1) Can be implemented in a manner consistent with the intended purpose of the action,

(2) Can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,

(3) Are economically and technologically feasible, and

(4) Would, in the Director's opinion, avoid the likelihood of jeopardizing the continued existence of the listed species and/or avoid the likelihood of destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinitiate consultation on previously reviewed actions in instances where we have listed a new species or subsequently designated critical habitat that may be affected and the Federal agency has retained discretionary involvement or control over the action (or the agency's discretionary involvement or control is authorized by law). Consequently, Federal agencies sometimes may need to request reinitiation of consultation with us on actions for which formal consultation has been completed, if those actions with discretionary involvement or control may affect subsequently listed species or designated critical habitat.

*Application of the ''Adverse Modification'' Standard*

The key factor related to the adverse modification determination is whether, with implementation of the proposed Federal action, the affected critical habitat would continue to serve its intended conservation role for the species. Activities that may destroy or adversely modify critical habitat are those that alter the physical or biological features to an extent that appreciably reduces the conservation value of critical habitat for Short's bladderpod, whorled sunflower, or fleshy-fruit gladecress. As discussed above, the role of critical habitat is to support life-history needs of the species and provide for the conservation of the species.

Section 4(b)(8) of the Act requires us to briefly evaluate and describe, in any proposed or final regulation that designates critical habitat, activities involving a Federal action that may destroy or adversely modify such habitat, or that may be affected by such designation.

Activities that may affect critical habitat, when carried out, funded, or authorized by a Federal agency, should result in consultation for the Short's bladderpod, whorled sunflower, or fleshy-fruit gladecress. These activities include, but are not limited to:

Short's bladderpod

(1) Actions that would remove, severely alter, or inundate portions of bedrock formations or outcrops of calcareous limestones and interbedded shales or siltstones (geologic substrates). Actions that could remove or severely alter geologic substrates include, but are not limited to, construction of bridges, buildings, quarries, roads, railroad tracks, or interstate pipelines and associated structures. These actions could directly remove or result in alteration of geologic substrates due to blasting with explosive charges and removal or disturbance by heavy machinery. Construction of new dams or raising elevations of existing dams downstream of a critical habitat unit could inundate geologic substrates.

(2) Actions that would remove, severely alter, or increase erosion of soils. Such activities could include construction of bridges, buildings, quarries, roads, railroad tracks, or interstate pipelines and associated structures; maintenance of transportation rights-of-way; removal of woody vegetation; and reservoir management. Construction activities could directly remove soils during the course of grading and site preparation. Establishing a quarry would involve removal of the overburden, including soils, prior to excavating the geologic substrate for a quarry. Transportation right-of-way maintenance that involved grading or use of heavy equipment to remove vegetation could cause removal, alteration, or erosion of soils. Removal of woody vegetation, if done excessively, could result in soil erosion on the steeply sloped sites in most critical habitat units. Reservoir management that caused frequent changes in reservoir stage could lead to soil erosion, especially at lower elevations of hillside and bluff habitats. Removal or erosion of soils could lead to the loss or reduction of seed banks formed by Short's bladderpod. Soil alteration due to grading or other disturbance could cause soils to be overturned, resulting in burial of seed banks formed by Short's bladderpod.

(3) Actions that would result in removal of forest communities, promote development of woody vegetation with high stocking densities that cause excessive shading and a lack of forest gaps, or introduce invasive, nonnative plants into critical habitat. Such activities could include timber harvest that severely reduces or completely removes forest canopy; mechanical or chemical vegetation management for transportation right-of-way maintenance; and introduction of invasive, nonnative herbaceous and woody plants. Timber harvest that severely reduces or completely removes forest canopy cover would promote forest regeneration characterized by high stem densities and lack of a diverse age structure, which could cause excessive shading. Mechanical or chemical vegetation management for transportation right-of-way maintenance potentially could be beneficial for Short's bladderpod if well-planned and carefully executed. However, indiscriminate use of chemical or mechanical methods for vegetation control could cause complete removal of the forest canopy, which would promote regeneration characterized by high stem densities and lack of a diverse age structure, potentially leading to excessive shading. Introducing invasive, nonnative herbaceous and woody plants could lead to excessive shading and competition. Such species include, but are not limited to *Lonicera maackii* (bush honeysuckle), *L. japonica* (Japanese honeysuckle), *Ailanthus altissima* (tree-of-heaven), *Ligustrum vulgare* and *L. sinense* (privet), *Lespedeza cuneata* (sericea lespedeza), and *Lespedeza bicolor* (bicolor lespedeza). The effects of the activities described above would eventually prevent Short's bladderpod from receiving adequate light for growth and reproduction.

Whorled Sunflower

(1) Actions that would remove, severely alter, or increase erosion of soils. Such activities could include clearing, disking, plowing, and harvesting of row crop fields; site preparation, operation of heavy equipment, and construction and maintenance of log landings, loading decks, skid trails, and haul roads for silvicultural activities; and maintenance of transportation rights-of-way. These activities could result in the removal of soils, which would remove any whorled sunflower plants, rhizomes, or seeds present in the soil. These activities also could cause soil compaction, which could limit root and rhizome development or reduce water infiltration, or lead to increased soil erosion and loss of organic matter and nutrients.

(2) Actions that would promote encroachment of woody species into old fields, prairie remnants, or woodlands with herbaceous vegetation that is characteristic of moist prairie remnants. Such activities could include the

planting of forest stands with high stem densities; planting forested stream buffers; or neglecting to conduct periodic mechanical disturbance, herbicide application, or prescribed burning. Planting forest stands with high stem densities or planting forested stream buffers would eventually lead to development of a canopy that would prevent whorled sunflower from receiving adequate light for growth and reproduction. Neglecting to conduct periodic management in suitable habitat, such as mechanical disturbance, careful herbicide application, or prescribed burning, would lead to encroachment by shrubs or trees that would eventually prevent whorled sunflower from receiving adequate light for growth and reproduction.

(3) Actions that cause mortality of whorled sunflower plants or that disrupt growth and prevent individuals from producing flowers. Such activities could include indiscriminate herbicide application or mowing for transportation right-of-way maintenance, agriculture, or silviculture, or actions described above that cause removal of soils and plant parts they contain. Herbicide application or removal of soil and any plant parts contained therein could result in direct mortality of individual whorled sunflower plants. Poorly timed mowing could disrupt growth and prevent flower production. Either of these activities could permanently or temporarily reduce the number of compatible mates within a population, reducing the potential for viable achene production to occur.

Fleshy-Fruit Gladecress

(1) Actions that would remove, severely alter, or significantly reduce limestone outcrops. Such activities could include, but are not limited to, construction of interstate pipelines and associated structures that are regulated by the Federal Energy Regulatory Commission; U.S. Army Corps of Engineers-issued Clean Water Act section 404 and River and Harbors Act section 10 permits for wetland crossings for linear projects (pipelines, transmission lines, and roads); road development (expansions and improvements) funded by the Federal Highway Administration; and U.S. Department of Agriculture funding and technical assistance for conversion of glades and surroundings to pine plantations or for brush control programs involving herbicide applications. These actions could directly eliminate a site or alter the hydrology, open sunny aspect, and substrate conditions, reducing suitability of a location to a point that it no longer provides the environment necessary to sustain the species. In the case of some types of herbicide applications, the habitat may become unsuitable for germination and successful growth of seedlings. These activities would permanently alter the habitat that fleshy-fruit gladecress is dependent on to complete its life cycle.

(2) Actions that would significantly alter natural flora, including activities such as digging, disking, blading or construction work; introduction of nonnative species for erosion control along rights-of-way or in other areas; indiscriminate mechanical or chemical vegetation management for right-of-way maintenance; and a lack of management of nonnative or native woody species. Mechanical or chemical vegetation management for right-of-way maintenance potentially could be beneficial for fleshy-fruit gladecress if well-planned and carefully executed. However, indiscriminate use of chemical or mechanical methods for vegetation control could alter the composition and structure of characteristic glade vegetation communities by causing mortality, disrupting reproductive cycles, or preventing seedling establishment of fleshy-fruit gladecress and associated native species.

**Exemptions**

*Application of Section 4(a)(3) of the Act*

Section 4(a)(3)(B)(i) of the Act (16 U.S.C. 1533(a)(3)(B)(i)) provides that: ''The Secretary shall not designate as critical habitat any lands or other geographic areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan [INRMP] prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation.'' There are no Department of Defense lands with a completed INRMP within the critical habitat designation.

**Consideration of Impacts Under Section 4(b)(2)of the Act**

Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the best scientific data available, that the failure to designate such area as critical habitat will result in the extinction of the species. In making that determination, the statute on its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor.

Under section 4(b)(2) of the Act, we may exclude an area from designated critical habitat based on economic impacts, impacts on national security, or any other relevant impacts. In considering whether to exclude a particular area from the designation, we identify the benefits of including the area in the designation, identify the benefits of excluding the area from the designation, and evaluate whether the benefits of exclusion outweigh the benefits of inclusion.

**Consideration of Economic Impacts**

Under section 4(b)(2) of the Act, we consider the economic impacts of specifying any particular area as critical habitat. In order to consider economic impacts, we prepared an incremental effects memorandum (IEM), which together with our narrative and interpretation of effects constitute our draft economic analysis (DEA) of the proposed critical habitat designation and related factors (IEc 2014a). The DEA, dated February 14, 2014, was made available for public review from May 29, 2014, through June 30, 2014 (79 FR 30792). Following the close of the comment period, we reviewed and evaluated all information submitted during the comment period that may pertain to our consideration of the probable incremental economic impacts of these critical habitat designations and incorporated this information into a final economic analysis (FEA) (IEc 2014b). Additional information relevant to the probable incremental economic impacts of critical habitat designation for Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress is summarized below and available in the FEA available at *http://www.regulations.gov*.

The FEA addresses how probable economic impacts are likely to be distributed, including an assessment of any local or regional impacts of habitat conservation and the potential effects of conservation activities on government agencies, private businesses, and individuals. Decisionmakers can use this information to evaluate whether the effects of the designation might unduly

burden a particular group, area, or economic sector. The FEA assesses the economic impacts of Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress conservation efforts associated with the following categories of activity: Utilities projects, recreation, conservation projects, transportation activities, agricultural activities, and residential and commercial development.

In general, because all of the critical habitat units are occupied by one of the three species, the Service believes that, in most circumstances, there will be no conservation efforts needed to prevent adverse modification of critical habitat beyond those that would be required to prevent jeopardy to the species. Any incremental costs of the critical habitat designation will predominantly be administrative in nature and would not be significant. The designation of critical habitat is not likely to result in an increase of consultations, but rather only the additional administrative effort required for each consultation to address the effects of each proposed agency action on critical habitat.

Our FEA did not identify any disproportionate costs that are likely to result from the designation. Consequently, the Secretary is not exerting her discretion to exclude any areas from this designation of critical habitat for Short's bladderpod, whorled sunflower, or fleshy-fruit gladecress based on economic impacts.

A copy of the IEM and FEA with supporting documents may be obtained by contacting the Tennessee Ecological Services Field Office (see **ADDRESSES**) or by downloading from the Internet at *http://www.regulations.gov*.

*Exclusions Based on National Security Impacts or Homeland Security Impacts*

Under section 4(b)(2) of the Act, we consider whether there are lands owned or managed by the Department of Defense where a national security impact might exist. We have determined that no lands within the designated critical habitat for the whorled sunflower and fleshy-fruit gladecress are owned or managed by the Department of Defense. The Department of Defense owns or manages land, adjacent to Corps of Engineers reservoirs, where critical habitat is proposed for Short's bladderpod. However, we anticipate no impact on national security from designating this land as critical habitat. Consequently, the Secretary is not exerting her discretion to exclude any areas from this final designation based on impacts on national security.

*Exclusions Based on Other Relevant Impacts*

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and impacts on national security. We consider a number of factors, including whether the landowners have developed any HCPs or other management plans for the area, or whether there are conservation partnerships that would be encouraged by designation of, or exclusion from, critical habitat. In addition, we look at any tribal issues and consider the government-to-government relationship of the United States with tribal entities. We also consider any social impacts that might occur because of the designation.

In preparing this final rule, we have determined that there are currently no HCPs or other management plans for Short's bladderpod, whorled sunflower, nor fleshy-fruit gladecress, and the final designation does not include any tribal lands or trust resources. We anticipate no impact on tribal lands, partnerships, or HCPs from this critical habitat designation. Accordingly, the Secretary is not exercising her discretion to exclude any areas from this final designation based on other relevant impacts.

**Required Determinations**

*Regulatory Planning and Review (Executive Orders 12866 and 13563)*

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

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

*Regulatory Flexibility Act (5 U.S.C. 601 et seq.)*

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (5 U.S.C. 801 *et seq.*), whenever an agency must publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities. In this final rule, we are certifying that the critical habitat designations for Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress will not have a significant economic impact on a substantial number of small entities. The following discussion explains our rationale.

According to the Small Business Administration, small entities include small organizations, such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; as well as small businesses. Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts on these small entities are significant, we consider the types of activities that might trigger regulatory impacts under this rule, as well as the types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

The Service's current understanding of the requirements under the RFA, as amended, and following recent court

decisions, is that Federal agencies are required to evaluate the potential incremental impacts of rulemaking only on those entities directly regulated by the rulemaking itself, and, therefore, not required to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7 only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, it is our position that only Federal action agencies will be directly regulated by this designation. There is no requirement under RFA to evaluate the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities are directly regulated by this rulemaking, the Service certifies that this final critical habitat designation will not have a significant economic impact on a substantial number of small entities and a regulatory flexibility analysis is not required.

*Energy Supply, Distribution, or Use—Executive Order 13211*

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare Statements of Energy Effects when undertaking certain actions. OMB has provided guidance for implementing this Executive Order that outlines nine outcomes that may constitute ''a significant adverse effect'' when compared to not taking the regulatory action under consideration.

The economic analysis finds that none of these criteria are relevant to this analysis. Thus, based on information in the economic analysis, energy-related impacts associated with Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress conservation activities within critical habitat are not expected. As such, the designation of critical habitat is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

*Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)*

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following findings:

(1) This rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or tribal governments'' with two exceptions. It excludes ''a condition of Federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding,'' and the State, local, or tribal governments ''lack authority'' to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.''

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this rule will significantly or uniquely affect small governments because it will not produce a Federal mandate of $100 million or greater in any year, that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. Small governments will be affected only to the extent that any programs having Federal funds, permits, or other authorized activities must ensure that their actions will not adversely affect the critical habitat. The FEA concludes incremental impacts may occur due to administrative costs of section 7 consultations for activities related to commercial development, residential development, utilities projects, recreational development, conservation projects, transportation activities, agricultural activities, and associated actions; however, these are not expected to significantly affect small government entities. Consequently, a Small Government Agency Plan is not required.

*Takings—Executive Order 12630*

In accordance with Executive Order 12630 (''Government Actions and Interference with Constitutionally Protected Private Property Rights''), we have analyzed the potential takings implications of designating critical habitat for Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress in a takings implications assessment. As discussed above, the designation of critical habitat affects only Federal actions. Although private entities that receive Federal funding, assistance, or require approval or authorization from a Federal agency for an action may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. The DEA found that no significant economic impacts are likely to result from the designation of critical habitat for Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress. Because the Act's critical habitat protection requirements apply only to Federal agency actions, few conflicts between critical habitat and private property rights should result from this

designation. Based on the best available information, the takings implications assessment concludes that this designation of critical habitat for Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress does not pose significant takings implications.

*Federalism—Executive Order 13132*

In accordance with E.O. 13132 (Federalism), this rule does not have significant Federalism effects. A federalism summary impact statement is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of this critical habitat designation with, appropriate State resource agencies in Alabama, Georgia, Indiana, Kentucky, and Tennessee. We received comments from the Kentucky State Nature Preserves Commission and Tennessee Department of Environment and Conservation and have addressed them in the Summary of Comments and Recommendations section of the rule. From a federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies. The Act imposes no other duties with respect to critical habitat, either for States and local governments, or for anyone else. As a result, the rule does not have substantial direct effects either on the States, or on the relationship between the national government and the States, or on the distribution of powers and responsibilities among the various levels of government. The designation may have some benefit to these governments because the areas that contain the features essential to the conservation of the species are more clearly defined, and the physical and biological features of the habitat necessary to the conservation of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist these local governments in long-range planning (because these local governments no longer have to wait for case-by-case section 7 consultations to occur).

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) would be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

*Civil Justice Reform—Executive Order 12988*

In accordance with Executive Order 12988 (Civil Justice Reform), the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and that it meets the applicable standards set forth in sections 3(a) and 3(b)(2) of the Order. We are designating critical habitat in accordance with the provisions of the Act. To assist the public in understanding the habitat needs of the species, the rule identifies the elements of physical or biological features essential to the conservation of Short's bladderpod, whorled sunflower, and fleshy-fruit gladecress. The designated areas of critical habitat are presented on maps, and the rule provides several options for the interested public to obtain more detailed location information, if desired.

*Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)*

This rule does not contain any new collections of information that require approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. 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.

*National Environmental Policy Act (42 U.S.C. 4321 et seq.)*

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses pursuant to the National Environmental Policy Act in connection with designating critical habitat under the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth Circuit (*Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1996)).

*Government-to-Government Relationship With Tribes*

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes. As discussed above (see Exclusions), we are not designating critical habitat for the Short's bladderpod, whorled sunflower, or fleshy-fruit gladecress on tribal lands.

**References Cited**

A complete list of all references cited is available on the Internet at *http://www.regulations.gov* and upon request from the Tennessee Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

**Authors**

The primary authors of this rulemaking are the staff members of the Tennessee and Alabama Ecological Services Field Offices.

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

**Regulation Promulgation**

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

## PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245; unless otherwise noted.

■ 2. Amend § 17.96(a) as follows:
■ a. By adding an entry in alphabetical order under Family Asteraceae for ''Helianthus verticillatus (whorled sunflower)''; and
■ b. By adding entries in alphabetical order under Family Brassicaceae for ''Leavenworthia crassa (fleshy-fruit gladecress)'' and ''Physaria globosa (Short's bladderpod)''.

The additions read as follows:

**§ 17.96 Critical habitat—plants.**

(a) *Flowering plants.*

* * * * *

Family Asteraceae: *Helianthus verticillatus* (whorled sunflower)

(1) Critical habitat units are depicted for Cherokee County, Alabama; Floyd County, Georgia; and Madison and McNairy Counties, Tennessee, on the maps below.

(2) Within these areas, the primary constituent elements of the physical or biological features essential to the conservation of whorled sunflower consist of three components:

(i) Silt loam, silty clay loam, or fine sandy loam soils on land forms including broad uplands, depressions, stream terraces, and floodplains within the headwaters of the Coosa River in Alabama and Georgia and the East Fork Forked Deer and Tuscumbia rivers in Tennessee.

(ii) Sites in which forest canopy is absent, or where woody vegetation is present at sufficiently low densities to provide full or partial sunlight to whorled sunflower plants for most of the day, and which support vegetation characteristic of moist prairie communities. Invasive, nonnative plants must be absent or present in sufficiently low numbers to not inhibit growth or reproduction of whorled sunflower.

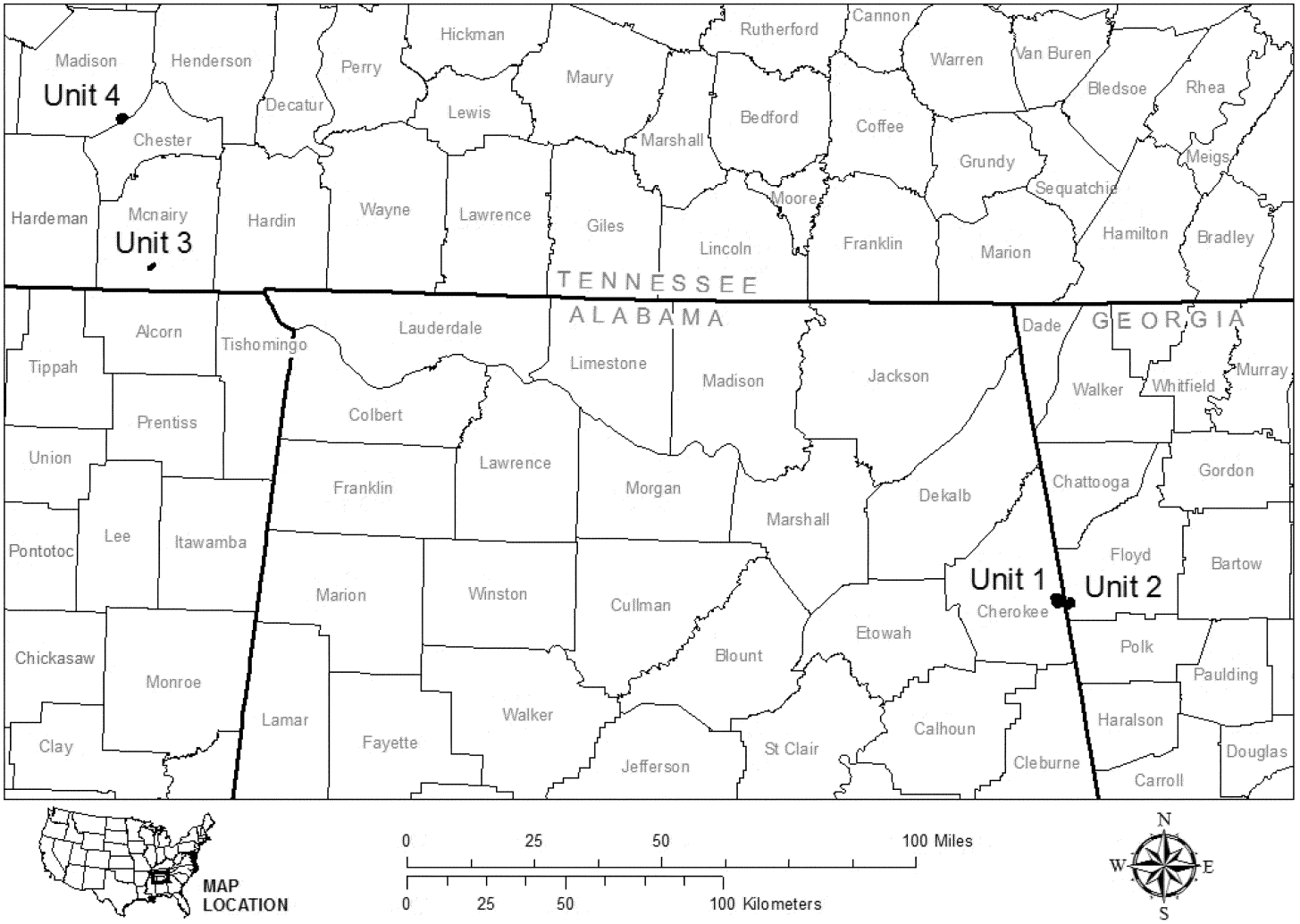
(iii) Occupied sites in which a sufficient number of compatible mates are present for outcrossing and production of viable achenes to occur.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on September 25, 2014.

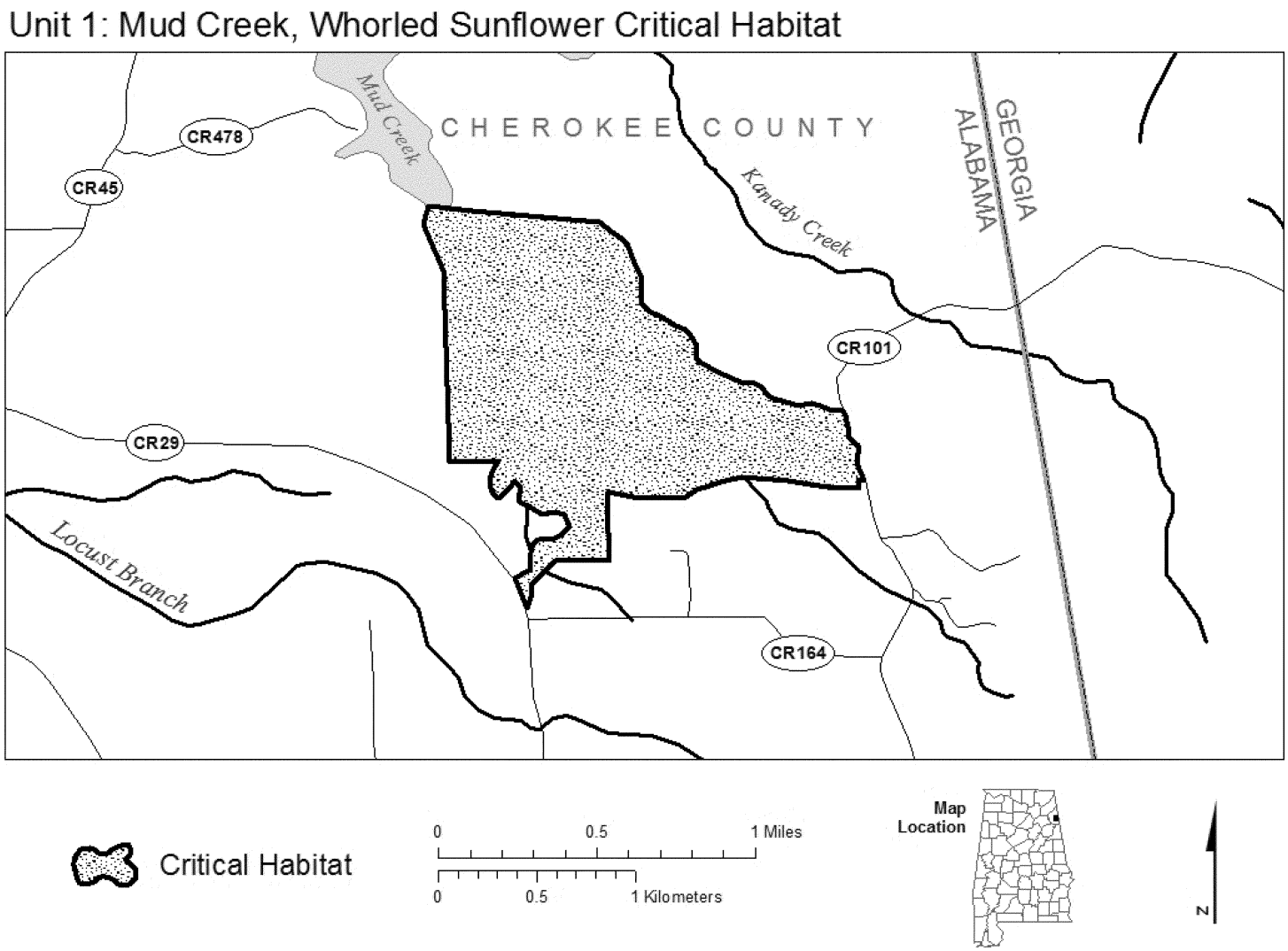
(4) *Critical habitat map units.* Data layers defining map units were created on a base of Bing Maps digital aerial photography supplied by the Harris Corporation, Earthstar Geographics LLC, and the Microsoft Corporation. Critical habitat units were then mapped using the USA Contiguous Albers Equal Area Projection with a NAD 83 datum. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at the Service's Internet site at *http://www.fws.gov/cookeville*, at *http://www.regulations.gov* at Docket No. FWS–R4–ES–2013–0086, and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Index map follows:

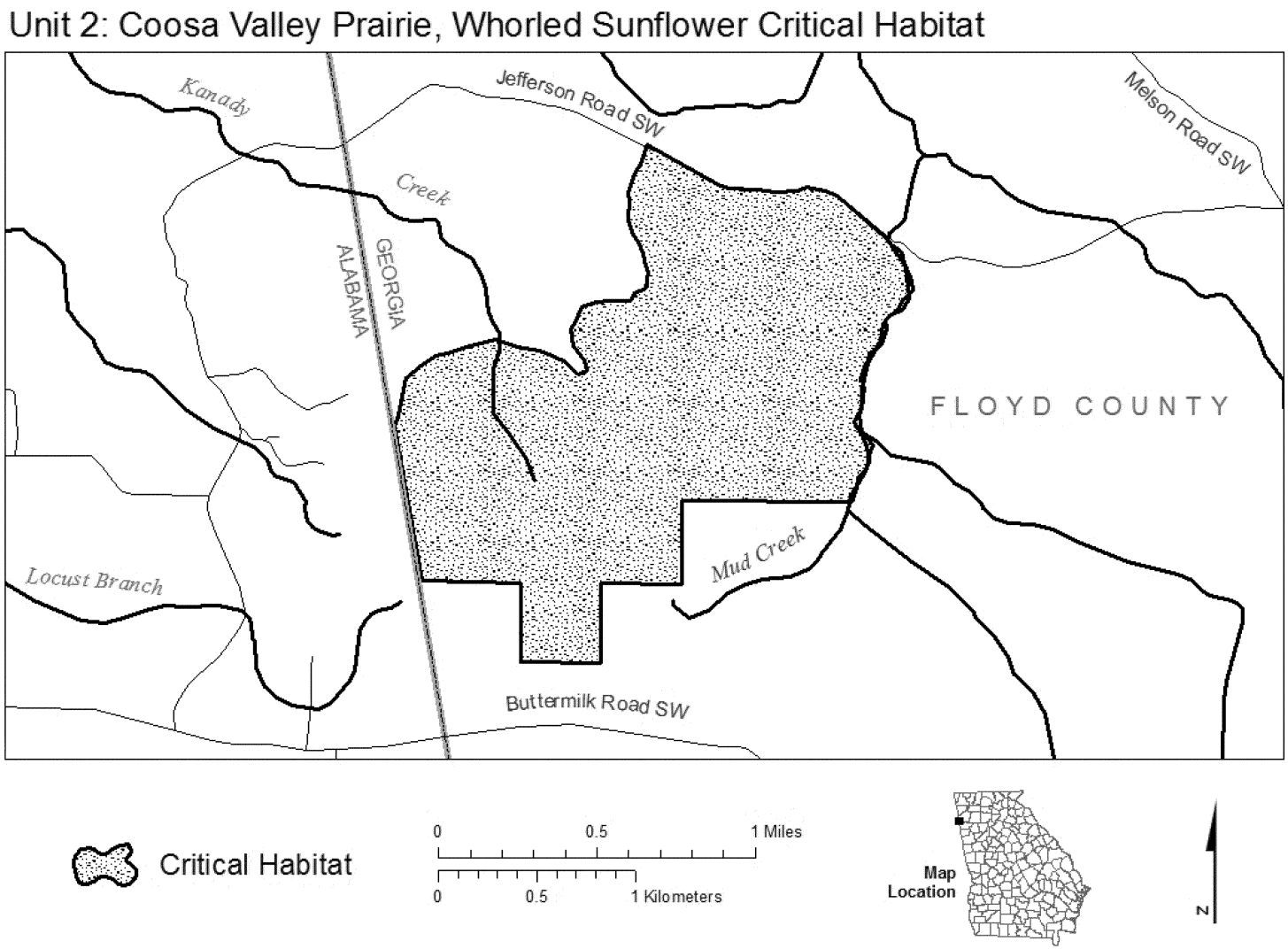
Index Map of Critical Habitat Locations for the Whorled Sunflower in Alabama, Georgia and Tennessee



(6) Unit 1: Mud Creek, Cherokee County, Alabama. Map of Unit 1 follows:

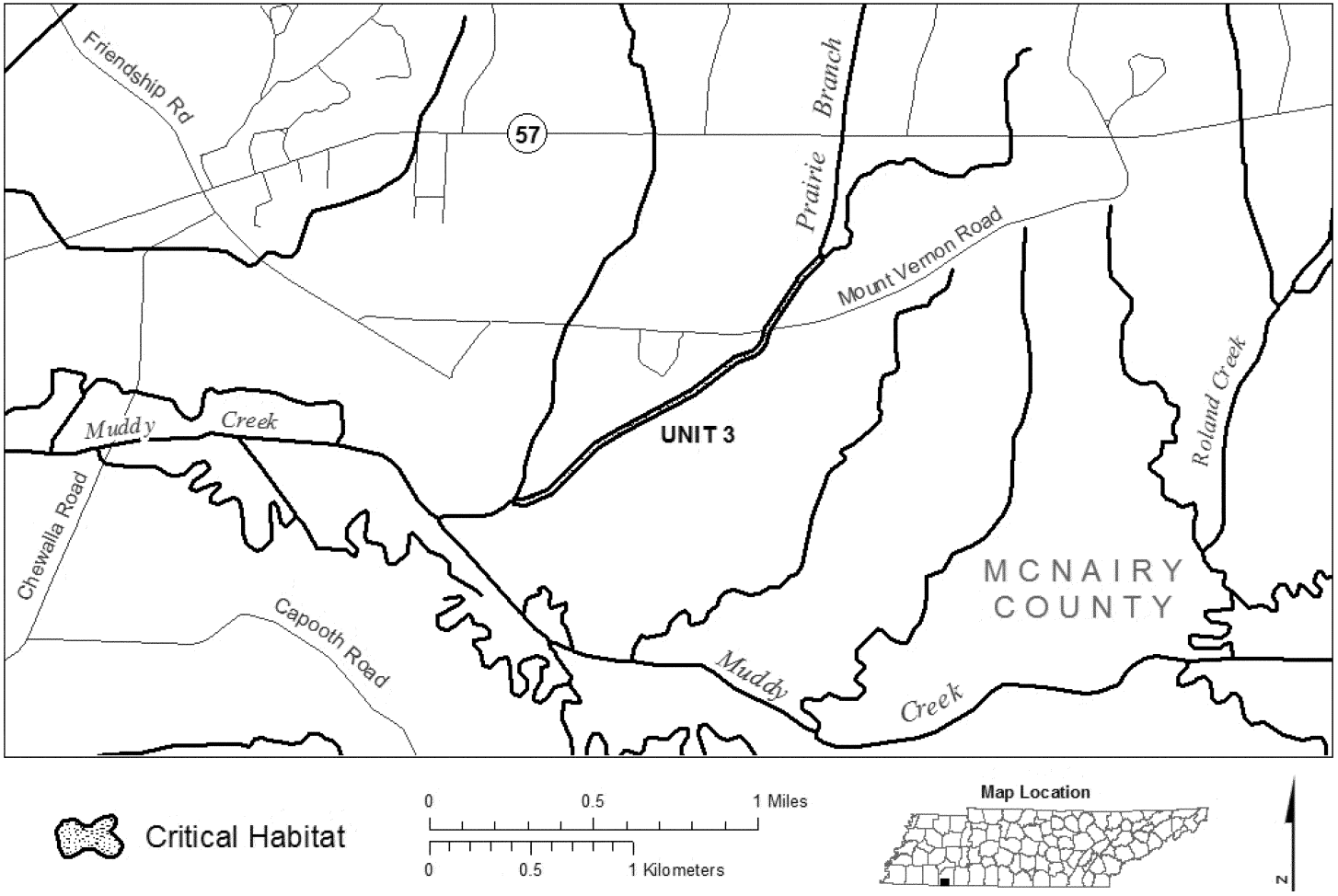


(7) Unit 2: Coosa Valley Prairie, Floyd County, Georgia. Map of Unit 2 follows:

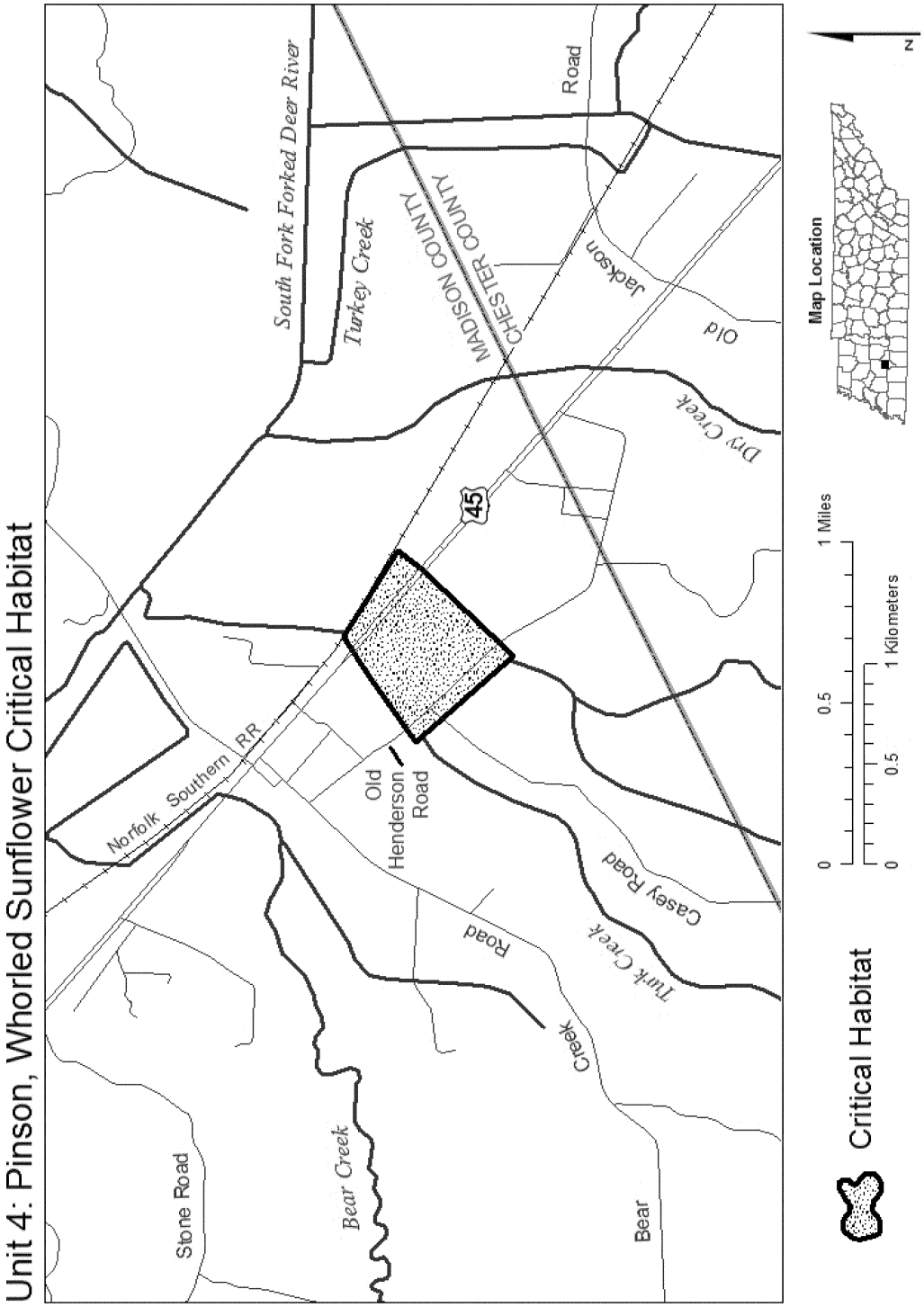


(8) Unit 3: Prairie Branch, McNairy County, Tennessee. Map of Unit 3 follows:

Unit 3: Prairie Branch, Whorled Sunflower Critical Habitat



(9) Unit 4: Pinson, Madison County, Tennessee. Map of Unit 4 follows:




* * * * *

Family Brassicaceae: *Leavenworthia crassa* (fleshy-fruit gladecress)

(1) Critical habitat units are depicted for Lawrence and Morgan Counties, Alabama, on the maps below.

(2) Within these areas, the primary constituent elements of the physical or biological features essential to the conservation of fleshy-fruit gladecress consist of three components:

(i) Shallow-soiled, open areas with exposed limestone bedrock or gravel that are dominated by herbaceous vegetation characteristic of glade communities.

(ii) Open or well-lighted areas of exposed limestone bedrock or gravel that ensure fleshy-fruit gladecress plants remain unshaded for a significant portion of the day.

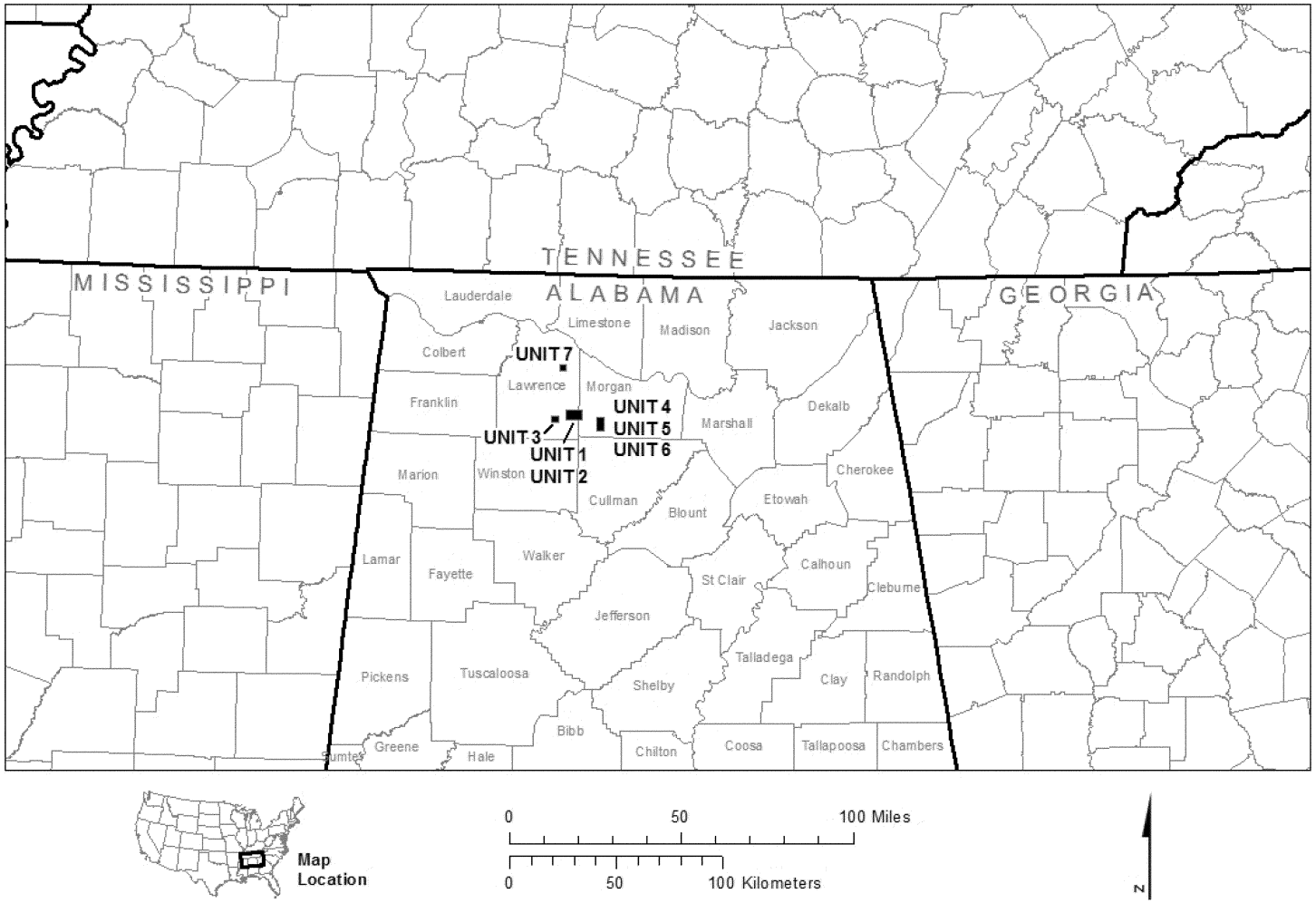
(iii) Glade habitat that is protected from both native and invasive, nonnative plants to minimize competition and shading of fleshy-fruit gladecress.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on September 25, 2014.

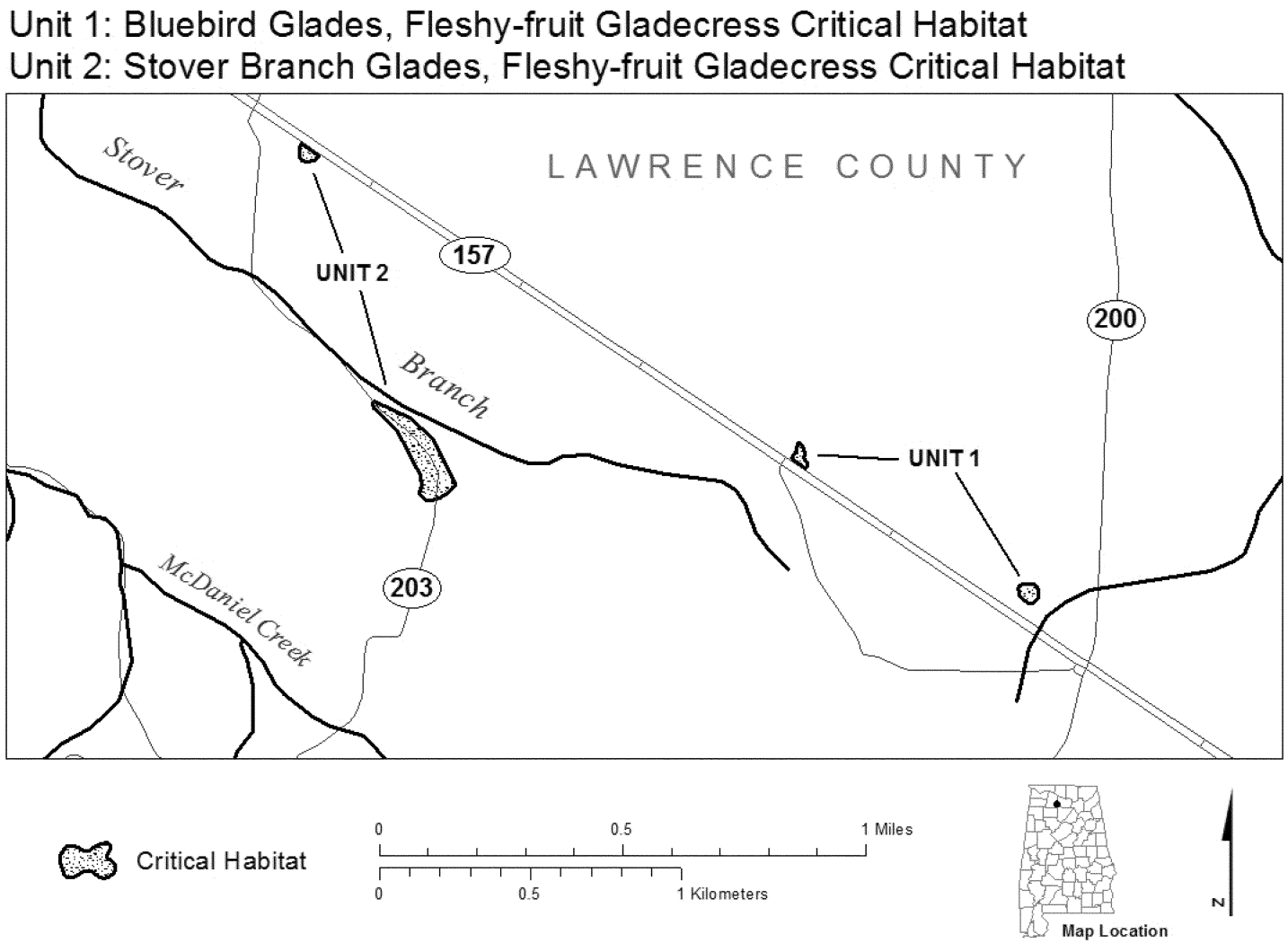
(4) *Critical habitat map units.* Data layers defining map units were created on a base of Bing Maps digital aerial photography supplied by the Harris Corporation, Earthstar Geographics LLC, and the Microsoft Corporation. Critical habitat units were then mapped using the USA Contiguous Albers Equal Area Projection with a NAD 83 datum. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at the Service's Internet site at *http://www.fws.gov/cookeville*, at *http://www.regulations.gov* at Docket No. FWS–R4–ES–2013–0086, and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Index map follows:

Index Map of Critical Habitat Locations for the Fleshy-fruit Gladecress in Alabama



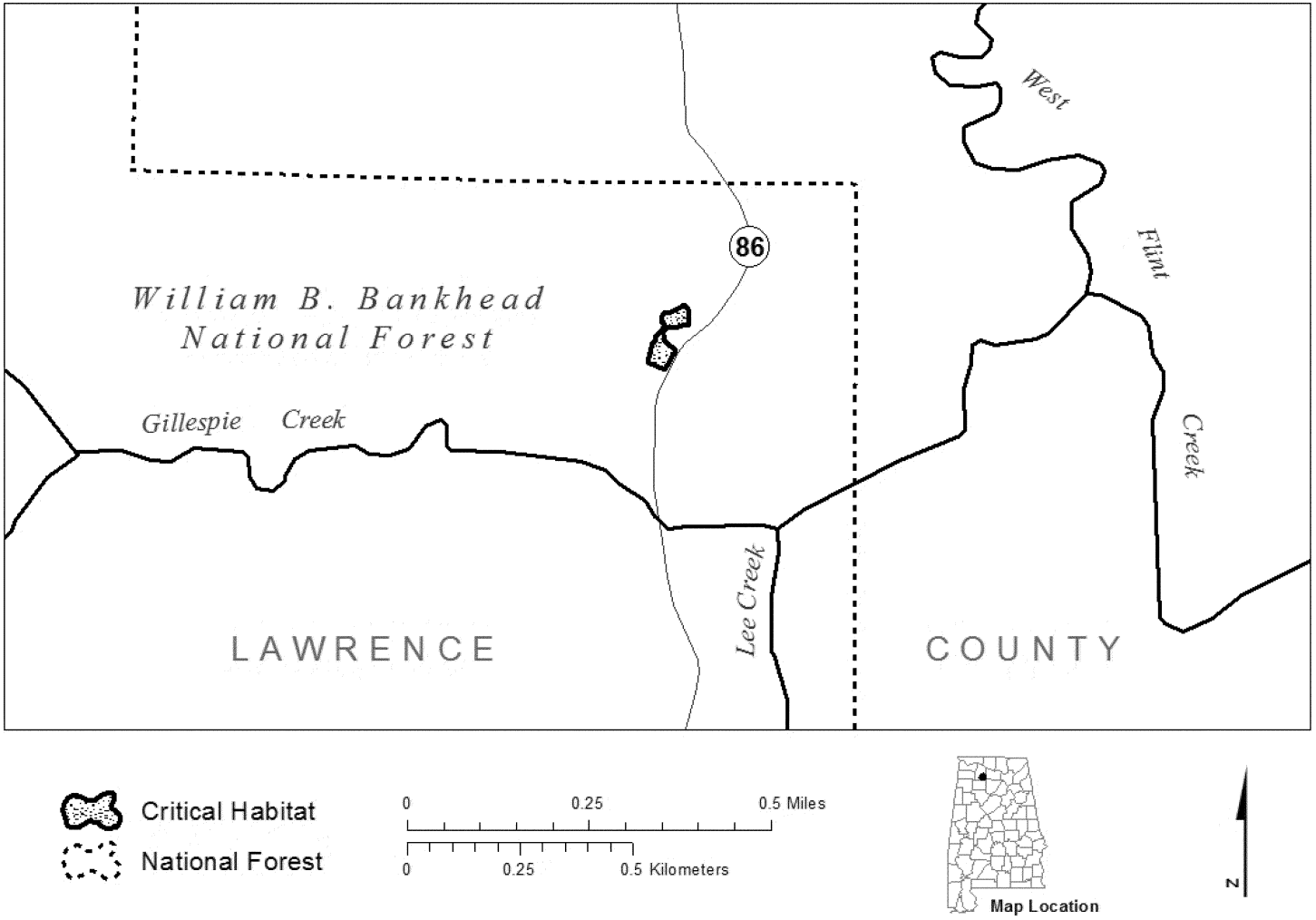
(6) Unit 1: Bluebird Glades, Lawrence County, Alabama. Map of Units 1 and 2 follows:



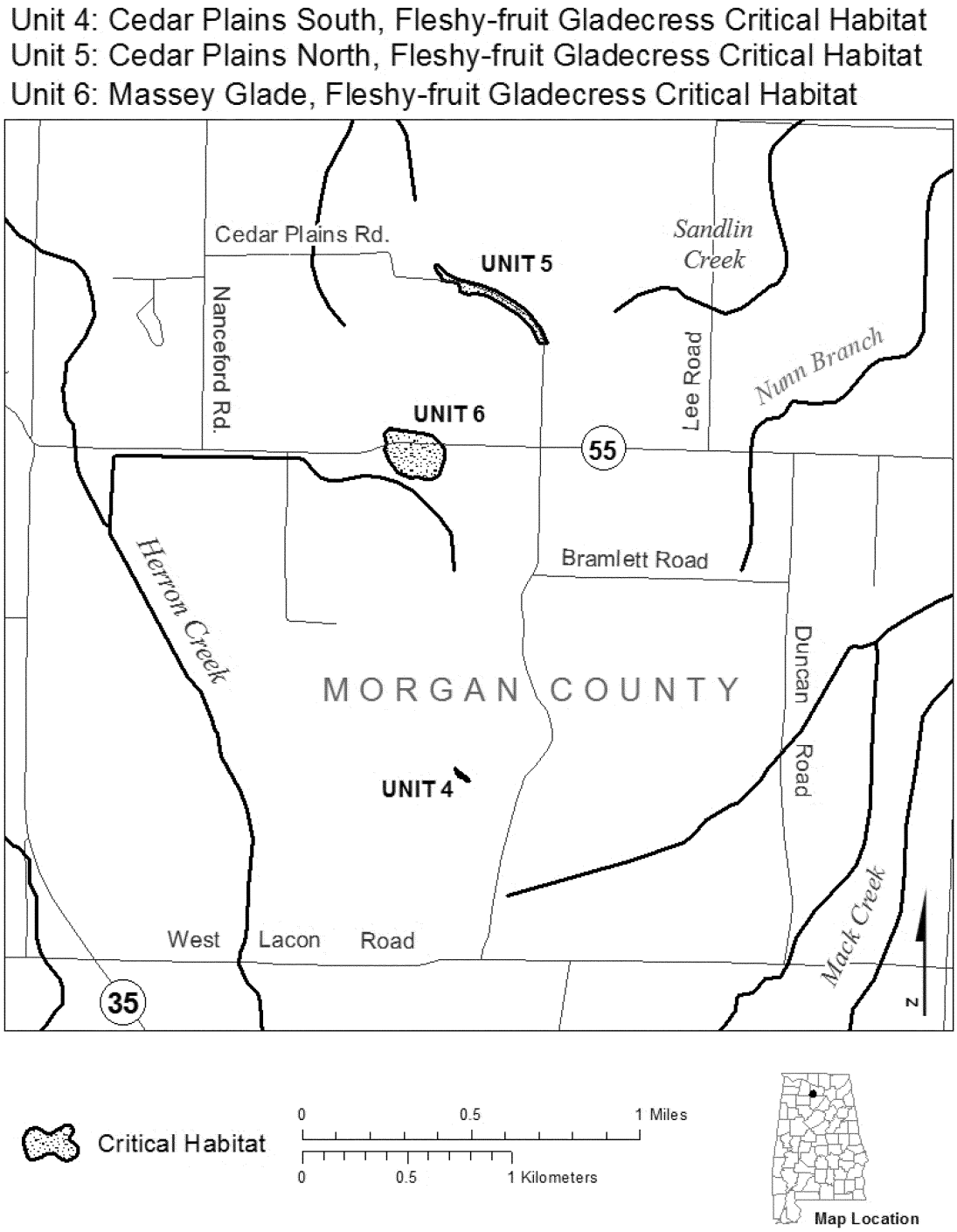

(7) Unit 2: Stover Branch Glades, Lawrence County, Alabama. Map of Unit 2 is provided at paragraph (6) of this entry.

(8) Unit 3: Indian Tomb Hollow Glade, Lawrence County, Alabama. Map of Unit 3 follows:

Unit 3: Indian Tomb Hollow Glade, Fleshy-fruit Gladecress Critical Habitat



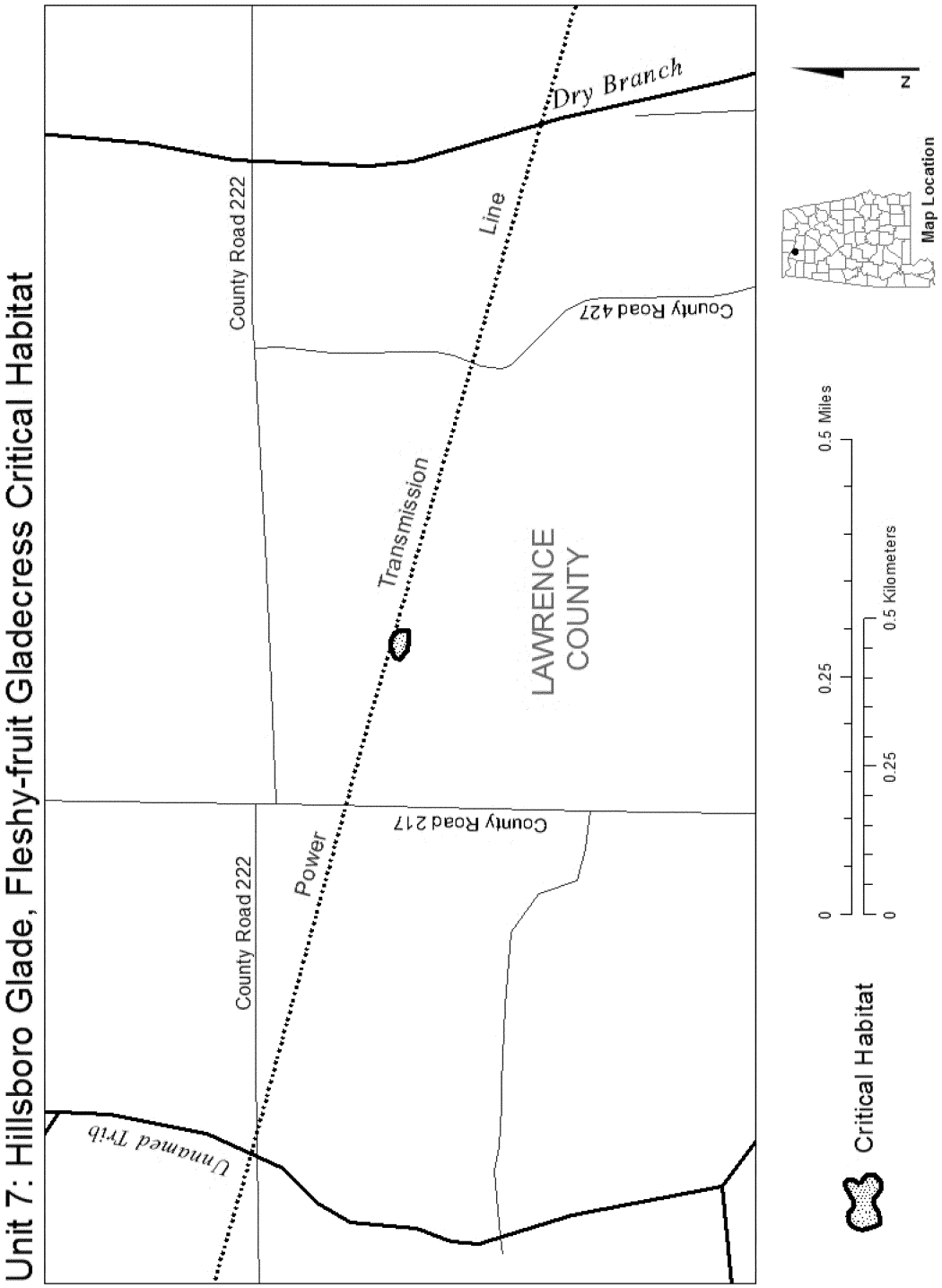
(9) Unit 4: Cedar Plains South, Morgan County, Alabama. Map of Units 4, 5, and 6 follows:




(10) Unit 5: Cedar Plains North, Morgan County, Alabama. Map of Unit 5 is provided at paragraph (9) of this entry.

(11) Unit 6: Massey Glade, Morgan County, Alabama. Map of Unit 6 is provided at paragraph (9) of this entry.

(12) Unit 7: Hillsboro Glade, Lawrence County, Alabama. Map of Unit 7 follows:




* * * * *

Family Brassicaceae: *Physaria globosa* (Short's bladderpod)

(1) Critical habitat units are depicted for Posey County, Indiana; Clark, Franklin, and Woodford Counties, Kentucky; and Cheatham, Davidson, Dickson, Jackson, Montgomery, Smith, and Trousdale Counties, Tennessee, on the maps below.

(2) Within these areas, the primary constituent elements of the physical or biological features essential to the conservation of Short's bladderpod consist of three components:

(i) Bedrock formations and outcrops of calcareous limestone, sometimes with interbedded shale or siltstone, in close proximity to the mainstem or tributaries of the Kentucky and Cumberland rivers. These outcrop sites or areas of suitable bedrock geology should be located on

steeply sloped hillsides or bluffs, typically on south- to west-facing aspects.

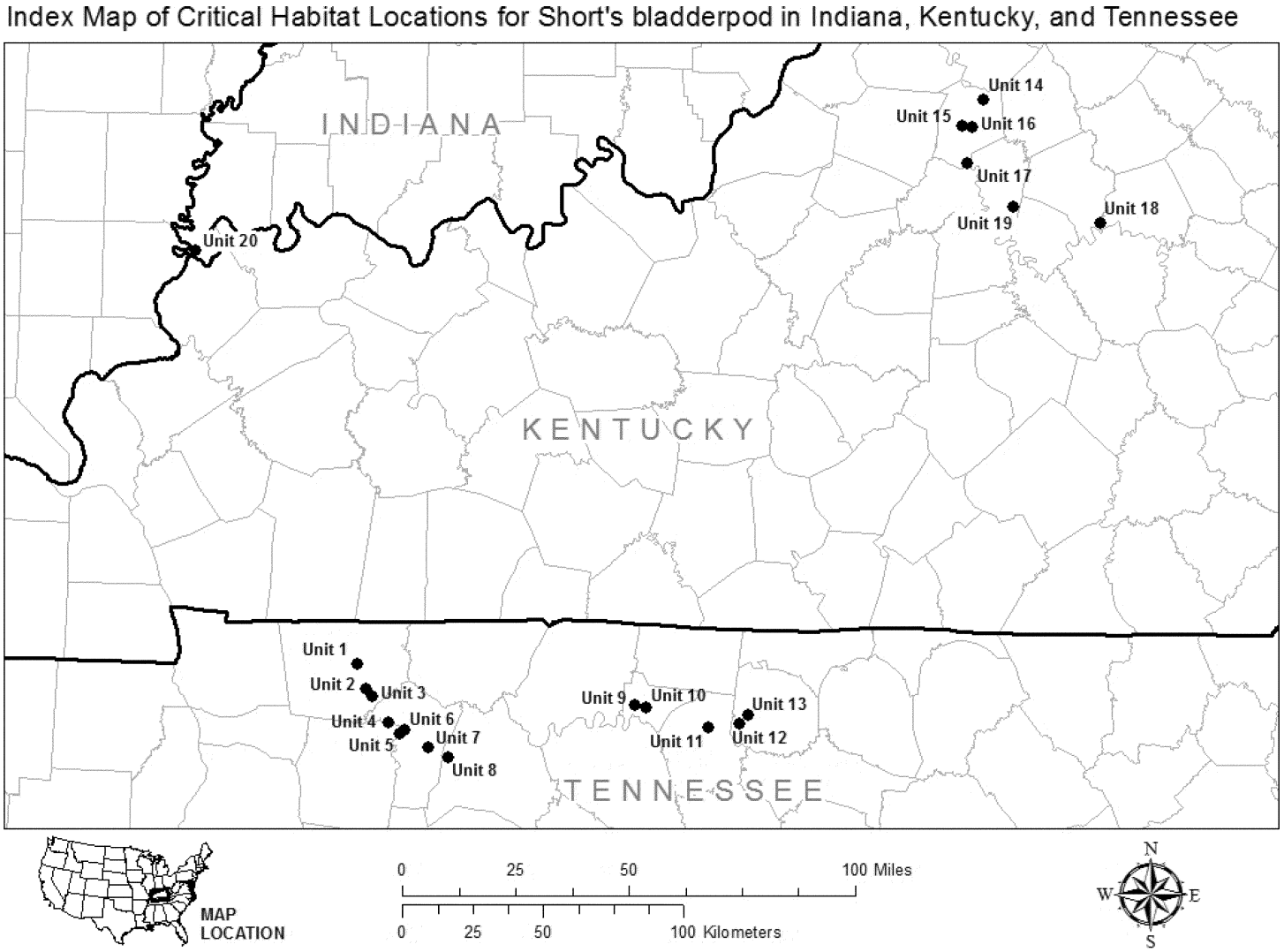
(ii) Shallow or rocky, well-drained soils formed from the weathering of underlying calcareous bedrock formations, which are undisturbed or subjected to minimal disturbance, so as to retain habitat for ground-nesting pollinators and potential for maintenance of a soil seed bank.

(iii) Forest communities with low levels of canopy closure or openings in the canopy to provide adequate sunlight for individual and population growth. Invasive, nonnative plants must be absent or present in sufficiently low numbers not to inhibit growth or reproduction of Short's bladderpod.

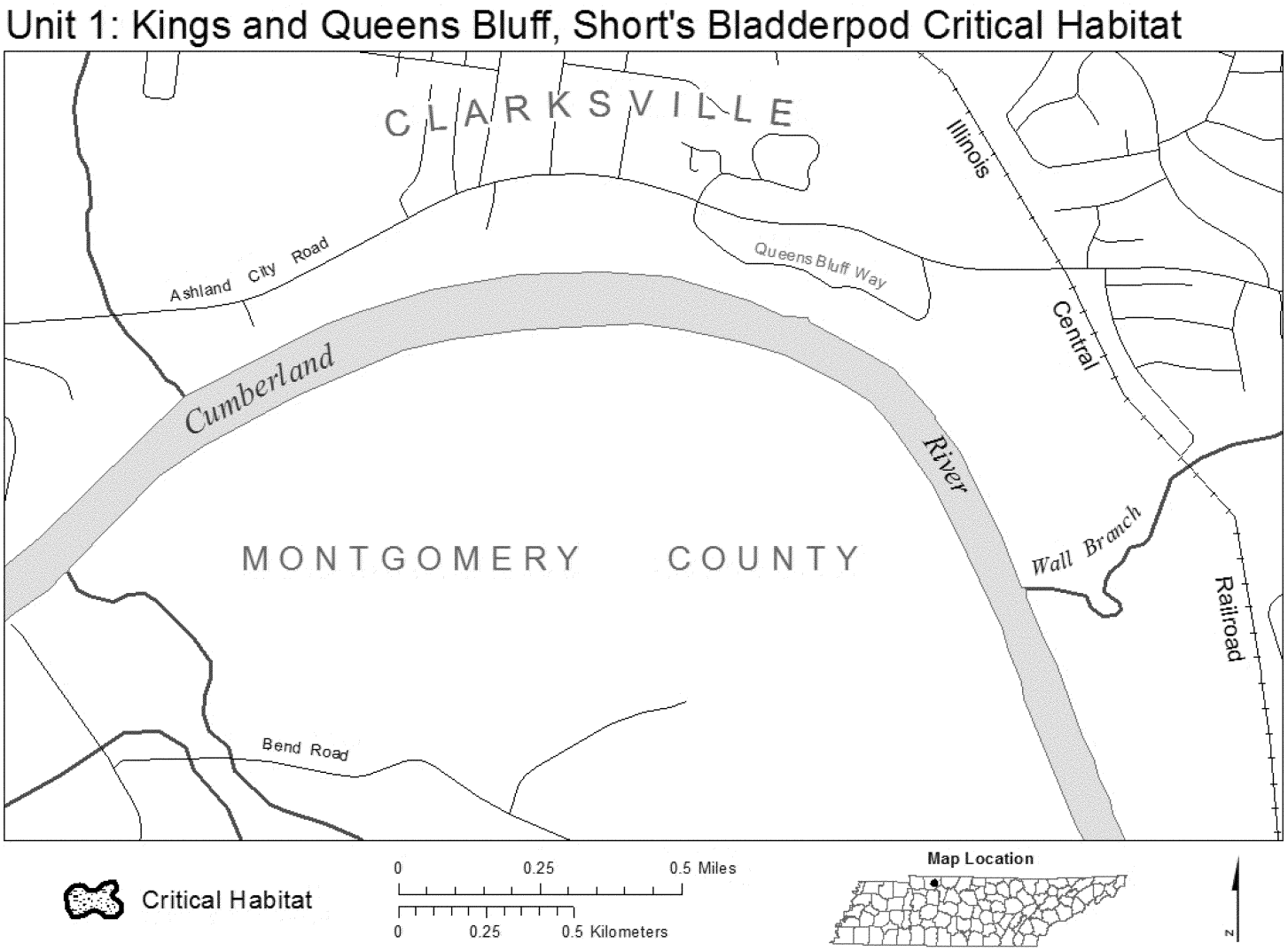
(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on September 25, 2014.

(4) *Critical habitat map units.* Data layers defining map units were created on a base of Bing Maps digital aerial photography supplied by the Harris Corporation, Earthstar Geographics LLC, and the Microsoft Corporation. Critical habitat units were then mapped using the USA Contiguous Albers Equal Area Projection with a NAD 83 datum. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at the Service's Internet site at *http://www.fws.gov/cookeville*, at *http://www.regulations.gov* at Docket No. FWS–R4–ES–2013–0086, and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

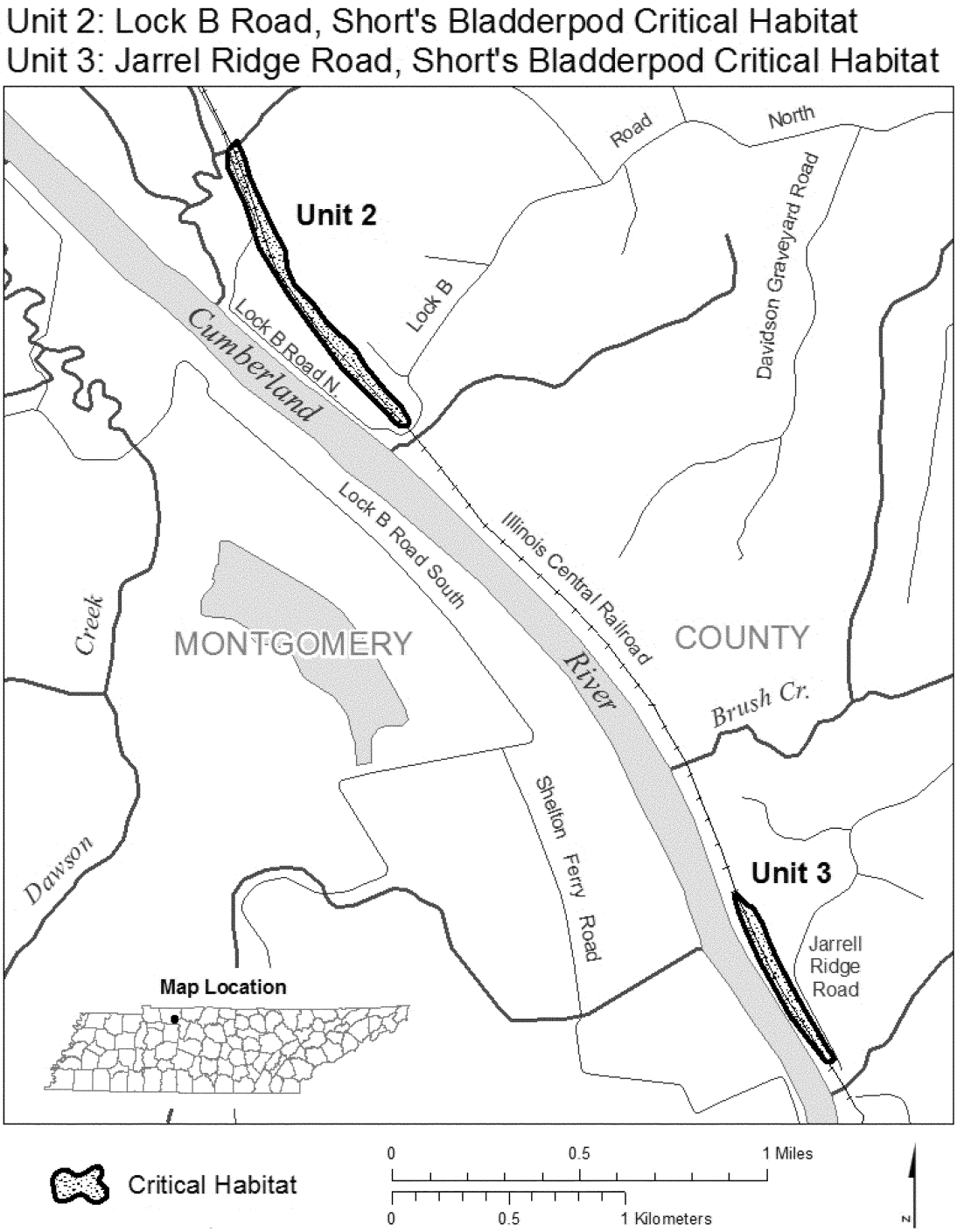
(5) Index map follows:



(6) Unit 1: Kings and Queens Bluff, Montgomery County, Tennessee. Map of Unit 1 follows:

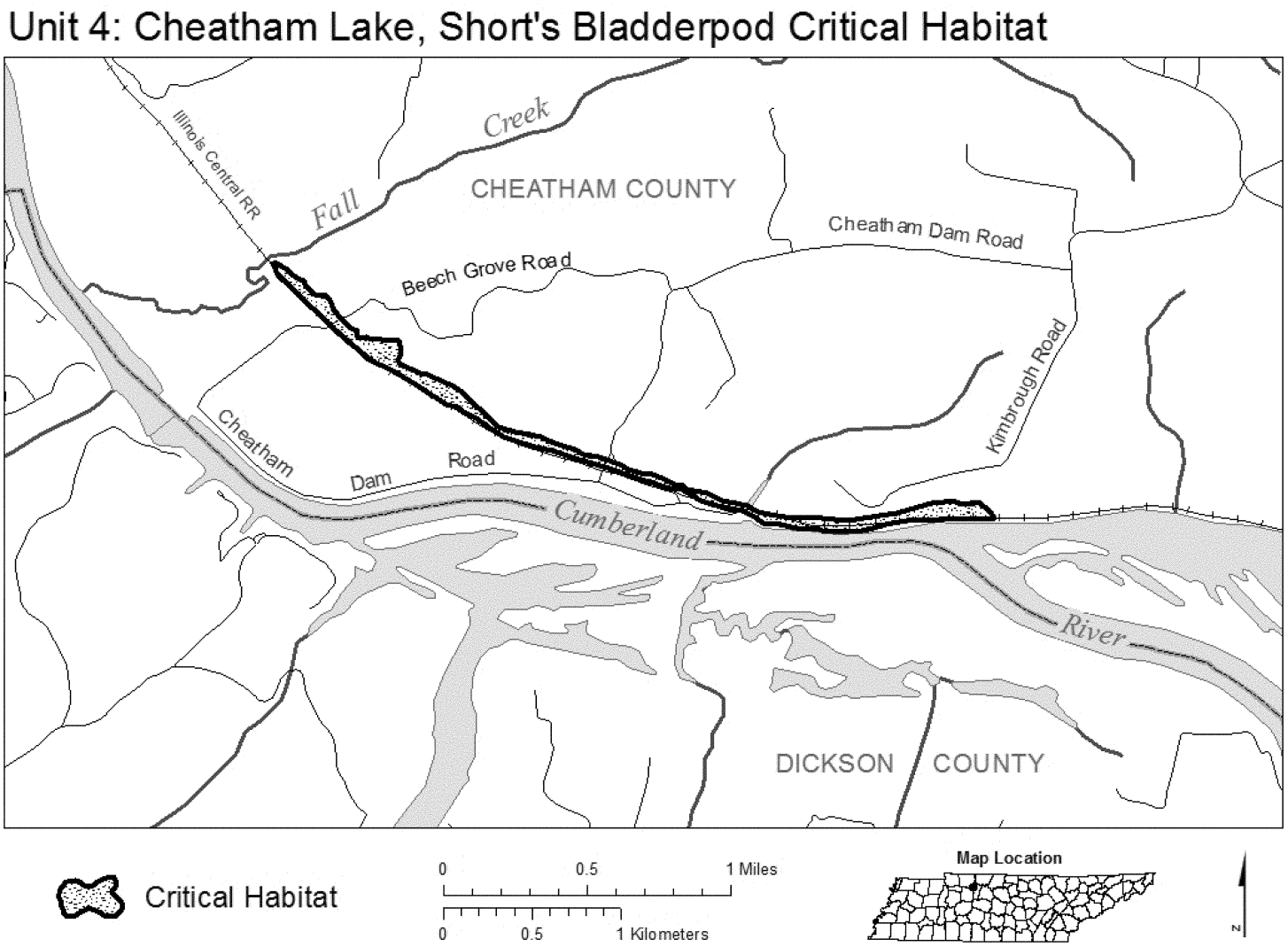


(7) Unit 2: Lock B Road, Montgomery County, Tennessee. Map of Units 2 and 3 follows:

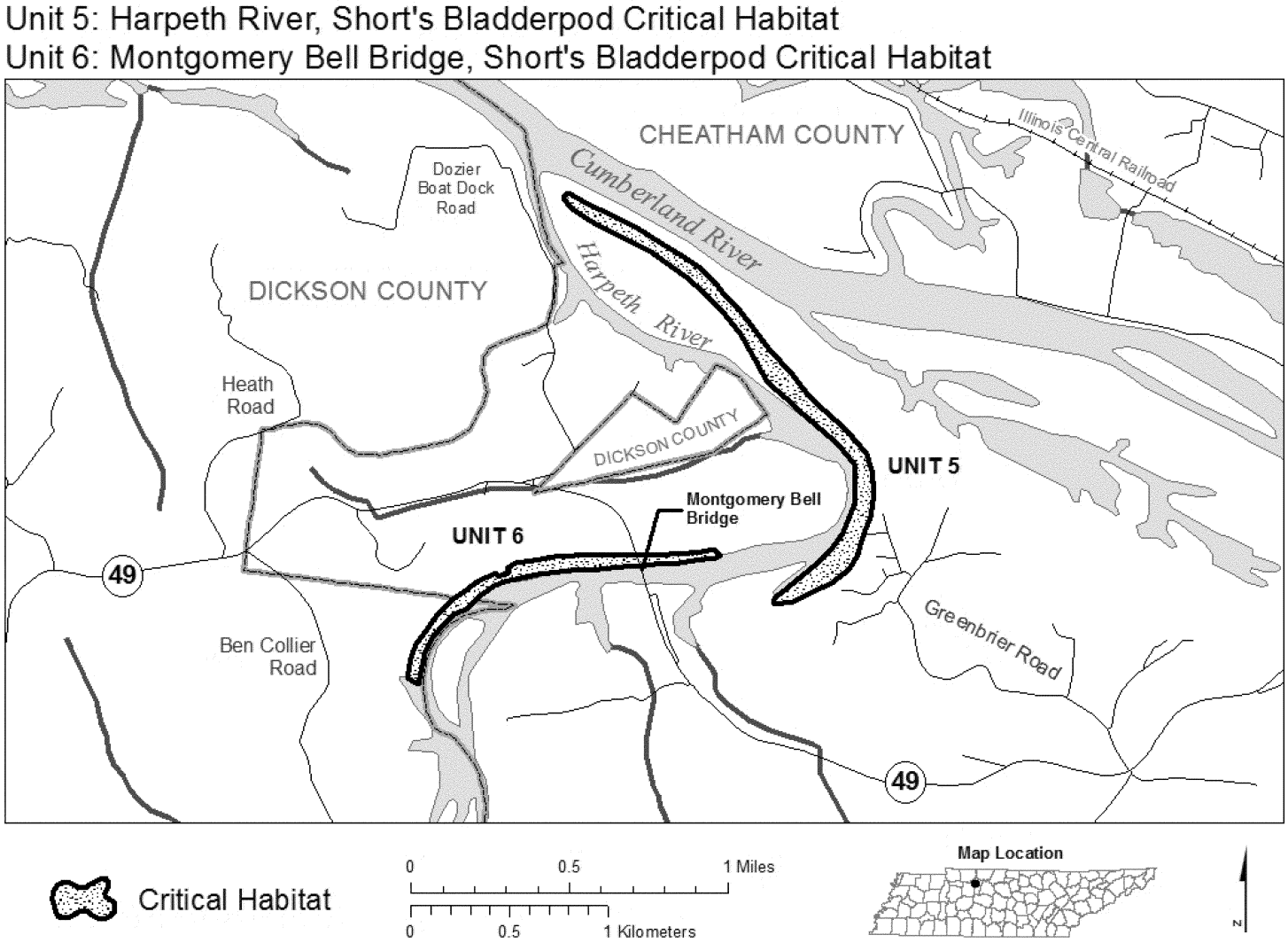



(8) Unit 3: Jarrel Ridge Road, Montgomery County, Tennessee. Map of Unit 3 is provided at paragraph (7) of this entry.

(9) Unit 4: Cheatham Lake, Cheatham County, Tennessee. Map of Unit 4 follows:



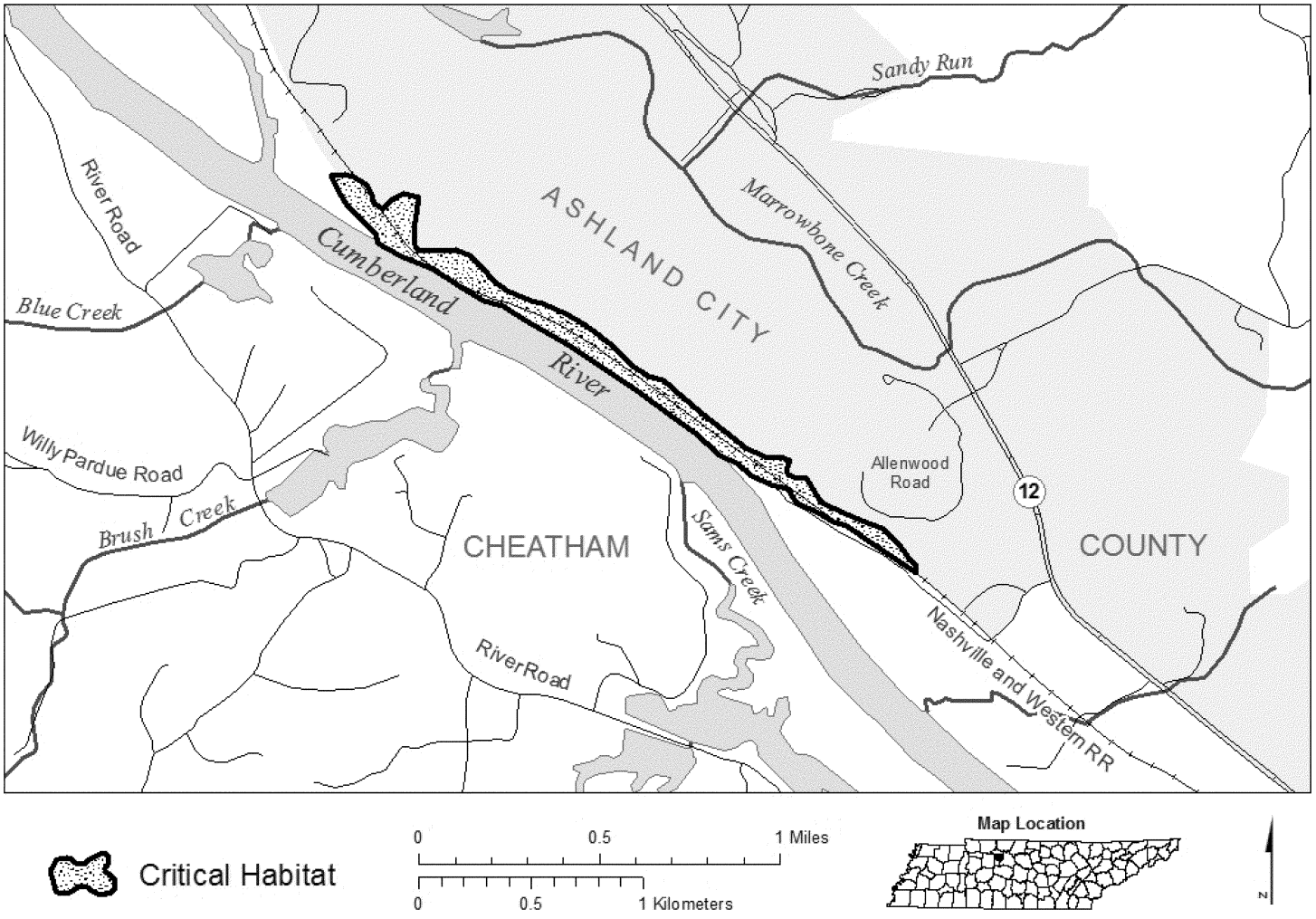
(10) Unit 5: Harpeth River, Cheatham County, Tennessee. Map of Units 5 and 6 follows:



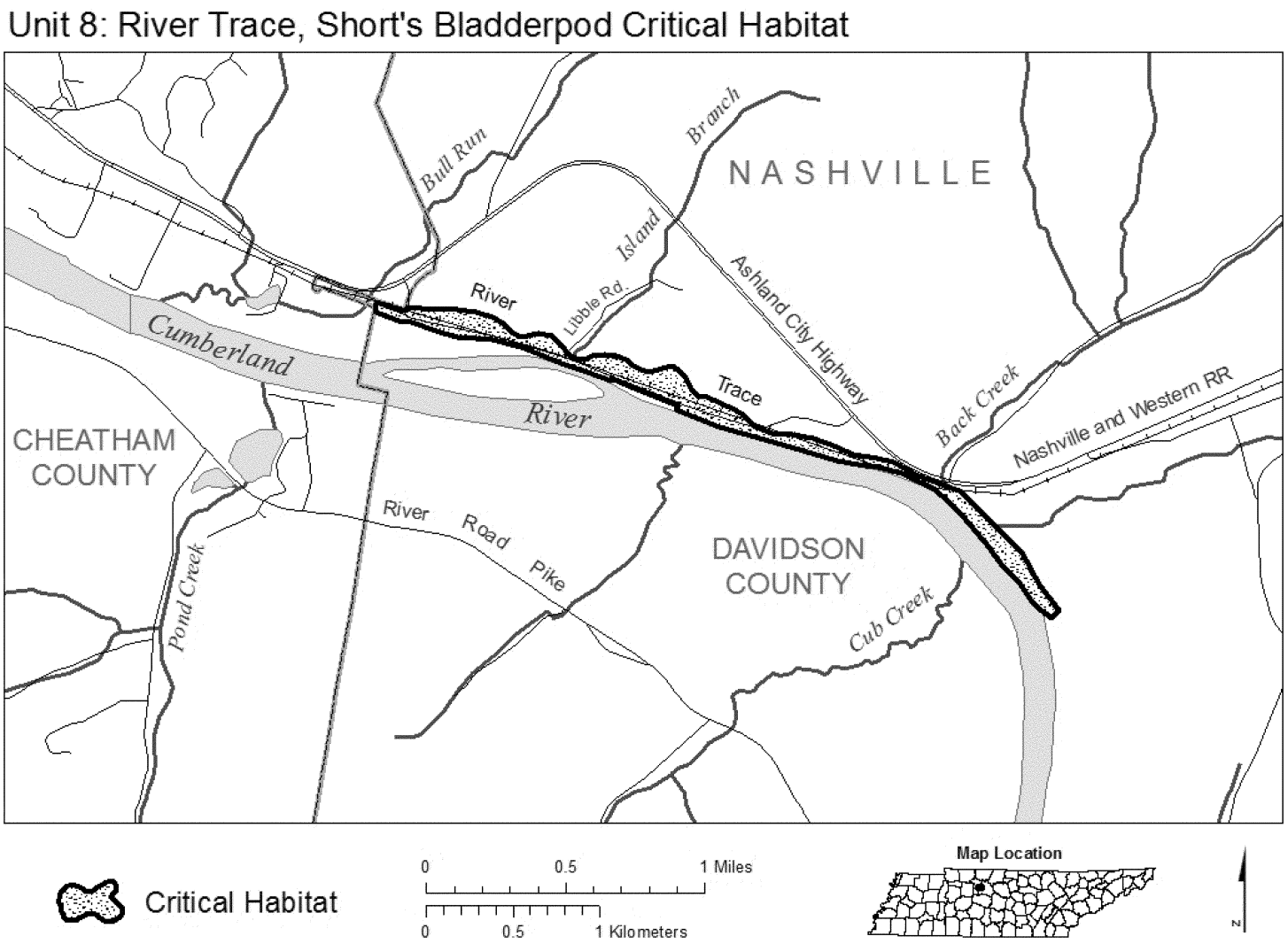

(11) Unit 6: Montgomery Bell Bridge, Cheatham and Dickson Counties, Tennessee. Map of Unit 6 is provided at paragraph (10) of this entry.

(12) Unit 7: Nashville and Western Railroad, Cheatham County, Tennessee. Map of Unit 7 follows:

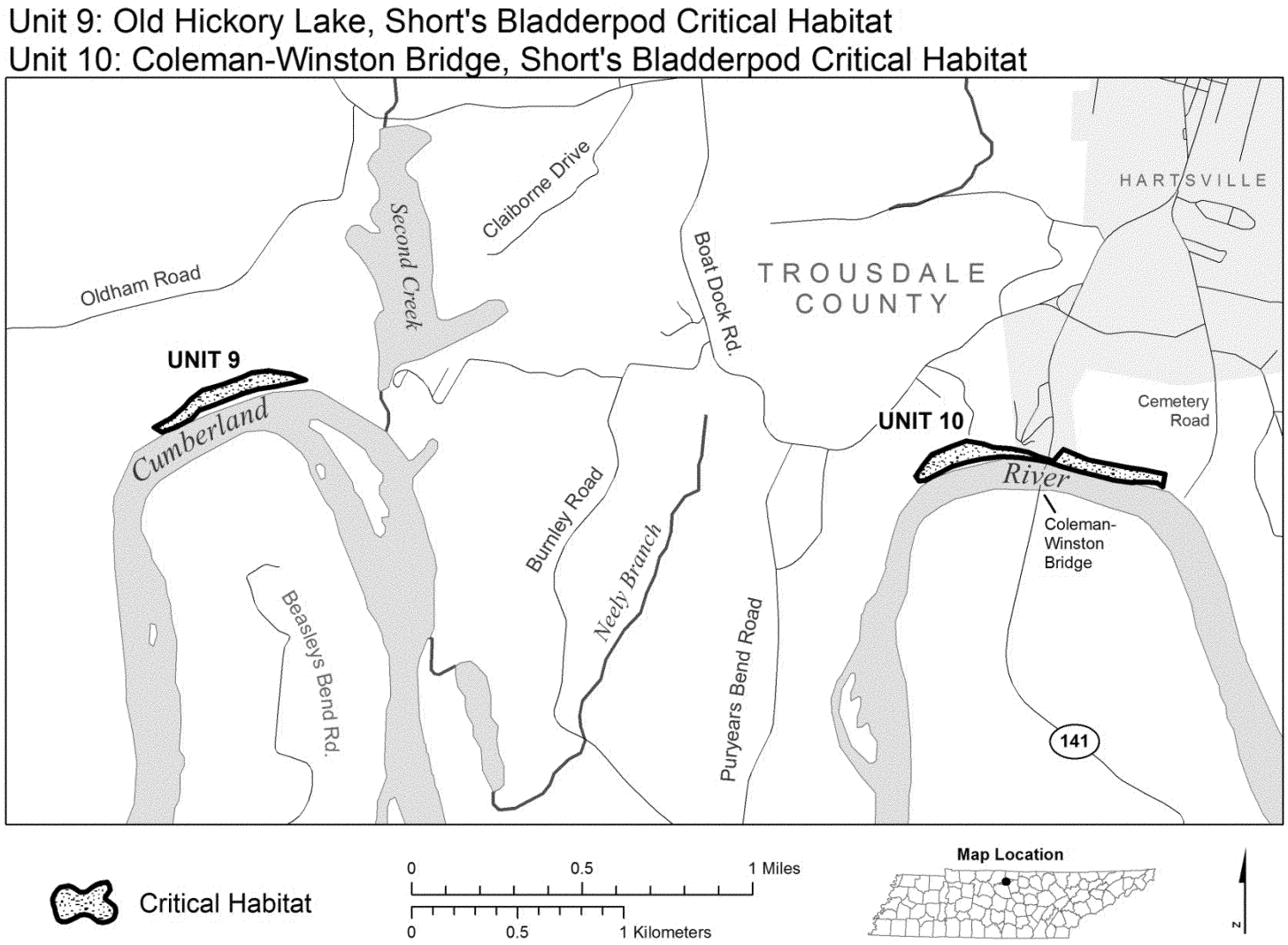
Unit 7: Nashville and Western Railroad, Short's Bladderpod Critical Habitat



(13) Unit 8: River Trace, Cheatham and Davidson Counties, Tennessee. Map of Unit 8 follows:

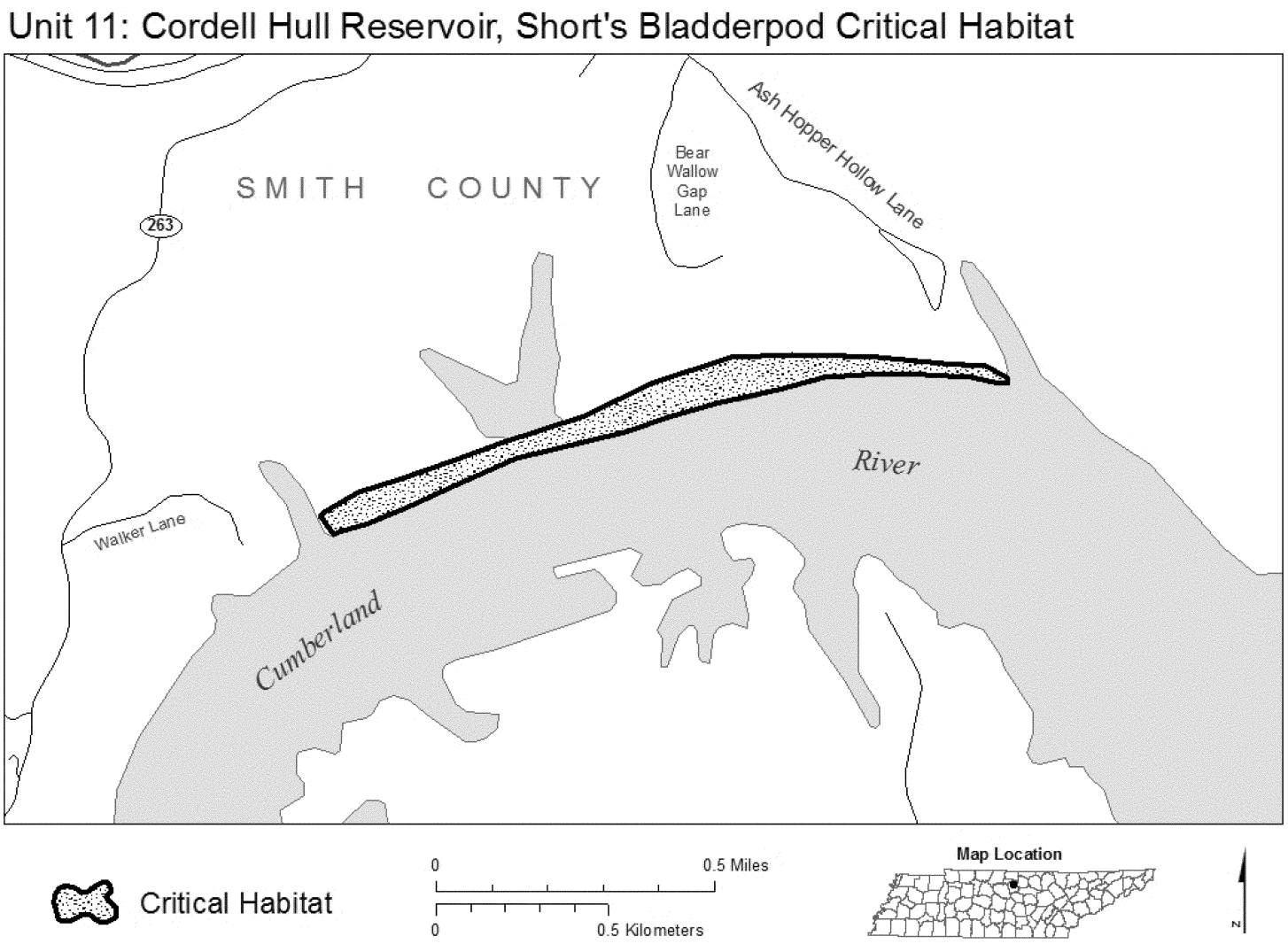


(14) Unit 9: Old Hickory Lake, Trousdale County, Tennessee. Map of Units 9 and 10 follows:

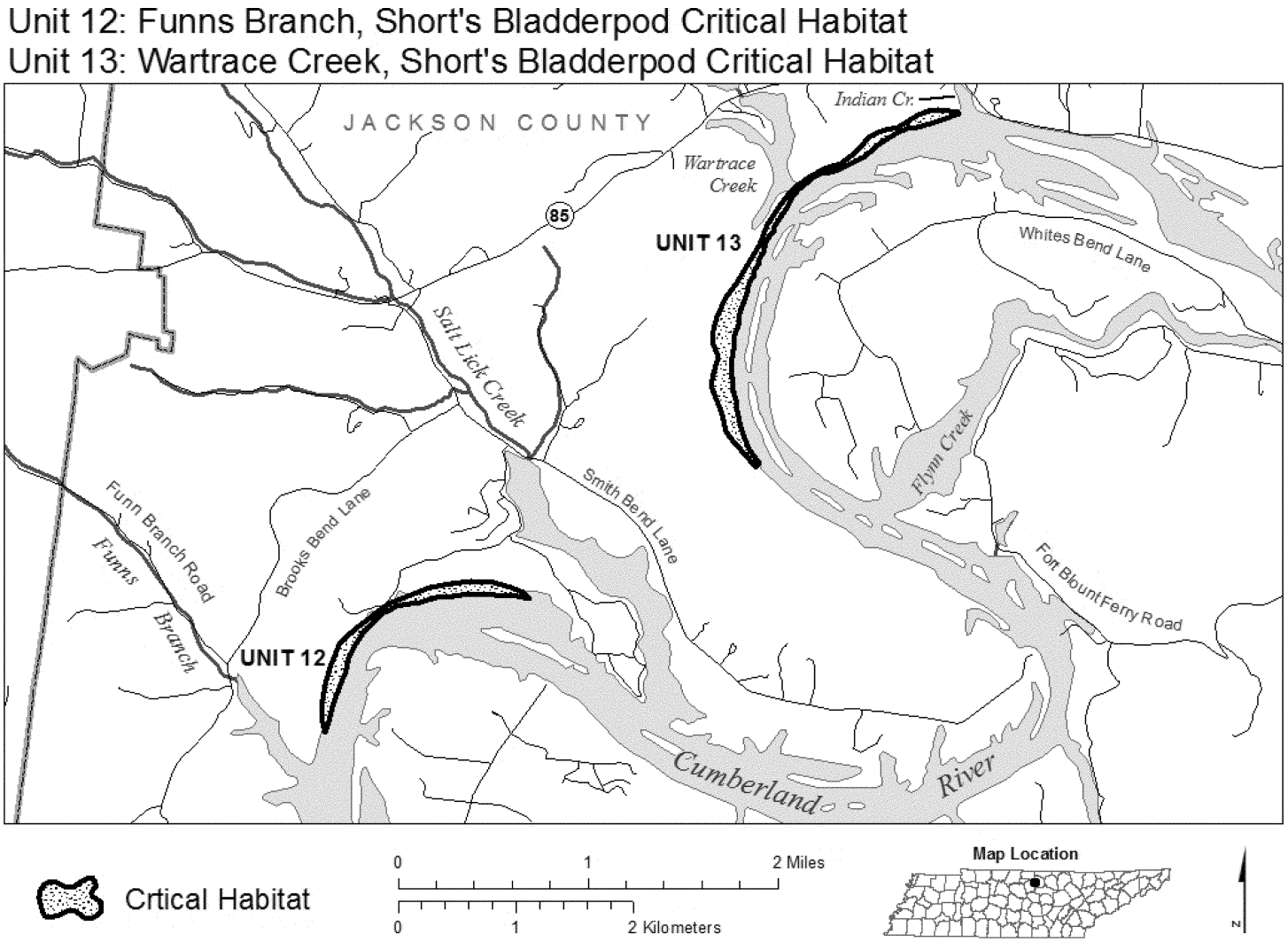



(15) Unit 10: Coleman-Winston Bridge, Trousdale County, Tennessee. Map of Unit 10 is provided at paragraph (14) of this entry.

(16) Unit 11: Cordell Hull Reservoir, Smith County, Tennessee. Map of Unit 11 follows:

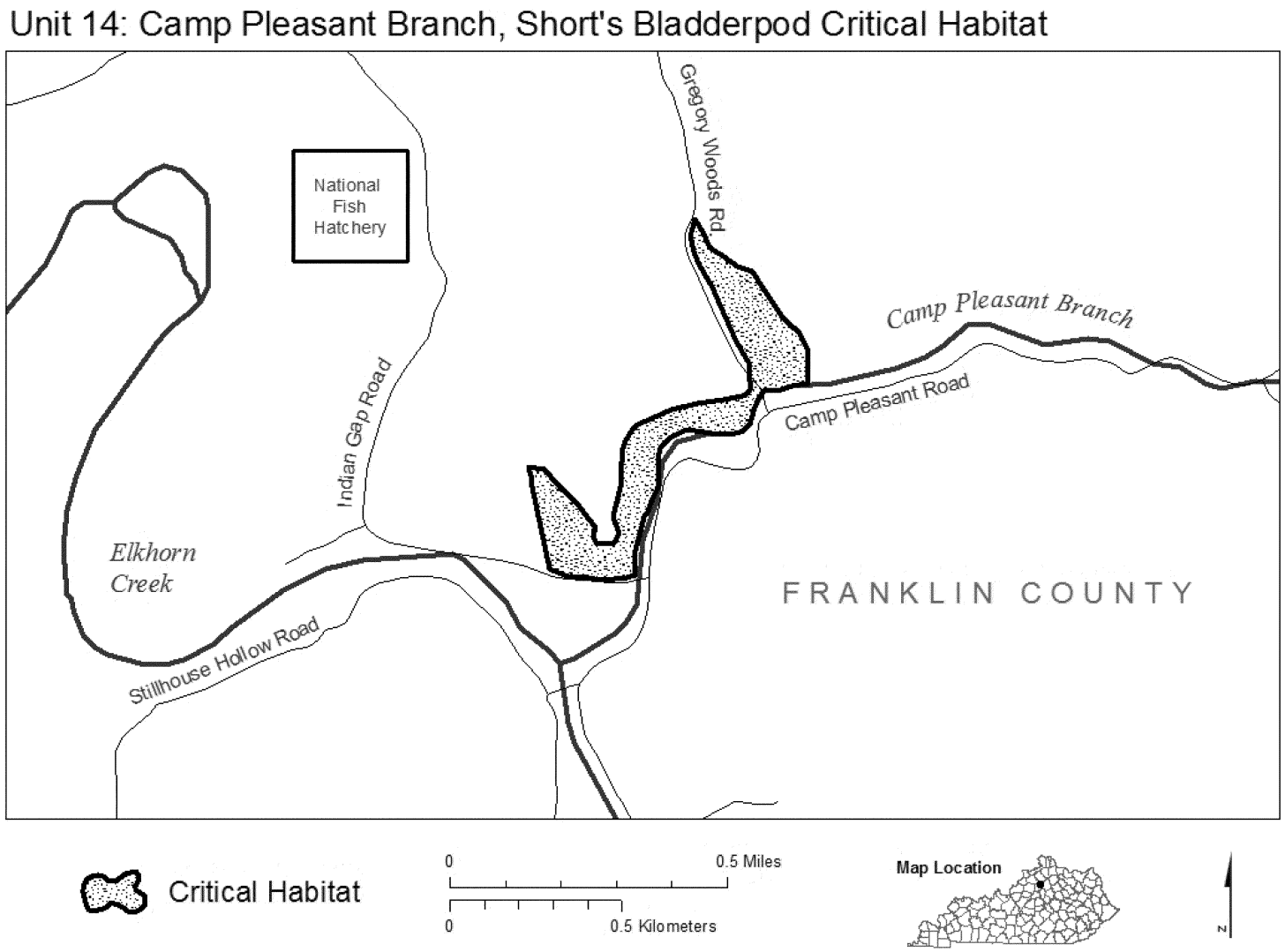


(17) Unit 12: Funns Branch, Jackson County, Tennessee. Map of Units 12 and 13 follows:

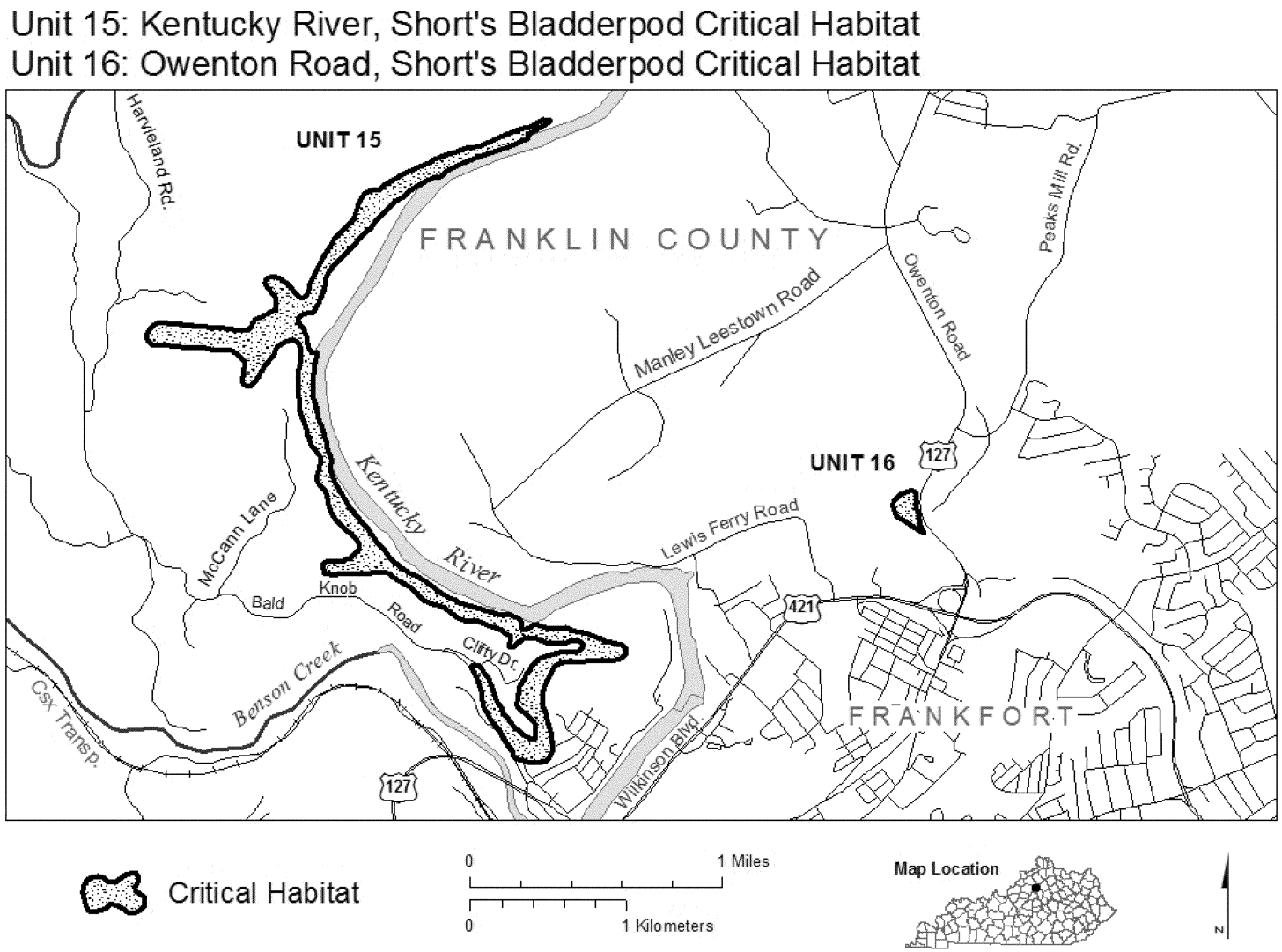



(18) Unit 13: Wartrace Creek, Jackson County, Tennessee. Map of Unit 13 is provided at paragraph (17) of this entry.

(19) Unit 14: Camp Pleasant Branch, Franklin County, Kentucky. Map of Unit 14 follows:

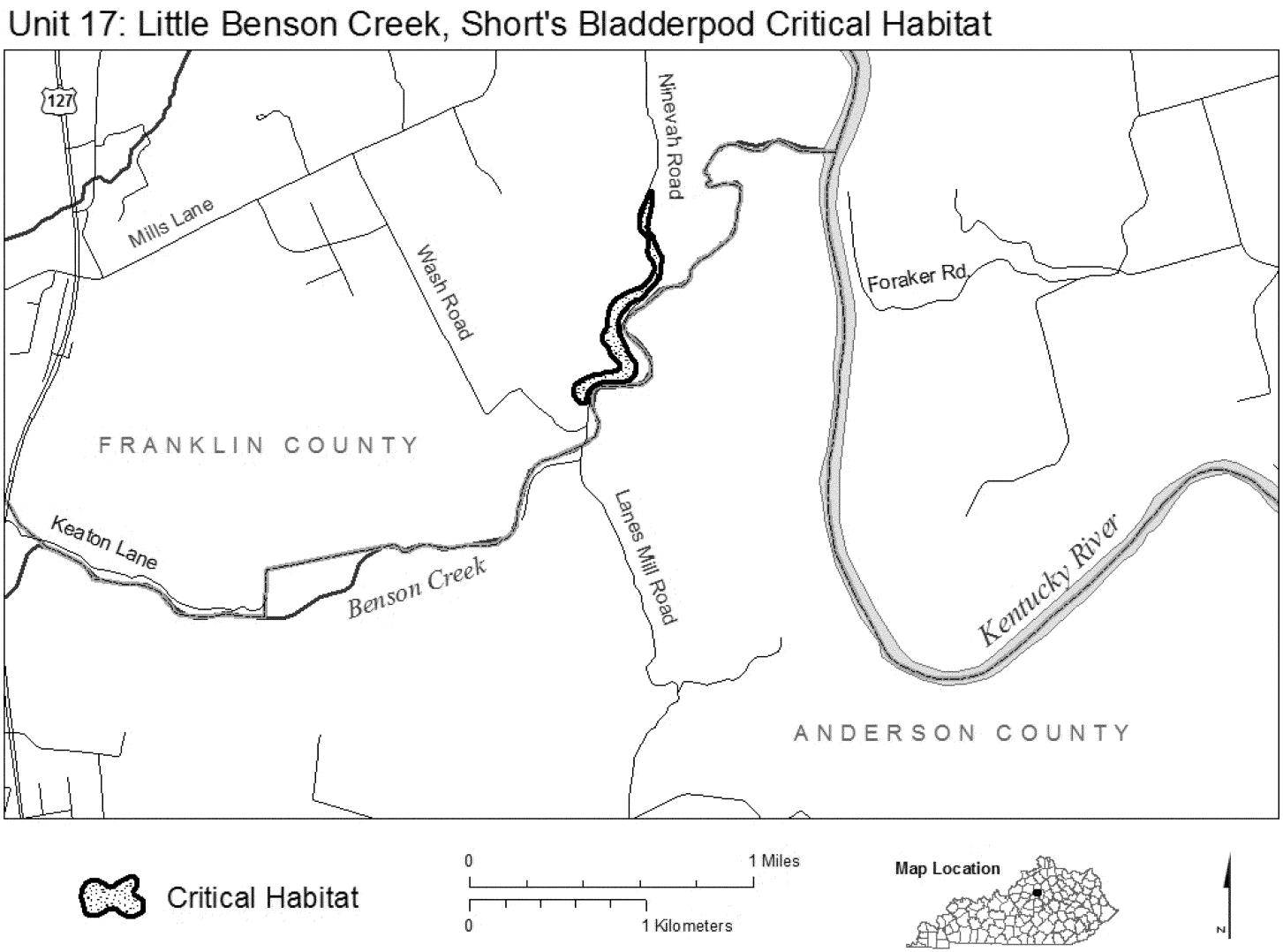


(20) Unit 15: Kentucky River, Franklin County, Kentucky. Map of Units 15 and 16 follows:

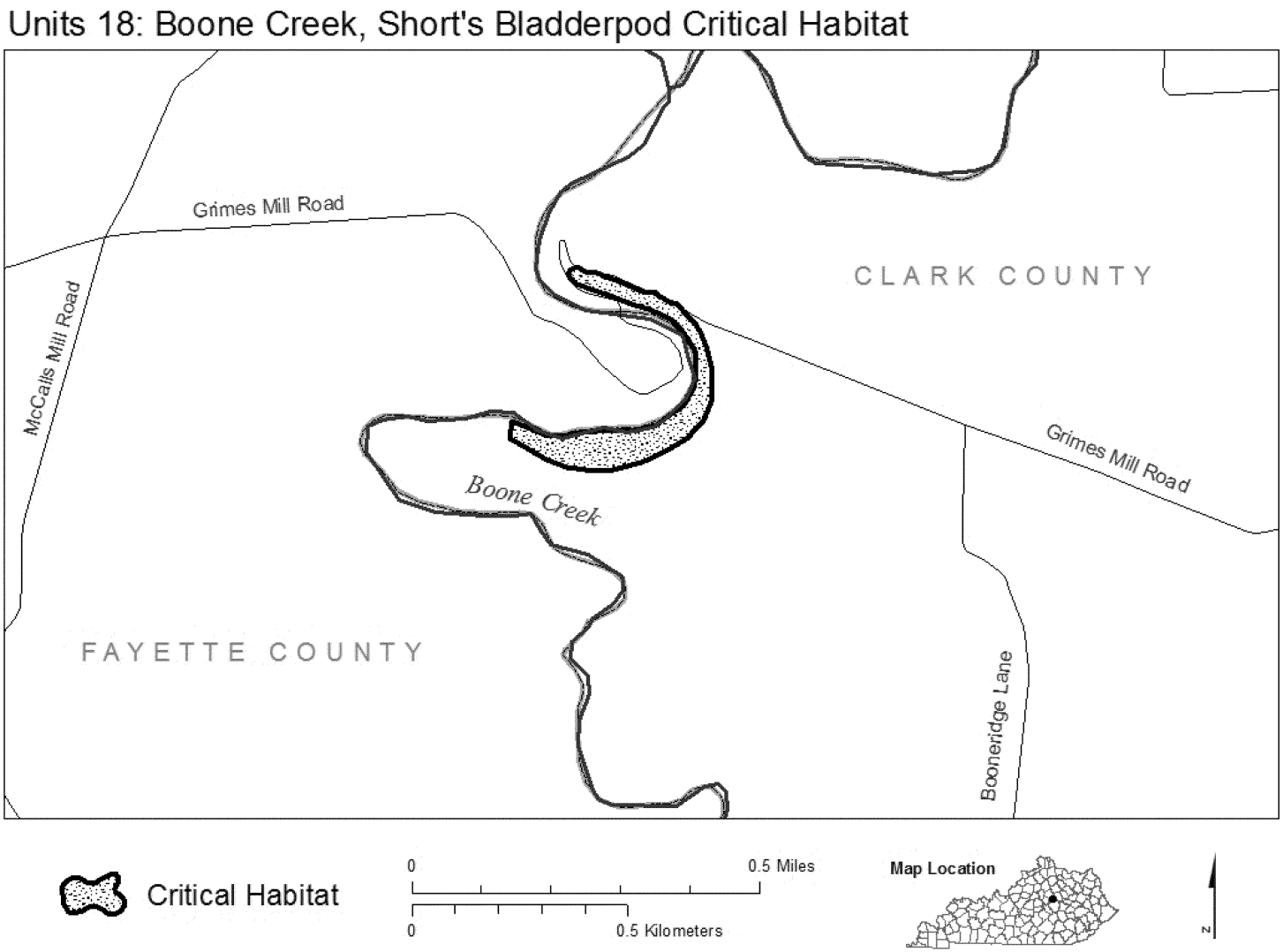



(21) Unit 16: Owenton Road, Franklin County, Kentucky. Map of Unit 16 is provided at paragraph (20) of this entry.

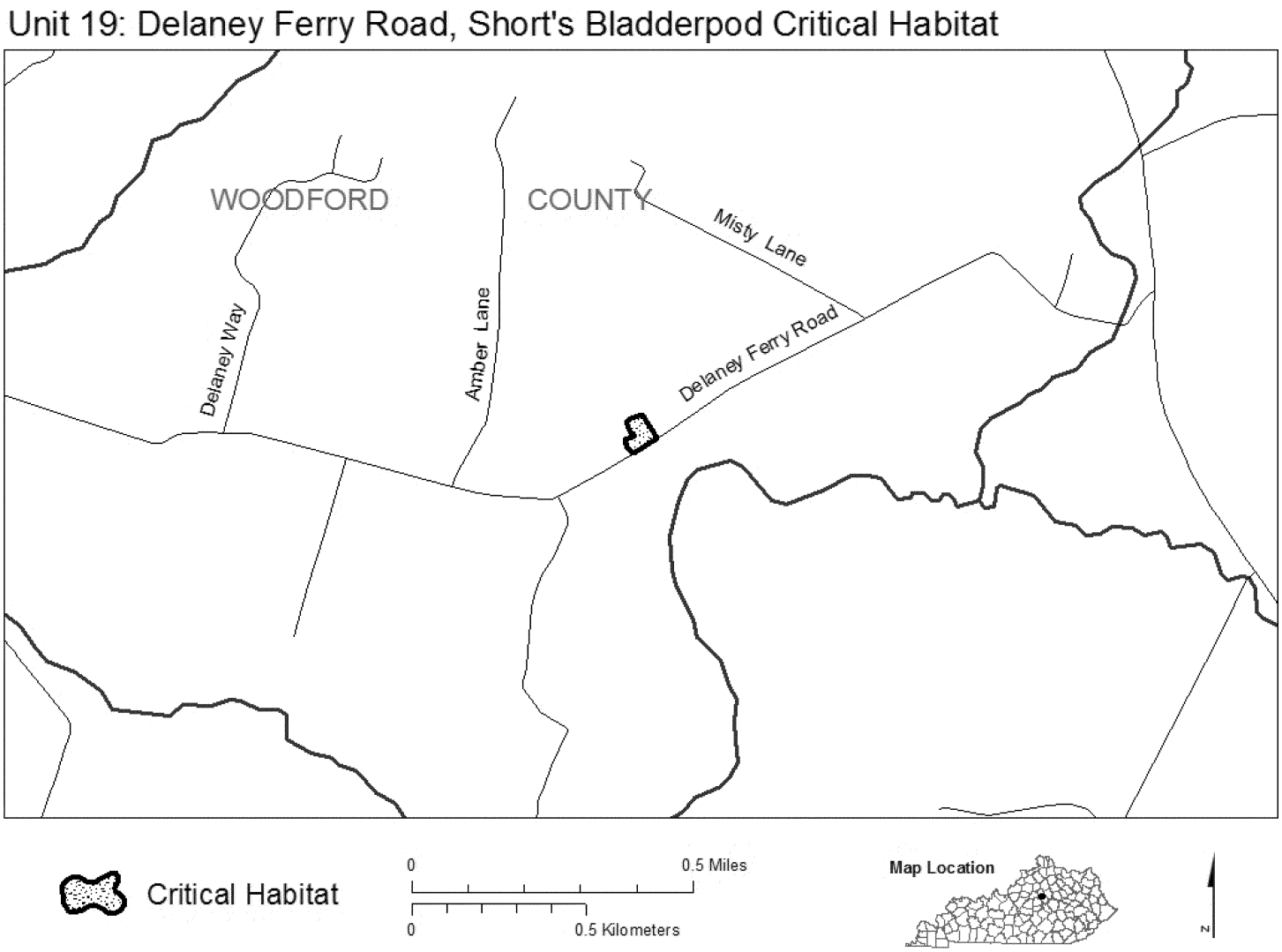
(22) Unit 17: Little Benson Creek, Franklin County, Kentucky. Map of Unit 17 follows:



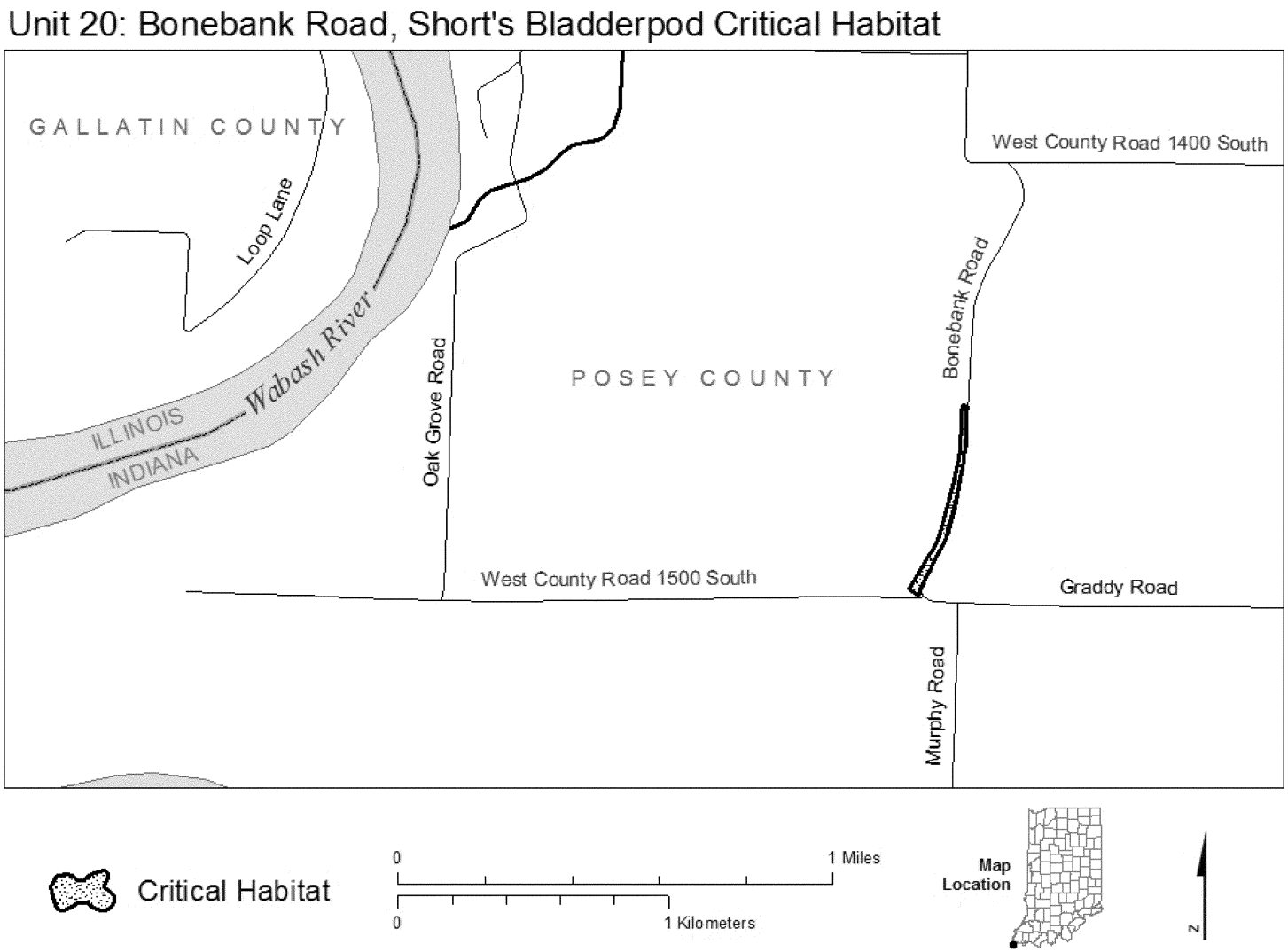
(23) Unit 18: Boone Creek, Clark County, Kentucky. Map of Unit 18 follows:



(24) Unit 19: Delaney Ferry Road, Woodford County, Kentucky. Map of Unit 19 follows:



(25) Unit 20: Bonebank Road, Posey County, Indiana. Map of Unit 20 follows:




* * * * *

Dated: August 8, 2014.

**Rachel Jacobson,**

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2014–19558 Filed 8–25–14; 8:45 am]

**BILLING CODE 4310–55–C**

# FEDERAL REGISTER

Vol. 79 Tuesday,

No. 165 August 26, 2014


Part III

## Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 12-Month Finding on the Petition To List Least Chub as an Endangered or Threatened Species; Proposed Rule

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**[Docket No. FWS–R6–ES–2014–0033; 4500030113]**

## Endangered and Threatened Wildlife and Plants; 12-Month Finding on the Petition To List Least Chub as an Endangered or Threatened Species

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a revised 12-month finding on a petition to list the least chub (*Iotichthys phlegethontis*) as an endangered or threatened species and to designate critical habitat under the Endangered Species Act of 1973, as amended (Act). After a review of the best available scientific and commercial information, we find that listing the least chub is not warranted at this time. Therefore, we are removing the species from our list of candidates under the Act. However, we ask the public to submit to us any new information that becomes available concerning threats to the least chub or its habitat at any time.

**DATES:** The finding announced in this document was made on August 26, 2014.

**ADDRESSES:** This finding is available on the Internet at *http://www.regulations.gov* at Docket No. FWS–R6–ES–2014–0033. Supporting documentation we used in preparing this finding is available for public inspection, by appointment, during normal business hours at: U.S. Fish and Wildlife Service, Utah Ecological Services Field Office, 2369 West Orton Circle, Suite 50, West Valley City, UT 84119; telephone 801–975–3330. Please submit any new information, materials, comments, or questions concerning this finding to the above street address.

**FOR FURTHER INFORMATION CONTACT:** Larry Crist, Field Supervisor, Utah Ecological Services Field Office (see **ADDRESSES** section). If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

**SUPPLEMENTARY INFORMATION:**

### Background

Section 4(b)(3)(B) of the Act (16 U.S.C. 1531 et seq.) requires that, for any petition to revise the Federal Lists of Threatened and Endangered Wildlife and Plants that contains substantial scientific or commercial information indicating that listing the species may be warranted, we make a finding within 12 months of the date of receipt of the petition. In this finding, we determine that the petitioned action is: (a) Not warranted, (b) warranted, or (c) warranted, but immediate proposal of a regulation implementing the petitioned action is precluded by other pending proposals to determine whether species are endangered or threatened, and expeditious progress is being made to add or remove qualified species from the Federal Lists of Endangered and Threatened Wildlife and Plants. Section 4(b)(3)(C) of the Act requires that we treat a petition for which the requested action is found to be warranted but precluded as though resubmitted on the date of such finding, that is, requiring a subsequent finding to be made within 12 months. We must publish these 12-month findings in the **Federal Register**.

*Previous Federal Actions*

On December 30, 1982, the Service classified the least chub as a Category 2 candidate species (47 FR 58454). Category 2 included taxa for which information in the Service's possession indicated that a proposed listing rule was possibly appropriate, but for which sufficient data on biological vulnerability and threats were not available to support a proposed rule. On January 6, 1989, we reclassified the least chub as a Category 1 candidate species (54 FR 554). Category 1 included taxa for which the Service had substantial information in our possession on biological vulnerability and threats to support preparation of listing proposals. The Service ceased using category designations in February 1996. On September 29, 1995, we published a proposed rule to list the least chub as endangered with critical habitat (60 FR 50518). A listing moratorium, imposed by Congress in 1995, suspended all listing activities and further action on the proposal was postponed.

In 1998, during the moratorium, the Service, Utah Division of Wildlife Resources (UDWR), Bureau of Land Management (BLM), Bureau of Reclamation, Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission), Confederated Tribes of the Goshute Reservation, and Central Utah Water Conservancy District developed a least chub candidate conservation agreement (CCA), and formed the Least Chub Conservation Team (LCCT) (Perkins *et al.* 1998, entire). The goals of the CCA are to ensure the species' long-term survival within its historical range and to assist in the development of rangewide conservation efforts. The objectives of the CCA are to eliminate or significantly reduce threats to the least chub and its habitat, to the greatest extent possible, and to ensure the continued existence of the species by restoring and maintaining a minimum number of least chub populations throughout its historical range. The LCCT implements the CCA and monitors populations, threats, and habitat conditions. These agencies updated and revised the 1998 CCA in 2005 (Bailey *et al.* 2005, entire) and amended the 2005 CCA in 2014 (LCCT 2014, entire; see Previous and Ongoing Conservation Efforts and Future Conservation Efforts, below). Implementation of the CCA resulted in the discovery of two additional wild populations, acquisition and protection of occupied habitat, fencing of sensitive habitat to limit grazing, removal of grazing at select sites, an agreement with the mosquito abatement districts to limit the introduction and use of western mosquitofish (*Gambusia affinis*), introductions of least chub into unoccupied suitable habitat, development of memoranda of understanding (MOUs) with grazing operators on private lands, restoration of occupied habitat, and groundwater monitoring near natural populations.

On June 25, 2007, we received a petition from Center for Biological Diversity, Confederated Tribes of the Goshute Reservation, Great Basin Chapter of Trout Unlimited, and Utah Chapter of the Sierra Club requesting that we list the least chub as threatened under the Act and designate critical habitat for it. Our 90-day finding (73 FR 61007, October 15, 2008) concluded the petition presented substantial information indicating that listing may be warranted. Our subsequent 12-month finding identified least chub as a species for which listing as endangered or threatened was warranted but was precluded due to higher priority listing decisions, and we assigned the least chub a listing priority number of 7 (75 FR 35398, June 22, 2010). Following the finding, we completed annual candidate notices of review (CNORs) in 2010 (75 FR 69222, November 10, 2010), 2011 (76 FR 66370, October 26, 2011), 2012 (77 FR 69994, November 21, 2012) and 2013 (78 FR 70104, November 22, 2013), all of which maintained the species as a candidate with a listing priority number of 7. As a result of the Service's 2011 multidistrict litigation settlement with petitioners, a proposed listing rule or a withdrawal of the 12-month finding is required by September 30, 2014 (In re:

Endangered Species Act Section 4 Deadline Litigation, No. 10–377 (EGS), MDL Docket No. 2165 (D.D.C. May 10, 2011)).

*Species Information*

The least chub is an endemic minnow (Family Cyprinidae) of the Bonneville Basin in Utah. Historically, least chub were widely distributed throughout the basin in a variety of habitat types, including rivers, streams, springs, ponds, marshes, and swamps (Sigler and Miller 1963, p. 91). As implied by its common name, the least chub is a small fish, less than 55 millimeters (2.1 inches) long. It is an opportunistic feeder, and its diet reflects the availability and abundance of food items in different seasons and habitat types (Sigler and Sigler 1987, p. 182; Crist and Holden 1980, p. 808; Lamarra 1981, p. 5; Workman *et al.* 1979, p. 23). Least chub in natural systems live two times longer than originally thought; some least chub may live to be 6 years of age (Mills *et al.* 2004a, p. 409). Differences in growth rates may result from a variety of interacting processes, including food availability, genetically based traits, population density, and water temperatures (Mills *et al.* 2004a, p. 411).

Maintaining hydrologic connections between springheads and marsh areas is important in fulfilling the least chub's ecological requirements (Crawford 1979, p. 63; Crist and Holden 1980, p. 804; Lamarra 1981, p. 10). Least chub follow thermal patterns for habitat use. In April and May, they use the flooded, warmer, vegetated marsh areas (Crawford 1979, pp. 59, 74), but in late summer and fall they retreat to spring heads as the water recedes, to overwinter (Crawford 1979, p. 58). In the spring, the timing of spawning is a function of temperature and photoperiod (Crawford 1979, p. 39). Thermal preferences demonstrate the importance of warm rearing habitats in producing strong year classes and viable populations (Billman *et al.* 2006, p. 434).

Our 1995 proposed rule (60 FR 50518, September 29, 1995), 2010 12-month finding (75 FR 35398, June 22, 2010), and CNORs for the least chub (75 FR 69222, November 10, 2010; 76 FR 66370, October 26, 2011; 77 FR 69994, November 21, 2012; 78 FR 70104, November 22, 2013) include a more detailed description of the species' life history, taxonomic classification, and historical distribution.

Population Distribution

The current distribution of the least chub is highly reduced from its historical range in Utah's Bonneville Basin, based on UDWR survey and monitoring data collected since 1993. A comparison of survey results from the 1970s (Workman *et al.* 1979, pp. 156–158) to surveys from 1993 to 2007 (Hines *et al.* 2008, pp. 36–45) indicates that approximately 60 percent of the natural populations extant in 1979 were extirpated by 2007 (75 FR 35398).

Least chub are distributed across three Genetic Management Units (GMU)—West Desert GMU, Sevier GMU, and Wasatch Front GMU. The GMUs were delineated by the LCCT based on genetics information that showed population similarities in these areas (Mock and Miller 2005, pp. 271–277). Six naturally occurring populations of least chub remain within these GMUs: The Leland Harris Spring Complex, Gandy Marsh, Bishop Springs Complex, Mills Valley, Clear Lake, and Mona Springs (Hines *et al.* 2008, pp. 34–45).

The West Desert GMU is represented by three of these populations (the Leland Harris Spring Complex, Gandy Marsh, and Bishop Spring Complex) (Perkins *et al.* p. 22, 28–29), which occur in the Snake Valley of Utah's west desert and are genetically similar and very close in proximity to each other (Mock and Miller 2005, p. 276; Mock and Bjerregaard 2007, pp. 145–146). The Sevier GMU is represented by the genetically similar Mills Valley and Clear Lake populations, which are located in relatively undeveloped sites in the Sevier subbasin on the southeastern border of the species' native range (Mock and Miller 2003, pp. 17–18; Mock and Miller 2005, p. 276; Mock and Bjerregaard 2007, pp. 145–146; Hines *et al.* 2008, p. 17). The Wasatch Front GMU is represented by the Mona Springs site (Perkins et al. 1998, pp. 22, 29–31). This GMU occurs in the southeastern portion of the Great Salt Lake subbasin on the eastern border of ancient Lake Bonneville, near the highly urbanized Wasatch Front (Mock and Miller 2005, p. 276). Least chub are still found in small numbers at the Mona Springs site (Hines *et al.* 2008, p. 37) which is genetically distinct from the other populations (Mock and Miller 2005, p. 276; Mock and Bjerregaard 2007, pp. 145–146). The small number of least chub at Mona Springs does not compose a viable self-sustaining population (LCCT 2008a, p. 3), but remains extant due to stocking activities. A detailed description of the naturally occurring least chub populations can be found in the 2010 12-month finding (75 FR 35398) and 2014 CCA amendment (LCCT 2014, pp. 7–14).

In addition to actively managing and conserving the remaining wild populations, establishment of additional least chub populations has been a goal of the LCCT since it was established in 1998 (Perkins *et al.* 1998, entire). With the purpose of providing redundancy and resiliency to the naturally occurring least chub populations, introduced populations provide secure genetic refuges to protect against catastrophic loss, mitigate current and future threats that may affect natural populations, and provide a source for reestablishing naturally occurring populations or establishing new populations. Since 1979, the UDWR attempted approximately 30 introductions of least chub to new locations within its historical range. Nineteen of these attempts through 2008 were described in detail in the 2010 12-month finding. However, these early introductions (pre-2008) were not highly successful or lacked sufficient monitoring to determine success; therefore, in our 2010 12-month finding (75 FR 35398), we did not consider them to be contributing to the conservation of the species, and as a result we did not evaluate whether they faced threats in our 5-factor analysis.

Since our 2010 12-month finding (75 FR 35398), we have additional monitoring data for the pre-2008 introduced populations. We have also developed success criteria for least chub habitat requirements (for specific criteria needed for success, see below). The success criteria allow us to evaluate the ability for each introduced population to contribute to species conservation. The success criteria also guides site selection for new introductions, and was used to establish four least chub introduction sites since 2008. Overall, introduced sites that are occupied by least chub and meet the success criteria are considered to contribute to conservation, and we evaluate the threats at those sites in this finding; there are 10 least chub introduced sites that are considered successful, as explained below. When experimental introductions fail, they typically fail in the first or second year after introduction due to existing threats at the site, including a lack of water quantity and quality, presence of nonnative fishes, or lack of adequate habitat conditions (UDWR 2013b, entire).

Success criteria for introduced least chub sites were established by the LCCT: (1) A documented stable and secure water source (preferably with a water right); (2) water quality suitable for least chub (appropriate pH, salinity, and dissolved oxygen levels); (3) no nonnative fishes present, or if any are present they are species or numbers

which are determined not to be a threat to least chub persistence (e.g., low numbers of carp, rainbow trout, goldfish); (4) no grazing, or grazing for an agreed upon extent and duration which does not appear to have negative impacts on least chub or their habitat; (5) habitat requirements that are suitable for long-term persistence of least chub (e.g., adequate cover, over winter habitat, size); and (6) the introduction must occur on land where the owner or agency is signatory to a conservation agreement, or on land where an appropriate similar agreement is in place (LCCT 2013a, pp. 2, 3). Assessments are conducted prior to least chub introductions to ensure a low level of existing threats (LCCT 2013a, p. 2). In addition, the site must maintain at least two seasons of documented recruitment and no significant threats (LCCT 2013a, p. 3).

Our goal for introduced populations, as agreed to and finalized by the LCCT, requires the successful establishment of three introduced populations in each of the three GMUs, with the introduced populations providing a genetic representation of each of the six wild populations (LCCT 2013a, p. 1). This goal has been met or exceeded for all but one of the naturally occurring populations (Table 1; LCCT 2013a, p. 4; LCCT 2013b, p. 6). The Clear Lake population in the Sevier GMU does not have a representative introduced population (LCCT 2013b, p. 6). In 2013, a fire and debris flow impacted the population at Willow Springs, which was the only introduced site replicating the Clear Lake population. The UDWR and BLM personnel salvaged as many fish as possible, and relocated them to the Fisheries Experiment Station (FES) hatchery facility. The UDWR is working to reestablish an introduction site for the Clear Lake population. Additional fish will be transported from Clear Lake to FES in 2014, to increase the founding number of individuals for this temporary hatchery population. This population will be held at FES until a suitable introduction site can be established. The Clear Lake population was also introduced into Teal Springs in 2013 (UDWR 2013b, p. 21). This introduction is considered an experimental population, as it is too recent to meet all the introduction criteria.

TABLE 1—SUCCESSFUL INTRODUCED LEAST CHUB SITES BY SOURCE GMU AND POPULATION

| Name | Source GMU | Source pop. | Year | Number years documented recruitment | Ownership | Water right | Non-native species | Grazing status |
|---|---|---|---|---|---|---|---|---|
| Fitzgerald WMA | Sevier | Mills | 2006 | 8 | UDWR | Yes | Carp, goldfish in low densities. | Not grazed. |
| Rosebud Top Pond. | Sevier | Mills | 2008 | 6 | Private | Yes | Sterile rainbow trout in low densities. | Not grazed. |
| Cluster Springs | Sevier | Mills | 2008 | 6 | BLM | Yes | None | Yes, but fenced and managed. |
| Pilot Spring SE | Sevier | Mills | 2008 | 6 | BLM | Yes | None | Yes, but managed. |
| Escalante Elementary. | Wasatch Front | Mona | 2006 | 8 | Local Gov't | Yes | None | Not grazed. |
| Upper Garden Creek. | Wasatch Front | Mona | 2011 | 3 | Utah State Parks | Yes | None | Not grazed. |
| Deseret Depot | Wasatch Front | Mona | 2011 | 3 | Dept. of Defense | Yes | None | Not grazed. |
| Red Knolls Pond | West Desert | Bishop | 2005 | 9 | BLM | Yes | None | Not grazed. |
| Keg Spring | West Desert | Gandy | 2009 | 5 | BLM | Yes | None | Yes, but fenced and managed. |
| Pilot Spring | West Desert | Leland | 2008 | 6 | BLM | Yes | None | Yes, but fenced and managed. |

In summary, there are 5 naturally occurring (excluding Mona Springs due to a lack of a self-sustaining population) and 10 successful introduced populations of least chub distributed across three GMUs that we conclude can contribute to the conservation of the species (see Table 1). As such, we evaluate the status and threats to these populations throughout the remainder of this document.

Population Size and Dynamics

The UDWR began surveying least chub in the 1970s, but monitoring was limited to known populations in the Snake Valley region (Workman *et al.* 1979, p. 1). Sites were inconsistently monitored for least chub abundance through the 1980s (Osmundson 1985, p. 4), but by 1993, known least chub sites were monitored annually (Wilson *et al.* 1999, p. 3) using standardized survey methods (Crist 1990, p. 10). Through the 1998 CCA, the signatories committed to continue annual sampling of known least chub populations (including introduced populations), to gather information on least chub life history and habitat needs, and report these findings annually (Perkins *et al.* 1998, p. 4). In 2007 (and updated in 2010), the sampling methodology changed to include cursory sampling at each site annually, and an in-depth distribution sampling at each site every third year on a rotating annual basis (UDWR 2007, entire; UDWR 2010a, entire; UDWR 2013a, pp. III–2). The annual cursory sampling provides a representative sample (100 individuals) of least chub, which are individually measured to provide the percentage of juveniles to adults; the greater number of juveniles indicates higher recruitment and reproductive success (UDWR 2013a, p. III–2). The distributional surveys monitor designated sites throughout the complex, calculating percentage of sites occupied and catch-per-unit-effort (CPUE) values for the population (UDWR 2013a, pp. I–3, III–2). The introduced sites are sampled annually following the cursory approach, documenting age class structure (i.e., recruitment) at each site (UDWR 2013a, p. I–2).

The sampling in 2010 documented recruitment at natural and introduced sites, but CPUE values exhibited high variability across years due to factors unrelated to population size (Hogrefe 2001, p. 4; UDWR 2013a, entire). This variability is likely due to several factors: In-depth distributional surveys are only conducted every 3 years per population (making comparisons difficult across years), and least chub and their habitats are dynamic (with seasonally fluctuating water levels least chub may not retreat to the springhead habitats until after sampling is

completed because of late rains or similar seasonal difference across years) (Crawford 1979, p. 11). Thus, CPUE and percentage of occupied sites were the only available measure to determine least chub status across sites (Hogrefe 2001, p. 4).

Knowing the limitations of the survey methods, signatories to the 2005 CCA (Bailey *et al.* 2005, entire) sought outside assistance in 2011, to develop a population viability analysis (PVA) and associated adaptive, decision-support tool (structured decision-making (SDM) model) (Peterson and Saenz 2011; p. 2–3). These tools are being developed to assess the current status of least chub populations (i.e., increasing, decreasing, or stable), provide information on population and community dynamics, and predict population responses to future anthropogenic development and conservation strategies. The PVA and SDM method will also allow for the integration of monitoring data so that reliable information on the status and distribution of least chub can be updated as data are collected, thus providing an evaluation of the success or failure of management actions to enhance existing populations and a basis for the development of future conservation decisions.

Interim findings are available (Peterson and Saenz 2011; entire), but the final population model and report are not anticipated until 2015. Thus far, the analysis reveals what the agencies believed to be true, that CPUE values were highly variable and heavily biased by sampling method (gear type and location of net deployment), making CPUE an unreliable indicator of least chub population status and trends (Peterson and Saenz 2013, p. 31). Once completed, the PVA model will incorporate environmental factors (i.e., precipitation and minimum temperatures the previous winter and spring), and habitat characteristics (i.e., percent open water and average depth) to provide a better indicator of least chub population status and trends in least chub occupancy at a site (occupancy rates), including whether a population is increasing, decreasing, or stable (Peterson and Saenz 2013, p. 27). The PVA would provide an immediate gauge of the population's probability to persist and remain reproductively successful in the long term (Peterson and Saenz 2013, p. 27).

The interim PVA model provides estimated occupancy probabilities for the least chub populations at Leland Harris Spring Complex, Bishop Springs Complex, Mills Valley, and Gandy Marsh. The model approximates the occupancy rates at 70 percent for Leland Harris and Bishop Springs, 60 percent for Mills Valley and, 30 percent for Gandy Marsh (Peterson and Saenz 2013, p. 28). These modeled occupancy probabilities are considered equilibrium values, where the occupancy rates at each site remain stable at these calculated rates for at least 100 years (Peterson and Saenz 2013, pp. 28, 70). These PVA estimations compared favorably to the 16 years of survey data available for Gandy Marsh (30–40 percent measured occupancy rate) and Bishop Springs (80 percent measured occupancy rate). This comparison of monitoring data with the PVA model provided sufficient evidence that occupancy rates are a defensible metric for evaluating the status and trends of least chub populations (Peterson and Saenz 2013, p. 28). The results indicate that the PVA model can reasonably approximate the habitat dynamics of major portions of the wetlands (i.e., depth and percent open water) and the occupation of the wetlands inhabited by least chub populations using annual survey data, and that these populations exhibit stable occupancy rates over time. Based on this information, we can infer that the model would provide similar results for the other populations that are not limited by other factors, such as mosquitofish presence (i.e., Mona Springs).

In addition to modeling the probability of least chub occupancy, the initial PVA model found that least chub populations generally displayed low probabilities of extirpation at the individual sites (Peterson and Saenz 2013, p. 29). The simulated mean time to extirpation was greater than 80 years for all populations under most simulated conditions except for the most extreme catastrophic disturbance probabilities (simulating a 90 percent habitat reduction) (Peterson and Saenz 2013, p. 30). Even under these extreme conditions, simulated mean time to extirpation exceeded 60 years for all populations evaluated (Peterson and Saenz 2013, p. 30). The authors suggest that the PVA should not be used as an absolute prediction of the likelihood of species extinction due to the intrinsic limitations of any model that uses incomplete information to predict future events (Reed *et al.* 2002, pp. 14–15). However, the results of the PVA indicate that all 15 natural and introduced least chub populations (with the exception of Mona Springs with mosquitofish present) exhibit consistent occupancy rates and have a high likelihood of persistence into the future (Peterson and Saenz 2013, pp. 54, 58).

**Previous and Ongoing Conservation Efforts**

Below we summarize the previous and ongoing conservation actions conducted through the 1998 and 2005 CCAs that provided conservation benefits to the least chub. The conservation actions which are described below have already been implemented by the LCCT, and we have concluded that they are effective at reducing threats to the species.

The partnership established under the 1998 CCA has been successful at implementing conservation measures to protect least chub. The document that served as the foundation for the conservation of least chub was the 1998 CCA, which was renewed in 2005 and amended in 2014 (see Future Conservation Efforts, below) (Perkins *et al.* 1998, entire; Bailey *et al.* 2005, entire; LCCT 2014, entire). The 1998 and 2005 CCAs resulted in the coordination and implementation of conservation efforts over the last 16 years, including: The acquisition and protection of occupied habitat, fencing (from grazing) of important habitat, genetic analysis of natural populations, annual monitoring (to evaluate population status, and habitat and population response to conservation actions), successful introduction of new least chub populations, the creation of MOUs with grazing operators on private lands, habitat restoration, and groundwater monitoring. A summary of these previous and ongoing conservation actions, by least chub population site, are described below.

(1) Mona Springs: Habitat in the vicinity of Mona Springs was originally privately owned, but the Mitigation Commission has acquired 84 ha (208 ac) of land since 1998, thus wholly protecting occupied least chub habitat at the site (Hines *et al.* 2008, p. 34; Wilson 2014, pers. comm.). The Mitigation Commission is a federal agency formed to fund and implement mitigation projects associated with the Central Utah Project (a federal water project authorized in 1956, to develop Utah's allotment of the Colorado River), and was signatory to the 1998 and 2005 CCAs. Livestock grazing was removed from the site in 2005, and habitat enhancement projects to deepen the springs and remove Russian olive (and other nonnative vegetation) began in 2011. Since 2000, UDWR continues to conduct nonnative fish removals at Mona Springs. In 2012, UDWR installed fish barriers and the number of juveniles collected during the 2013 sampling season was the highest on record, thus documenting successful recruitment for

the first time in many years (Grover and Crockett 2014, p. 17). As previously described, Mona Springs is not considered a viable, self-sustaining population; however, the ongoing efforts to stock Mona Springs have allowed us to maintain a population at this site, and efforts to successfully protect the habitat in perpetuity provide us with ongoing management options into the future.

(2) Leland Harris Spring Complex: Land ownership for least chub occupied habitat at Leland Harris is a combination of private (50 percent) and UDWR (40 percent) lands (following completion of a land swap with State and Institutional Trust Lands Administration (SITLA) in 2014), with about 10 percent owned by the BLM (Hines *et al.* 2008, pp. 41–42). Miller Spring (located in this complex) and its surrounding wetlands (approximately 20.2 ha (50 ac)) are privately owned but are managed under a grazing plan developed by the UDWR and the private landowner. Paddocks for rotational grazing and exclosures to reduce springhead access by cattle were completed at Miller Spring in 1998. As a result, livestock no longer congregate around the vulnerable wetland habitat and now use the upland areas (Crockett 2013, pers. comm.), and although least chub are not regularly monitored at Miller Spring, they are observed schooling along the shoreline each year during Columbia spotted frog (*Rana luteiventris*) surveys (Grover 2013, pers. comm.).

(3) Gandy Marsh: Land ownership includes BLM (70 percent), private lands (29 percent), and SITLA (1 percent). The BLM designated 919 ha (2,270 ac) as an Area of Critical Environmental Concern (ACEC) that is closed to oil and gas leasing to protect the least chub. The ACEC includes most of the lake bed and aquatic habitats and is fenced to exclude livestock (BLM 1992, pp. 11, 16, 18). Some springheads on the privately owned parcel were voluntarily exclosed by the landowner, significantly reducing the entrainment rate of livestock—livestock can become entrained (trapped) in soft spring deposits, where they can die, decompose, and pollute the springhead. Degraded springheads are prioritized and selected sites are restored on an annual, rotating basis to counteract the historical livestock damage. This restoration effort has resulted in increased least chub habitat and occupancy.

(4) Bishop Springs Complex: Land ownership includes BLM (50 percent), SITLA (40 percent), and private lands (10 percent). In 2006, UDWR and the Service entered into a candidate conservation agreement with assurances (CCAA) with the landowner to purchase water rights for Foote Reservoir and Bishop Twin Springs (USFWS 2006, entire). These water bodies provide most of the perennial water to the complex (Hines *et al.* 2008, p. 37). In 2008, UDWR obtained a permit for permanent change of use, providing for instream flow on a seasonal schedule. This instream flow helps to maintain water levels at Bishop Springs Complex, protecting the least chub (Hines *et al.* 2008, p. 37). Fencing around Foote Reservoir (Foote Spring) and North Twin Spring to exclude livestock was completed in 1993 (Wheeler 2014b, pers. comm.), and Russian olive removal was completed in 2012. These efforts have limited livestock access to least chub occupied habitat.

(5) Mills Valley: Nearly 80 percent of the occupied habitat at Mills Valley is privately owned, and the remaining 20 percent is owned by UDWR as the Mills Meadow Wildlife Management Area (WMA) (LCCT 2014, p. 14). Livestock grazing rights on the UDWR WMA were provided to adjacent landowners in exchange for UDWR and public access to UDWR property (Stahli and Crockett 2008, p. 5); however, the grazing rights were purchased back from the private landowner. In addition, the UDWR is encouraging landowners to participate in the programmatic CCAA to improve their current grazing management strategies (USFWS 2014a, entire).

(6) Clear Lake: This population was discovered in 2003 at the Clear Lake WMA, which is wholly owned and managed by UDWR. The site has a water right owned by UDWR. Common carp were prevalent at the site, but between 2003 and 2013, and through the implementation of the 2010 Clear Lake Aquatic Control Plan, UDWR successfully removed considerable numbers of common carp from the lake where they impacted vegetated habitat (Ottenbacher et al. 2010, entire). Removal efforts have significantly reduced the common carp population. Anecdotal evidence shows an increase in vegetated habitat and decrease in turbidity following these removal efforts (Wheeler 2014c, pers. comm).

**Future Conservation Efforts**

Despite the positive accomplishments of the 1998 CCA and 2005 CCA, our 2010 12-month finding (75 FR 35398) identified several threats that were still negatively acting on the least chub and its habitat. The remaining threats identified in the 2010 12-month finding included: (1) Continued habitat loss and degradation caused by livestock grazing; (2) groundwater withdrawal; (3) nonnative fishes; (4) the effects of climate change and drought; (4) and cumulative interaction of the individual factors listed above. The 2010 12-month finding also determined that existing regulatory mechanisms were not adequately addressing the threat of groundwater withdrawal to the species.

Based on information provided in the 2010 12-month finding, the LCCT partners met to evaluate the most recent least chub survey information and habitat conditions and amend the 2005 CCA. The resulting 2014 CCA amendment outlined several new conservation actions to address the threats that were identified in our 12-month finding: (1) Development and implementation of a programmatic candidate conservation agreement with assurances (CCAA) with private landowners; (2) the purchase of grazing rights on UDWR land; (3) completion of the population viability analysis (PVA) to evaluate natural and introduced populations and prioritize conservation strategies; (4) development of nonnative fish management plans; (5) additional fencing and habitat restoration of key sites; (6) maintenance and monitoring of introduced populations; and (7) completion of a study to evaluate the impact of groundwater level changes on habitat at a natural population site. A summary of specific conservation actions included in the 2014 CCA amendment are listed below in Table 2.

TABLE 2—THREATS TO THE LEAST HUB AS IDENTIFIED IN THE 2010 12-MONTH FINDING (75 FR 35398), THE PLANNED ACTIONS TO ADDRESS THOSE THREATS AS IDENTIFIED IN THE 2014 CCA AMENDMENT, AND THE STATUS OF THE ACTION

[LCCT 2014, Entire]

| Threat | Agency | Conservation actions | Status |
|---|---|---|---|
| Livestock grazing | UDWR | Purchase of grazing rights for Mills Valley. Livestock to be removed September 2015. | Completed. |
| | UDWR, BLM | Maintain fencing on their respective lands | Annually. |

TABLE 2—THREATS TO THE LEAST HUB AS IDENTIFIED IN THE 2010 12-MONTH FINDING (75 FR 35398), THE PLANNED ACTIONS TO ADDRESS THOSE THREATS AS IDENTIFIED IN THE 2014 CCA AMENDMENT, AND THE STATUS OF THE ACTION—Continued

[LCCT 2014, Entire]

| Threat | Agency | Conservation actions | Status |
|---|---|---|---|
| | Service, UDWR | Encourage private landowners at Mills Valley, Leland, Gandy, and Bishop to enroll in the programmatic CCAA. | After CCAA completion. |
| | UDWR | Complete land-swap package at Leland Harris | Completed. |
| | BLM | Implement guidelines and plans when issuing or renewing grazing operator permits, and maintain Area of Critical Environmental Concern (ACEC) at Gandy. | Continuous. |
| | UDWR | Purchase privately owned parcels at Gandy and Bishop, if possible. | Anytime. |
| | BLM | Complete Bishop Springs fencing project | May 2015. |
| | UDWR | Enhance habitat of degraded areas | Annually. |
| | UDWR | Submit an annual report | Annually. |
| | All | Adaptively manage grazing at all applicable sites | As needed. |
| Ground-water withdrawal. | UDWR | Monitor least chub populations | Annually. |
| | Service, UDWR, BLM | Protest new water rights applications through the formal protest process if the applications for water infringe on water rights and lands with least chub. | Continuous. |
| | UDWR | Monitor water levels at introduced sites | Annually. |
| | UDWR | Review piezometer data and monitor groundwater levels at Snake Valley least chub population sites. | Annually. |
| | All | Review annual groundwater reports by Utah Geological Survey (UGS) and U.S. Geological Survey (USGS). | Annually. |
| | All | Use the new decision model to assess the continued stability and suitability of habitats to support least chub. | Annually. |
| | All | Integrate monitoring data into the decision model to reduce key uncertainties and improve future decision-making and provide a summary report annually. | 1 year after completion of PVA. |
| | UDWR | Use Leland Harris habitat study (expected in 2015) to develop a water level and inundated habitat model. | After study completion. |
| | SNWA | Consider possible impacts of Southern Nevada Water Authority (SNWA) activities and plans on least chub and their habitat. | When applicable. |
| Nonnative fishes | UDWR | Design/implement nonnative fish management plans | May 2015. |
| | UDWR | Maintain, enforce and educate on UDWR code regulations for movement of nonnative fish species. | Continuous. |
| | All | Use new information in adaptive management planning | As needed. |
| Climate change and drought. | UDWR | Monitor piezometers, surface flow gages, and weather patterns at the Snake Valley wild population sites. | Annually. |
| | UDWR | Apply information from the Leland Harris habitat study (expected in 2015) to other sites. | Sept. 2015. |
| | All | Use PVA and decision tool to guide management under changes in drought and climate change conditions. | 1 year after PVA completion. |
| | Service, UDWR | Evaluate introduced populations and UDWR to establish new populations to meet goals. | Continuous. |
| | UDWR, BLM | Russian olive removal at Bishop Springs | April 2015. |
| Cumulative effects | All | Addressing the threats listed above independently will prevent these threats from acting cumulatively. | Not applicable. |

We have also completed an analysis of the certainty of implementation and effectiveness of these future actions pursuant to our Policy for Evaluation of Conservation Efforts When Making Listing Decisions (PECE; 68 FR 15100, March 28, 2003; USFWS 2014b, entire), which is available on the Internet at *http://www.fws.gov/mountain-prairie/species/fish/leastchub/*. This analysis pertains only to actions that have not yet been implemented or have been implemented but are not yet shown to be effective (see PECE Analysis, below). Our analysis under PECE allows us to include future actions that have not yet been implemented or shown to be effective in our current threats analysis and status determination.

**PECE Analysis**

The purpose of PECE is to ensure consistent and adequate evaluation of recently formalized conservation efforts when making listing decisions. The policy provides guidance on how to evaluate conservation efforts that have not yet been implemented or have not yet demonstrated effectiveness. The evaluation focuses on the certainty that the conservation efforts will be implemented and effectiveness of the conservation efforts. The policy presents nine criteria for evaluating the certainty of implementation and six criteria for evaluating the certainty of effectiveness for conservation efforts. These criteria are not considered comprehensive evaluation criteria. The certainty of implementation and the effectiveness of a formalized conservation effort may also depend on species-specific, habitat-specific, location-specific, and effort-specific factors. To consider that a formalized conservation effort contributes to forming a basis for not listing a species, or listing a species as threatened rather than endangered, we must find that the conservation effort is sufficiently certain to be implemented, and effective, so as to have contributed

to the elimination or adequate reduction of one or more threats to the species identified through the section 4(a)(1) analysis. The elimination or adequate reduction of section 4(a)(1) threats may lead to a determination that the species does not meet the definition of endangered or threatened, or is threatened rather than endangered.

An agreement or plan may contain numerous conservation efforts, not all of which are sufficiently certain to be implemented and effective. Those conservation efforts that are not sufficiently certain to be implemented and effective cannot contribute to a determination that listing is unnecessary, or a determination to list as threatened rather than endangered. Regardless of the adoption of a conservation agreement or plan, however, if the best available scientific and commercial data indicate that the species meets the definition of ''endangered species'' or ''threatened species'' on the day of the listing decision, then we must proceed with appropriate rulemaking activity under section 4 of the Act.

Using the criteria in PECE (68 FR 15100, March 28, 2003), we evaluated (for those measures not already implemented) the certainty of implementation and effectiveness of conservation measures pertaining to the least chub. We have determined that the measures will be effective at eliminating or reducing threats to the species because they protect and enhance occupied habitat (by reducing further grazing damage, restoring historically impacted areas, and removing nonnative fishes); commit to continued monitoring of populations; and provide new information, management direction, and analysis on the populations through the PVA model and implementation. We have a high degree of certainty that the measures will be implemented because the LCCT partners have a long track record of implementing conservation measures and CCAs for this species since 1998. Over approximately the past 16 years of implementation, UDWR, BLM, and the Mitigation Commission have implemented conservation actions to benefit least chub and its habitat, monitored their effectiveness, and adapted strategies as new information became available.

New conservation actions are prescribed by the 2014 CCA amendment and are already being implemented, such as the purchase of grazing rights on UDWR land, a land swap with SITLA, the creation and implementation of the PVA, habitat restoration, and data collection for the study to evaluate the effect of groundwater level changes on habitat at a natural population site. The 2014 CCA amendment has sufficient annual monitoring and reporting requirements to ensure that all of the conservation measures are implemented as planned, and are effective at removing threats to the least chub and its habitat. The collaboration among the CCA signatories requires regular committee meetings and involvement of all parties in order to fully implement the conservation agreement. Based on the successes of previous actions of the conservation committee, we have a high level of certainty that the conservation measures in the 2014 CCA amendment will be implemented (for those measures not already begun) and effective, and thus they can be considered as part of the basis for our final listing determination for the least chub.

Our detailed PECE analysis (USFWS 2014b, entire) on the 2014 CCA amendment (LCCT 2014, entire) is available for review at *http://www.regulations.gov* and *http://www.fws.gov/mountain-prairie/species/fish/leastchub/.*

## Summary of Factors Affecting the Species

Section 4 of the Act and its implementing regulations (50 CFR 424) set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the Act: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. Listing actions may be warranted based on any of the above threat factors, singly or in combination. Each of these factors is discussed below. In our previous analysis in the 2010 12-month finding (75 FR 35398), we did not evaluate introduced populations, which are now evaluated in this document (see ''Population Distribution,'' above).

### *Factor A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range*

The following potential threats that may affect the habitat or range of least chub are discussed in this section, including: (1) Livestock grazing; (2) oil and gas leasing and exploration; (3) mining; (4) urban and suburban development; (5) ground water and surface water withdrawal and diversion; and (6) drought.

#### Livestock Grazing

Livestock grazing was considered a threat to the species at the time of the 2010 12-month finding, particularly for the Snake Valley (Leland Harris, Gandy, Bishop Springs) and Mills Valley populations. Grazing animals can impact aquatic habitats in multiple ways. Livestock seek springs for food and water, both of which are limited in desert habitats; therefore, they spend a disproportionate amount of time in these areas (Stevens and Meretsky 2008, p. 29). As they spend time at springs, livestock eat and trample plants, compact local soils, and collapse the banks (Stevens and Meretsky 2008, p. 29). Input of organic wastes increases nutrient concentrations, and some nutrients (e.g., nitrogen compounds) can become toxic to fish (Taylor *et al.* 1989, in Stevens and Meretsky 2008, p. 29). Domestic livestock can also be trapped in soft spring deposits, die and decompose, and pollute the water, although this has happened infrequently. All of these effects can result in the loss or decline of native aquatic fauna (Stevens and Meretsky 2008, pp. 29–30) at site-specific locations.

Historical livestock grazing impacted five of the six naturally occurring least chub sites (Leland Harris, Gandy Marsh, Bishop Springs, Mills Valley, and Mona Springs). Despite some remaining localized impacts at a few of these locations, removal of grazing, implementation of conservation activities, continued monitoring efforts, habitat restoration, and private landowner agreements leading to modified grazing practices have decreased grazing pressure and resultant impacts at these sites since 2005 (Hines *et al.* 2008 pp. 22–23; LCCT 2014, pp. 18–19; Crockett 2013, pers. comm; Wheeler 2013b, pers. comm.). In addition, the LCCT has evaluated livestock grazing at successful introduced population sites and determined that all sites, except one (Pilot SE), have been protected from grazing since establishment, either through fencing or land management practices, and thus no grazing related impacts are present. The following discussion provides site-specific analysis of livestock grazing for all least chub populations.

The Clear Lake WMA and Mona Springs naturally occurring least chub populations are protected from livestock grazing by the management policies of

UDWR when Clear Lake WMA was established, and the Mitigation Commission in 2005, respectively. The UDWR never grazed livestock at the Clear Lake WMA and the Mitigation Commission removed grazing from Mona Springs in 2005 (Hines *et al.* 2008, p. 34, 45).

Livestock damage occurred at Gandy Marsh during periods of unmanaged overgrazing (Hines *et al.* 2008, p. 39; LCCT 2008b, p. 2). In August 2007, livestock damage was reported to be extensive when approximately 600 head of cattle were fenced into the northern area of Gandy Marsh (LCCT 2008b, p. 2; Wheeler 2013b, pers. comm.). However, the number of cattle has decreased to about 12 to 40 head (more than a 90 percent decrease) on this privately owned Gandy Marsh parcel since 2007, and the livestock entrainment rate significantly declined when the landowner voluntarily fenced about 50 percent of the springheads (Wheeler 2013b, pers. comm.). This change in management is the result of an informal, voluntary agreement initiated around 2008 between the landowner and the UDWR. The UDWR also manually restored 25 of the heavily impacted springheads at Gandy Marsh and least chub re-colonized 75 percent of those restored areas within several months (Wheeler 2013a, p. 3; Wheeler 2014a, p. 10). The BLM also installed fencing to protect springs on their lands at Gandy Marsh. Overall, 60 percent of the springs at Gandy Marsh are protected from livestock grazing by fencing (on both private and BLM lands), with nearly 80 percent of the habitat managed and regulated via grazing permits by BLM, and the remaining habitat managed for livestock grazing under the informal, voluntary agreement between UDWR and the landowner, which is expected to continue into the future since the exclosures in place since 2008, minimize livestock entrainment and loss, thereby providing benefits to landowner and encouraging a continuous agreement by the landowner with UDWR. The UDWR, as signatory to the 2014 CCA amendment, agrees to continue efforts to restore degraded habitat on an annual, rotating basis to counteract the historical livestock damage (LCCT 2014, p. 16).

Miller Spring and portions of the Leland Harris sites (within the Leland Harris Springs Complex) were previously considered unsuitable for least chub due to sedimentation, trampling, and poor water quality associated with livestock use, but extensive efforts by UDWR in 1999 and 2000, to restore and fence the spring significantly improved the habitat (Hogrefe 2001, pp. 7, 20). A rotational grazing plan was established through a wildlife extension agreement between the landowner and UDWR on 75 ha (188 ac) of Miller Spring and Leland Harris Springs (which also exhibited historical ungulate damage and bank disturbance) that resulted in improved habitat conditions at both sites (Hines *et al.* 2008, p. 42). Fencing of additional springs at Leland Harris in 2013 protected another 0.12 ha (0.3 ac) of habitat on private land and reduced livestock entrainment (Crockett 2013, pers. comm.). Survey data at Leland Harris indicate that least chub are widely distributed throughout the spring complex (UDWR 2012b, pp. II–17), and although least chub are not regularly monitored at Miller Spring, they are observed schooling along the shoreline each year during Columbia spotted frog (*Rana luteiventris*) surveys (Grover 2013, pers. comm.). Additional efforts to remove livestock grazing at Leland Harris include a recent land swap in 2014, between SITLA and UDWR, thereby protecting nearly 50 percent of the Leland Harris site, which is approximately 28 percent of the entire Leland Harris Springs Complex (LCCT 2014, p. 19). Overall, 28 percent of habitat at the Leland Harris Springs Complex has no livestock grazing, and the remainder of habitat is either under the grazing management plan through the 20-year wildlife extension agreement between UDWR and the landowner (67 percent) or actively managed for grazing by BLM (5 percent). As a signatory to the 2014 CCA amendment, the BLM ensures that its grazing permits are issued at levels sufficient to conserve least chub (e.g., turn out dates, number of cattle, rest periods; BLM 1988, entire), and has committed to continue to implement Utah Guidelines for Grazing Management (BLM 2011, entire) that protect least chub habitat when issuing or renewing grazing permits (LCCT 2014, p. 19) (see *Factor D. Inadequacy of Existing Regulatory Mechanisms,* below).

Foote Spring and North Twin Spring at the Bishop Spring Complex have been protected from livestock by fences since 1993, and Central Spring, although not fenced, is inaccessible to livestock due to its location in the center of the wetland complex. The remaining spring in the complex, South Twin Spring, was severely impacted by bank sloughing, resulting in shallower water, increased surface area, and sedimentation of the springhead in past years (Wheeler *et al.* 2004, p. 5). In 2014 and 2015, BLM will install a fence structure and water gap, improve bank stabilization, and reduce sediment deposition at the South Twin spring through funds provided by UDWR's Watershed Restoration Initiative, a conservation activity committed to in the 2014 CCA amendment (BLM 2014, entire; LCCT 2014, p. 19). Overall, 75 percent of springs at the Bishop Springs Complex are protected from livestock grazing (i.e., via fencing or livestock inaccessibility), and the remaining 25 percent of the springs will be fenced and protected from livestock grazing by 2015.

On the State-owned WMA portion of the Mills Valley site, grazing was allowed in return for UDWR access across private land to monitor least chub status. The damage due to overgrazing on this parcel was documented as moderate to severe in 2006 (UDWR 2006, pp. 27–28). The UDWR recently purchased the grazing rights for the parcel and grazing will be removed by September 2015 (LCCT 2014, p. 18). The remaining 80 percent of the least chub site is privately owned, but in general, only springs on the eastern edge of the wetland complex (approximately 50 percent of privately owned lands) have suffered from significant grazing impacts in the past (UDWR 2012b, pp. II–19, 20). In 2012, by targeting habitat restoration efforts and shifting the grazing patterns on a portion of the private lands previously impacted, habitat quality improved and no additional accumulation of sediment from grazing was detected after restoration at the sites (UDWR 2013a, p. II–8, 9; Grover 2013, pers. comm.). To further minimize the remaining livestock impacts at Mills Valley, the UDWR agrees to encourage private landowners to enroll in the programmatic CCAA (see discussions in Previous and Ongoing Conservation Efforts and Future Conservation Efforts sections, above), which will incorporate a grazing management plan with a rotational grazing schedule and establish a maximum number of grazing units, key rest periods, and livestock turn-out dates for the protection of least chub (LCCT 2014, p. 18). Overall, through UDWR management, 20 percent of least chub habitat at Mills Valley will have no livestock grazing by 2015.

As described previously, in 2013, the LCCT established formal introduction criteria for establishing new least chub populations (LCCT 2013a, entire). The criteria includes a thorough threat assessment and evaluation of the site; standards requiring that no livestock grazing occur at a site, or if there is grazing, it will be for an agreed-upon extent and duration that would not have

negative impacts on least chub or their habitat; that livestock watering access be limited to a water gap (a notch in a fence surrounding a waterbody that allows for limited watering access for livestock) or off-site water source; that there are no apparent sedimentation issues; and that the site exhibits stable banks and minimal vegetation disturbance from livestock presence (UDWR 2013b, p. 2). Ten introduced sites meet the establishment criteria and are considered successful introductions, two of which have been established since the 2010 12-month finding. Six of these sites do not have livestock grazing; three sites are fenced and managed for livestock; and one site has seasonal livestock grazing, but there is no documented damage to least chub habitats associated with the seasonal livestock use (Allen 2014, pers. comm.). Overall, 90 percent of the successful introduced sites are protected from livestock grazing, and 10 percent (1 site) has low intensity, seasonal grazing with no documented habitat damage in the 6 years since its establishment.

In summary, historical livestock grazing was widespread across the majority of the natural populations and extensive livestock-related damage (i.e., entrainment, sedimentation, trampling) had occurred in the recent past at some of the natural sites. However, we find that completed efforts to protect the populations from grazing (e.g., fencing, livestock management, land and grazing rights acquisitions) and planned efforts under the 2014 CCA amendment (as described above under PECE Analysis) to continue to improve grazing management in least chub habitats provide an adequate amount of habitat protection from livestock grazing and contribute to the long-term conservation of the wetland and springs essential to least chub populations across the species' range.

Oil and Gas Leasing and Exploration

Oil and gas leasing and exploration was not considered a threat to least chub in our 2010 12-month finding, but our analysis did not previously evaluate introduced populations, which are now evaluated in this document. Oil and gas leasing and exploration can have direct and indirect impacts on springs, marshes, and riparian habitats. Vehicles, including drilling rigs and recording trucks, can crush vegetation, compact soils, and introduce exotic plant species (BLM 2008, pp. 4–9 to 4–20). Roads and well pads can affect local drainages and surface hydrology, and increase erosion and sedimentation (Matherne 2006, p. 35). Accidental spills (Etkin 2009, pp. 36–42, 56) can result in the release of hydrocarbon products into ground and surface waters (Stalfort 1998, section 1). Accumulations of contaminants in floodplains can result in lethal or sublethal impacts to endemic sensitive aquatic species (Stalfort 1998, section 4; Fleeger *et al.* 2003, p. 207).

The closest active well to a natural least chub population, as reported in our 2010 12-month finding, was 9.7 kilometers (km) (6 miles (mi)) away when evaluated using data from 2009 (Megown 2009a, entire). However, the activities associated with the active well 9.7 km (6 mi) away have not increased drilling operation and maintenance vehicle traffic near the least chub site, nor has there been evidence of compacted soils, soil erosion, crushed vegetation, or contamination runoff near the least chub site. Therefore, we consider this to be beyond the distance where least chub or their habitat would be reasonably affected. Using the most recent information from the State of Utah, Division of Oil, Gas and Mining (UDOGM) data, the same analysis in 2014 revealed no change; the well examined in 2009 remains the closest well to a natural least chub population (Jorgensen 2014a, entire). The closest active well in the UDOGM database to an introduced population is 49.9 km (31 mi) away (Jorgensen 2014a, entire). Since oil and gas leasing sites have not encroached closer than 9.7 km (6 mi) to the nearest natural least chub site in 5 years, wells are nearly 50 km (31 mi) from introduced least chub populations, and we are unaware of any plans for new exploration or development in these areas, oil and gas leasing and exploration is not considered a threat to the least chub.

Mining

Mining was not considered a threat to least chub at the time of our 2010 12-month finding, but our analysis did not previously evaluate introduced populations, which are now evaluated in this document. Peat mining has the potential to alter the hydrology and habitat complexity of bog areas with peat and humus resources (Olsen 2004, p. 6; Bailey *et al.* 2005, p. 31). Mills Valley was the only natural least chub population site containing peat and humus suitable for mining at the time of the 2010 12-month finding. In 2003, a Mills Valley landowner received a permit from UDOGM to conduct peat mining on their private land. Although one test hole was dug, no further peat mining occurred in this location. This peat mining permit is now inactive, and the operation has been abandoned (W. Western 2014, pers. comm), indicating that it is unlikely to be reinitiated as a viable project in the future. Past peat mining activities were unsuccessful in Mills Valley, and we are unaware of any future private or commercial peat mining proposals or permits, including any near or within introduced least chub sites (W. Western 2014, pers. comm.).

In summary, our analysis found one permit for peat removal in the Mills Valley least chub population area, but the attempt was abandoned. We are unaware of any additional private or commercial peat operation activities or permits at Mills Valley or any other natural or introduced least chub populations prior to or since the 2010 12-month finding. We conclude that peat mining is not a threat to the least chub.

Urban and Suburban Development

Urban and suburban development were not considered threats to the species at the time of the 2010 12-month finding, but our analysis did not previously evaluate introduced populations, which are now evaluated in this document. We acknowledge that historical development resulted in the loss of least chub habitats and populations across the species' range. The least chub was originally common throughout the Bonneville Basin in a variety of habitat types (Sigler and Miller 1963, p. 82). In many urbanized and agricultural areas, residential development and water development projects have effectively eliminated historical habitats and potential reintroduction sites for least chub (Keleher and Barker 2004, p. 4; Thompson 2005, p. 9). Development and urban encroachment either functionally or completely eliminated most springs, streams, and wetlands along the Wasatch Front (Keleher and Barker 2004, p. 2). Urban and suburban development affect least chub habitats through: (1) Changes to hydrology and sediment regimes; (2) inputs of pollution from human activities (contaminants, fertilizers, and pesticides); (3) introductions of nonnative plants and animals; and (4) alterations of springheads, stream banks, floodplains, and wetland habitats by increased diversions of surface flows and connected groundwater (Dunne and Leopold 1978, pp. 693–702).

At the time of our 2010 12-month finding, of the remaining natural sites, only the Mona Springs site (Keleher and Barker 2004, p. 4; Thompson 2005, p. 9) was considered vulnerable to rapid population growth along the Wasatch Front. At that time, the human population in the Mona Springs area was increasing and a housing

development had expanded to within 1 km (0.6 mi) of the Mona Springs least chub site (Megown 2009b, entire). Since then, there has been no additional encroachment at the Mona Springs site, and we know of no additional urban development planned for the other natural least chub sites (Jorgensen 2014b, entire). Naturally occurring populations are more than 16 km (10 mi) away from population centers, and 40 percent of introduced sites are more than 80 km (50 mi) away (Jorgensen 2014d, entire).

Of the introduced population sites, only Escalante is near an urban interface (ponds are located on the property of the Escalante Elementary School in Salt Lake City), and we are unaware of any future development planned for this site. Two additional introduced sites are near the Wasatch Front, but they are more than 8 km (5 mi) from development, with the closest developed site located on military lands (not open to additional development) (Jorgensen 2014d, entire). There has been no alteration to the least chub-occupied spring habitats at these introduced sites, nor any evidence of increased sedimentation or contamination at the sites due to suburban or urban development within 8 km (5 mi); therefore, we consider this to be beyond the distance where least chub or their habitat would be reasonably affected.

Despite the effects of urban and suburban development on historical populations along the eastern portion of the least chub historical range, most of the remaining sites where least chub naturally occurs or was introduced occur in relatively remote portions of Utah with minimal human populations. We have no information indicating that urban or suburban development poses a threat to the least chub now or in the future.

Water Withdrawal and Diversion

Water withdrawals and diversions were considered a threat to the species at the time of the 2010 12-month finding. Our analysis was based on groundwater trends at the time and proposed large-scale groundwater development projects anticipated in the near future. However, there have been changes to the proposed groundwater development activities and additional information on groundwater is now available. Furthermore, successful conservation actions have been implemented since the 2010 12-month finding. Please refer to our ''Summary of Groundwater Withdrawal at Least Chub Populations Sites'' (USFWS 2014c, entire), which can be found on the Internet at *http://www.fws.gov/mountain-prairie/species/fish/leastchub/,* for a detailed description of the history and our current analysis of groundwater withdrawal in Utah and the Snake Valley (an interstate groundwater basin) and large-scale groundwater development projects. A summary is provided below.

Effects of Water Withdrawal

Hydrologic alterations, including water withdrawal and diversion, affect a variety of abiotic and biotic factors that regulate least chub population size and persistence. Abiotic factors include physical and chemical characteristics of the environment, such as water levels and temperature, while biotic factors include interactions with other individuals or other species (Deacon 2007, pp. 1–2). Water withdrawal directly reduces available habitat, impacting water depth, water surface area, and flows from springheads (Alley *et al.* 1999, p. 43). As available habitat decreases, the characteristics and value of the remaining habitat changes. Reductions in water availability to least chub habitat reduce the quantity and quality of the remaining habitat (Deacon 2007, p. 1).

Water withdrawal and diversion reduces the size of ponds, springs, and other water features that support least chub (Alley *et al.* 1999, p. 43). Assuming that the habitat remains at carrying capacity for the species or, in other words, assuming all population processes (e.g., birth rate and death rate) remain unchanged, smaller habitats support fewer individuals by offering fewer resources for the population (Deacon 2007, p. 1).

Particularly because least chub live in patchily distributed desert aquatic systems, reduction in habitat size also affects the quality of the habitat. Reduced water depth may isolate areas that would be hydrologically connected at higher water levels. Within least chub habitat, springheads offer stable environmental conditions, such as temperature and oxygen levels, for refugia and overwintering, but offer little food or vegetation (Deacon 2007, p. 2). In contrast, marsh areas offer vegetation for spawning and feeding, but exhibit wide fluctuations in environmental conditions (Crawford 1979, p. 63; Crist and Holden 1980, p. 804). Maintaining hydrologic connections between springheads and marsh areas is important because least chub migrate between these areas to access the full range of their ecological requirements (Crawford 1979, p. 63; Crist and Holden 1980, p. 804; Lamarra 1981, p. 10). As an example, flow reductions and periodic dewatering reduced available habitat in the wetland needed for least chub reproduction at Bishop Springs (Crawford 1979, p. 38; Lamarra 1981, p. 10; Wheeler *et al.* 2004, p. 5). Fortunately, UDWR's acquisition of water rights through a CCAA with a private landowner at Bishop Springs in 2006, and approval of a permanent change of use to provide instream flow to the Complex in 2008, addresses these historical low water conditions at the site (USFWS 2006, entire; Hines *et al.* 2008, p. 37).

Reductions in water may alter chemical and physical properties of aquatic habitats. As water quantity decreases, temperatures may rise (especially in desert ecosystems with little shade cover), dissolved oxygen may decrease, and the concentration of pollutants may increase (Alley *et al.* 1999, p. 41; Deacon 2007, p. 1). These modified habitat conditions could significantly impact least chub life-history processes, possibly beyond the state at which the species can survive. For example, the maximum growth rate for least chub less than 1 year of age occurs at 22.3 °C (72.1 °F). Temperatures above or below this have the potential to negatively impact growth and affect survival rates (Billman *et al.* 2006, p. 438).

Reduced habitat quality and quantity may cause niche overlaps with other fish species, increasing hybrid introgression, interspecific competition, and predation (see Factor C and E discussions). Reduction in spring flows reduces opportunities for habitat niche partitioning; therefore, fewer species are able to coexist. The effect is especially problematic with respect to introduced species. Native species may be able to coexist with introduced species in relatively large habitats (see Factor C discussion), but the native species become increasingly vulnerable to extirpation as habitat size diminishes (Deacon 2007, p. 2).

Habitat reduction may affect the species by altering individual success. Fish and other aquatic species tend to adjust their maximum size to the amount of habitat available, so reduced habitat may reduce the growth capacity of least chub (Smith 1981, in Deacon 2007, p. 2). Reproductive output decreases exponentially as fish size decreases (Smith 1981, in Deacon 2007, p. 2). Therefore, reduction of habitat volume in isolated desert springs and streams can reduce reproductive output (Deacon 2007, p. 2). Longevity also may be reduced resulting in fewer reproductive seasons (Deacon 2007, p. 2).

Current Groundwater Policy and Management

The Utah State Engineer (USE), through the Utah Division of Water Rights (UDWRi), is responsible for the administration of water rights, including the appropriation, distribution, and management of the State's surface and groundwater. This office has broad discretionary powers to implement the duties required by the office. For groundwater management, Utah is divided into groundwater basins and policy is determined by basin (UDWRi 2013, entire; UDWRi 2014a, entire). Based on the extent of groundwater development within each basin, they are either, open, closed or restricted to further appropriations.

In our 2010 12-month finding, we stated that water rights basins where natural populations of least chub occurred were either open or closed, but even closed basins allowed for additional groundwater pumping. Additionally, in our 2010 12-month finding, we reported that groundwater withdrawals were increasing in the closed basins and monitoring wells were showing declines in water levels based on information in the U.S. Geological Survey (USGS) and UDWRi annual *Groundwater Conditions in Utah Report* (Burden 2009, entire). For example, the water rights basins corresponding to the Mona Springs, Mills Valley, and Clear Lake WMA least chub populations were listed as closed, but the annual *Groundwater Conditions in Utah Report* reported new wells drilled in these basins (Burden 2009, p. 5). From this information, it appeared that additional groundwater withdrawals were being authorized for these basins by the USE. Thus, our analysis concluded that these basins were in effect still open to additional groundwater pumping which posed a threat to all least chub populations.

Since we made our 12-month finding in 2010, we reevaluated the information concerning the reported new well records based upon information provided by UDWRi's online water rights and well log database, and we determined that they were replacement wells for similar pumping capacities and not additional appropriations of groundwater (UDWRi 2013, entire; USFWS 2014c, p. 6; Greer 2013, pers. comm.). Additionally, the UDWRi Assistant State Engineer confirmed that the basins corresponding to the Mona Springs, Mills Valley, and Clear Lake WMA naturally occurring least chub populations were closed, and no new appropriations have been approved since the closure following the groundwater policies implemented in 1995, 1997, and 2003, for the basins, respectively (Greer 2013, pers. comm.; UDWRi 1995, entire; UDWRi 1997, entire; UDWRi 2003, entire; UDWRi 2013, entire).

In addition, we reevaluated the available monitoring well data, which previously indicated declines in water levels (Burden 2009, pp. 41–43, 46–50, 53–55). Our recent analysis of the monitoring well reports indicates that while water levels fluctuate, they are not in decline, and have increased slightly since 2010 (Burden 2013, pp. 41–43, 46–50, 53–55). In our 2010 12-month finding, we concluded that there were increasing groundwater withdrawals in the closed basins (populations in closed basins are discussed above), suggesting that additional withdrawals had been granted. However, we now know that withdrawals have decreased since 2010 in the Sevier Desert (Clear Lake population) basin or maintained a fairly similar average to those reported in 2010 (Burden 2013, pp. 5–6). Although we originally reported changes in water withdrawals from the closed basins as evidence of additional withdrawals, they are within the appropriated water rights issued by USE prior to the basin closure policies. Annual variation in precipitation explain some of the differences in groundwater withdrawals between years in these closed basins, with drought years corresponding to increases and wet years with decreases in withdrawals (USFWS 2014c, p. 6). In addition, not all water rights appropriated are pumped at the same volume each year; thus, differences occur among years based on the pumping regime of the water right holder (USFWS 2014c, p. 6; J. Greer 2013, pers. comm.).

Although no studies have quantitatively characterized the available least chub habitat associated with fluctuations in groundwater withdrawals, the best available information indicates that the water levels have remained relatively stable and available habitat has remained consistent seasonally for least chub at Mona Springs and Mills Valley, but has shown declines in the past at Clear Lake WMA (UDWR 2012a, pp. II–19–20, III–4; Wheeler 2014c, pers. comm.; Grover 2014, pers. comm.). However, the water right owned by UDWR at Clear Lake WMA, which retains water on-site, provides additional assurance that water will be available for the site in the event of drying or other climatic conditions. Therefore, with this new and clarified information, we believe the closed basins protect least chub populations at Mona Springs, Mills Valley, and Clear Lake WMA by preventing further groundwater development.

Three naturally occurring least chub populations occur within the Snake Valley UDWRi groundwater basin, which remains open to appropriations (see ''Localized Pumping in Snake Valley,'' below). Of the three populations occurring in the Snake Valley, two have secured water rights owned by the UDWR and BLM, authorizing a combination of instream flow, and wildlife and riparian habitat uses for the water, which retains additional water on-site by providing an additional 3 cubic feet per second (cfs) above the natural flow at each site (UDWRi 2014b, p. 1–8). These water rights provide additional security and legally ensure senior rights over any new appropriations in the vicinity of these sites, as well as provide water for the site beyond that provided by the natural base flow. Overall, three of the six natural least chub sites occur in UDWRi closed basins and of the remaining three sites (Snake Valley), two sites have secured water rights; thus five of the six natural least chub sites are either fully protected via water rights policy or are secured by existing water rights that provide additional water for the sites.

Least chub introduced populations are located primarily in the northern portion of the Bonneville Basin, which spans numerous UDWRi groundwater basins. The majority of the introduced least chub populations (90 percent) are within open or restricted basins, except Escalante, which is located within a closed basin under the policy of the Salt Lake Valley Groundwater Management Plan, finalized in 2002 (UDWRi 2002, entire). Despite the water right basin status, all introduced population sites have associated water rights that authorize water to be retained on-site through various ''purposes of use,'' including for fish culture use, as a pond and habitat study, and for stockwatering (which is approved for use by both wild and domestic animals as well as natural plant life in the area). Thus, stable water levels can generally be maintained at these sites from natural base flows, but water retained on-site through the water rights adds additional security. The security is provided by the legal assurance of senior rights over any new appropriations in the vicinity of these sites.

In summary, five of six natural least chub populations have existing water rights or occur in closed basins. All of the introduced least chub populations have existing water rights, which provide water on site for least chub and

are held by a combination of owners, including BLM, UDWR, Utah State Parks, local government, Department of Defense, and private landowners. The ownership of a water right legally ensures the senior rights over any new appropriations in their respective vicinities and retains the water on-site for use by least chub, beyond the amount provided by natural flow. Therefore, we conclude that groundwater withdrawal is not anticipated to occur at a level that will pose a threat to least chub populations.

Current Status of Large-Scale Snake Valley Groundwater Pumping

Our 2010 12-month finding considered the proposed large-scale groundwater withdrawals from the Snake Valley aquifer to be one of the most significant threats to least chub populations. At the time of our 2010 12-month finding, several applications for large-scale groundwater withdrawal from the Snake Valley aquifer were pending, including water rights for Southern Nevada Water Authority (SNWA), appropriation of groundwater by the Central Iron County Water Conservancy District and Beaver County, Utah, and an increase of water development by the Confederated Tribes of the Goshute Reservation (SNWA 2008, p. 1–6). Of greatest concern was the SNWA Groundwater Development (GWD) Project, proposing conveyance of up to 170,000 acre-feet per year (afy) of groundwater from hydrographic basins (approximately 50,600 afy from Snake Valley) in Clark, Lincoln, and White Pine Counties, Nevada, to SNWA member agencies and the Lincoln County Water Conservancy District in Las Vegas (SNWA 2008, pp. 1–1, 1–6, Table 1–1). The SNWA had also applied to the BLM for issuance of rights-of-way to construct and operate a system of regional water supply and conveyance facilities to transport water to Las Vegas (SNWA 2008, p. 1–3).

In 1990, Department of the Interior (DOI) agencies protested water rights applications in Spring and Snake Valleys, based in part on potential impacts to water-dependent natural resources (Plenert 1990, p. 1; Nevada State Engineer (NSE) 2007, p. 11). In 2006, DOI agencies reached a stipulated agreement with SNWA for the Spring Valley water rights applications and withdrew their protests (NSE 2007, p. 11). For groundwater pumping planned in Spring Valley, the stipulated agreement established a process for developing and implementing hydrological and biological monitoring, management, and mitigation for biological impacts (NSE 2007, p. 11).

The Utah Geological Survey (UGS) began evaluating Snake Valley in 2004, due to concerns over the proposed groundwater development by SNWA (UGS 2013, p. 1.2–4). Because monitoring of baseline groundwater conditions was relevant to future water-management, the Utah Legislature requested UGS to establish a long-term (50+ years) groundwater-monitoring network in Snake Valley to determine the baseline groundwater conditions and measure changes if future groundwater development were to occur (UGS 2013, p. 1.2–4). The well network was completed in December 2009. The UGS groundwater-monitoring network consists of 60 piezometers (wells open to the aquifers) to measure groundwater levels and surface-flow gages to measure spring discharge (UGS 2013, Abstract p. 3). The monitoring sites were selected adjacent to the Snake Valley portion of the proposed SNWA GWD Project and coincide with areas of current agricultural groundwater pumping, environmentally sensitive and economically important springs, and along possible areas of interbasin flow (UGS 2013, Abstract p. 3).

Although all SNWA facilities were planned for development in Nevada, associated pumping from the Utah-Nevada shared Snake Valley Basin (SNWA 2008, p. 1–1) was expected to affect Utah groundwater resources and consequently habitats of the least chub (Welch *et al.* 2007, p. 82). However, prior to any approved groundwater withdrawals from the shared basin, federal legislation (known as the Lincoln County Conservation, Recreation, and Development Act of 2004) requires that the two States shall reach an agreement regarding the division of the water sources prior to any transbasin diversion (Pub. L. 108–424, 118 Stat. 2403, sec. 301(e)(3), November 30, 2004). To date, no agreement between Utah and Nevada has been signed. Thus, there are significant procedural hurdles to overcome before large-scale groundwater development could occur in the Snake Valley.

Since the 2010 12-month finding, the Nevada State Engineer (NSE), in March 2012, granted groundwater rights to SNWA for Delamar, Dry Lake, Cave, and Spring valleys, but not for Snake Valley. However, SNWA's approved groundwater rights require pipeline development and conveyance of the water from these east-central Nevada valleys to southern Nevada, across BLM land. The BLM published a record of decision (ROD) in December 2012, authorizing SNWA groundwater conveyance across BLM lands in Delamar, Dry Lake, Cave, and Spring valleys in Nevada, but not Snake Valley, and the amount that can be conveyed is limited to 83,988 afy (BLM 2012b, p. 36). Thus, the SNWA GWD Project is not currently authorized to develop groundwater from the Snake Valley.

The BLM's ROD and final environmental impact statement (FEIS) for the SNWA GWD Project described hydrological model simulations that were developed to evaluate the probable long-term effects of groundwater withdrawal from the project and selected alternative on a regional scale (BLM 2012b, p. 16; Service 2014c, entire). The model evaluated predicted drawdowns across three time series; at full build-out, full build-out plus 75 years, and full build-out plus 200 years. Comparison of the simulation results for the three points in time indicates that the drawdown area continues to progressively expand as pumping continues into the future (BLM 2012a, p. 3.3–179; BLM 2012b, pp. 16, 17). However, even at full build-out, the drawdown areas are localized in the vicinity of the pumping wells in central and southern Spring Valley, southern Cave Valley, and Dry Lake Valley; drawdown in excess of 10 feet would not occur in the Snake Valley (BLM 2012a, p. 3.3–179).

At the full build-out plus 75 years timeframe, there are two distinct drawdown areas (BLM 2012a, p. 3.3–184). The northern drawdown area encompasses most of the valley floor in Spring Valley, and extends into northern Hamlin Valley and along the southwest margin of Snake Valley (BLM 2012a, p. 3.3–184). The Snake Valley least chub populations are located in the northeast portion of Snake Valley and would be approximately 32–40 km (20–25 mi) from the edge of the drawdown area, reasonably considered to be beyond the distance where the least chub habitat would be affected. The southern drawdown area extends across the Delamar, Dry Lake, and Cave valleys in a north-south direction (BLM 2012a, p. 3.3–184) where least chub do not occur. By the full build-out plus 200 years timeframe, the two drawdown areas merge into one that extends approximately 305 km (190 mi) in a north-south direction and up to 80 km (50 mi) in an east-west direction, flanking the southwestern edge of the Snake Valley basin (BLM 2012a, p. 3.3–184). In this scenario, the drawdown area is still approximately 24–32 km (15–20 mi) from the closest least chub population in Snake Valley, which we consider to be beyond the distance where least chub habitat would be affected, because pumping generally

only affects groundwater levels in monitoring wells up to 8 km (5 mi) from their pumping center, based on localized pumping information (UGS 2013, p. 5.3.7–35) (see ''Localized Pumping in Snake Valley,'' below). In short, the selected alternative shows no drawdowns in the vicinity of the Snake Valley least chub populations, even 200 years after full build-out.

Because these drawdown predictions are based on groundwater models, there are intrinsic limitations that should be considered with any interpretive effort. The model may underestimate groundwater drawdowns because it was developed for regional scale analysis and does not consider changes in groundwater elevation of less than 3 meters (m) (10 feet (ft)) (BLM 2012a, p. 3.3–87). Thus, the geographical extent of groundwater drawdown could be greater than what is presented in the analysis, and the extent and timing of these effects could vary among springs, based on their distance from extraction sites and location relative to regional groundwater flow paths (Patten *et al.* 2007, pp. 398–399). Despite these limitations, this model is the most advanced analysis currently available to evaluate pumping impacts from the SNWA GWD Project, and any modeled impacts would have to increase by 24–32 km (15–20 mi) to reach habitat occupied by least chub 200 years after full build-out; we consider this level of disparity to be unlikely. In addition, the UGS monitoring well network (see the beginning of the ''Current Status of Large-Scale Snake Valley Groundwater Pumping'' section) will be used to evaluate groundwater drawdowns and changes in spring discharge rates within the vicinity of the Snake Valley least chub populations. Because SNWA has agreed to avoid and mitigate for any impacts to least chub and their habitat in the 2014 CCA amendment (LCCT 2014, p. 20), it is anticipated that UGS monitoring data will be used to initiate discussions to change groundwater pumping if impacts are found to occur (as described in more detail below).

Although the BLM authorized the SNWA GWD Project conveyance for all valleys except Snake Valley, and water rights for those valleys were granted by NSE, on December 10, 2013, the Seventh Judicial District Court in Nevada heard petitions and remanded the NSE orders that granted the water rights to SNWA in Delamar, Dry Lake, Cave, and Spring valleys (Seventh Judicial District Court, Nevada 2013, p. 1). The Court, through the remand, has required the following: Recalculation of water available from the respective basins; additional hydrological study of Delamar, Dry Lake and Cave valleys; and establishment of standards for mitigation in the event of a conflict with existing water rights or unreasonable effects to the environment or the public interest (Seventh Judicial District Court, Nevada 2013, pp. 1, 2). It is unclear how the requirements by the courts will operate in conjunction with the stipulated agreement and how the NSE will define standards, thresholds, and triggers for mitigation. With these uncertainties, the SNWA GWD Project in Delamar, Dry Lake, Cave, and Spring valleys will likely be delayed until further analysis is completed.

In summary, the SNWA GWD project was not approved for Snake Valley, the location of known least chub populations. Drawdowns from pumping in Spring Valley, if it occurs, are not anticipated to affect least chub populations even 200 years following full build-out, based on the best available analysis. Recent court decisions have lent uncertainty toward the future ability to complete the SNWA Project in Spring Valley, a valley outside the historical range of least chub. Based on available hydrologic modeling, we do not anticipate that the SNWA GWD project, if it occurs, will pose a threat to least chub.

Other Proposed Large-Scale Water Development Projects Within or Near Snake Valley

In our 2010 12-month finding, other large-scale water development projects were anticipated or completed, and included: (1) Beaver County, Utah, for appropriations in Wah Wah, Pine, and Hamlin valleys (UDWRi 2009b, pp. 2, 5, 8); (2) SITLA for up to 9,600 afy from underground water wells across the Snake Valley; (3) Central Iron County (Utah) Water Conservancy District for appropriations in Hamlin Valley, Pine Valley, and Wah Wah valleys (UDWRi 2009a, pp. 2, 12, 23); and (4) The Confederated Tribes of the Goshute Reservation (located in east-central Nevada and west-central Utah) for an increase their Deep Creek basin rights (Steele 2008, p. 3).

To evaluate the potential effects of these four large-scale water development projects on least chub and their habitat, we first evaluated the project's current water rights status (rejected, pending, or approved). Then, if found to be pending or approved, we determined if it occurs within the same or a different regional groundwater flow system as the Snake Valley least chub populations (i.e., hydrologically connected). Lastly, we measured the proximity of the water development project to least chub habitat if it was located within the same regional groundwater flow system, as distance between groundwater development and least chub populations can be an indicator of potential impacts, as described below.

Through their efforts to monitor Snake Valley groundwater with a monitoring well network, UGS determined that localized agricultural groundwater pumping has the potential to affect groundwater levels in monitoring wells up to 8 km (5 mi) from their pumping center, as evidenced by a distinct change in monitoring well water level during irrigation season (UGS 2013, p. 5.3.7–35). Despite observing this relationship between groundwater pumping and distance affected, they also found that not all pumping activities within 8 km (5 mi) cause changes in monitoring well water levels, as distance from aquifer recharge areas, and duration and the intensity of pumping activities can be complicating factors (UGS 2013, p. 5.3.7–35). Thus, within an 8-km (5-mi) distance from groundwater pumping, additional analysis is necessary to characterize pumping impacts. Based on this information, 8 km (5 mi) was considered a reasonable threshold distance of a least chub site from a pumping location. If groundwater withdrawal wells were located closer than this, either water level trends at the population sites or changes in monitoring well water levels near the sites were used in our analysis to determine if groundwater pumping was affecting least chub population sites (see ''Localized Pumping in Snake Valley,'' below, for additional descriptions of monitoring well trends at least chub populations sites).

Our 2010 12-month finding reported that the Beaver County applications were rejected by the USE (UDWRi 2009b, pp. 3, 6, 9) and that the SITLA water rights were granted in 2005 for 9,600 afy in the Snake Valley. This information remains correct, but further analysis revealed that the SITLA water rights are for 12 separate wells across the Snake Valley: 1 well at Bishop Springs, 1 near Gandy Marsh (6 km (4 mi)) away from the nearest least chub population), 3 wells north of the nearest least chub population (10 km (6 mi) away), and 7 wells south of the nearest least chub population (ranging from 30 to 50 km (20 to 30 mi) away) (UDWRi 2009c, entire; UDWRi 2014c, entire). These wells have been active for 9 years, with 2 wells occurring within 8 km (5 mi) of least chub habitat. Several of those 9 years overlap with the drawdowns experienced at Bishop Springs prior to water right acquisition at the site (although a relationship

cannot be not confirmed). However, since the water right held by UDWR was approved in 2008 for instream flows to benefit wildlife at Bishop Springs, drawdowns have not occurred at the site, based on annual monitoring surveys. Furthermore, the UGS well network has not detected drawdowns at the site since piezometer installation in 2009. It is certainly possible that withdrawals by SITLA near the site have affected Bishop Springs in the past, but the water right held by UDWR providing instream flow has maintained suitable flows for least chub at the site since its acquisition in 2008.

Central Iron County water rights hearings were held in 2010, but the applications remain unapproved by USE (UDWRi 2014c, p. 1–9). It is uncertain when or if the water rights will be approved. However, the locations of the appropriations are in Hamlin Valley, Pine Valley, and Wah Wah valleys (UDWRi 2014c, p. 1–9). Pine and Wah Wah valleys are adjacent to, and are within the same regional groundwater flow system (Great Salt Lake Desert (GSLD) system) as Snake Valley, but the hydrological connection to Snake Valley or its least chub populations is not clear (Welch *et al.* 2007, p. 5). However, Hamlin Valley is hydrologically connected to Snake Valley in the south (Welch *et al.* 2007, p. 5), but the northernmost Central Iron County water right application site is nearly 160 km (100 mi) south of the nearest least chub population, which is reasonably considered to be beyond the distance where the least chub habitat would be affected.

The Confederated Tribes of the Goshute Reservation application from the Deep Creek Valley remains unapproved due to numerous protests, associated hearings, and the application is currently being reconsidered by USE (UDWRi 2014c, pp. 10–14). Deep Creek Valley is adjacent to Snake Valley, but is part of Goshute Valley regional groundwater flow system, which is not connected to Snake Valley or its associated GSLD regional flow system (Welch *et al.* 2007, p. 5). Thus, we do not expect that any potential approval and use of these water rights would impact least chub sites because the rights would be located in a different regional groundwater flow system and no least chub populations are located within this other groundwater system.

In summary, current and proposed large groundwater development acquisitions, including SITLA, Central Iron County, and the Confederated Tribes of the Goshute Reservation, are not noticeably causing drawdowns, are located more than 8 km (5 mi) from the nearest least chub populations, or are not hydrologically connected to the regional flow system of the Snake Valley, respectively, and thus not anticipated to impact least chub populations in the Snake Valley.

Localized Pumping in Snake Valley

Smaller, localized groundwater development has the potential to decrease flow from springs, including those supporting least chub. In our 2010 12-month finding (75 FR 35398), we concluded that agricultural pumping, combined with drought, has affected several springs in Snake Valley. These include Knoll Spring near the agricultural town of Eskdale and springs on private properties in the agricultural town of Callao (Sabey 2008, p. 2). These sites were all historically documented locations of least chub that no longer harbor the species (Hickman 1989, pp. 16–17; Garland 2007, pers. comm.).

Since the publication of our 2010 12-month finding, UGS conducted extensive research of ground and surface water hydrology in Snake Valley. UGS found that groundwater-level hydrographs at monitoring sites in the UGS study area vary according to distance from areas of groundwater pumping and by their distance from recharge areas (UGS 2013, p. 5.3.7–35). Groundwater levels at sites within about 8 km (5 mi) of agricultural areas can show seasonal response to groundwater pumping, if pumping is severe enough to cause declines (UGS 2013, p. 5.3.7–35).

The UGS found that groundwater levels near spring heads naturally fluctuate by up to 0.9 m (3 ft) per year in response to seasonal changes in evapotranspiration rates, but that they are not declining from year to year (UGS 2013, Abstract p. 3). For spring-gradient sites near least chub populations, groundwater levels in the piezometers naturally fluctuated by about 0.15–0.91 m (0.5 to 3 ft) seasonally, with lowest levels during the summer months and highest levels during the late winter/early spring months, in response to evapotranspiration in the spring-fed wetlands ecosystems that are supported by the spring flow and not from groundwater withdrawals (UGS 2013, p. 5.3.4–26).

We analyzed the number of local wells in the vicinity of Snake Valley least chub populations to determine how local groundwater pumping may be affecting the species. Because UGS determined that localized agricultural groundwater pumping can affect groundwater levels in monitoring wells up to 8 km (5 mi) from their pumping center, as evidenced by a distinct change in monitoring well water level during irrigation season (UGS 2013, p. 5.3.7–35), we used this measure to identify our analysis area. The number of water rights within this distance of the Snake Valley least chub sites were evaluated.

Although there are several wells and spring withdrawals near least chub sites, including one new well in 2012 (Jorgensen 2014c, entire), in general, the Snake Valley least chub population sites show stable groundwater levels since piezometer installations in 2009 (Hurlow 2013, pers. comm.), with the exception of Gandy Marsh. Unlike the sites to the north (Leland and Miller) and to the south (Bishop), the Gandy piezometers showed a slight downward trend. Gandy's downward trend is likely due to natural cyclic climatic variation and not agricultural withdrawals, similar to the trends seen in the UGS remote sites which are not influenced by local pumping; thus Gandy Marsh is not influenced by local pumping and is only showing a slight downward trend due to climatic variation, like the trends exhibited at the remote monitoring sites which are not influenced by pumping (Taylor and Alley, 2001, pp . 15–16 *in* UGS 2013, p. 5.3.7–31; Hurlow 2013, pers. comm.). To date, UGS has not detected effects of irrigation pumping and drawdowns at these least chub sites due to the current pumping activities, but UGS should be able to detect future changes (if they do occur) through the monitoring well network currently in place (UGS 2013, p. 5.1–1). Not only have the Bishop Springs and Gandy Marsh sites been able to provide sufficient habitat and maintained stable numbers of least chub, but they also have existing water rights held by the BLM and UDWR (UDWRi 2014b, p. 1–8) that provide additional water for least chub beyond the natural flows supplied from the on-site springs (totaling 3.0 cfs per site) (UDWR 2013a, entire; UDWR 2013b, entire).

Current allocated water rights for the entire Snake Valley are 12,000 afy in Nevada and 55,000 afy in Utah (including 20,000 afy reserved for the Service's water rights for Fish Springs National Wildlife Refuge) (UGS 2013, pp. 9.2–1,2). Sustainable yield calculations (as outlined in the original draft interstate agreement, referenced above, which remains unsigned), would include new development of 35,000 afy in Nevada and 6,000 afy in Utah, if the maximum allowed development were to occur (UGS 2013, p. 9.2–1,2). Thus an additional 6,000 afy could be developed in Utah's Snake Valley and not exceed the USE calculated sustainable yield.

The UGS suggests that based on the distribution of recent water rights applications, most of the new groundwater development would likely occur in central and southern Snake Valley (UGS 2013, p. 9.2–2). Most of the current use is for irrigation in south-central Snake Valley near Garrison and Eskdale, Utah, and Baker, Nevada, and in southern Snake Valley in Nevada and Utah (UGS 2013, p. 9.2–2). Because the Snake Valley least chub populations are located in the northeast portion of the valley and would be approximately 30 to 50 km (20 to 30 mi) from these agricultural areas, it is unlikely that these withdrawals would impact the least chub Snake Valley populations, but UGS should be able to detect future changes (if they do occur) through the monitoring well network currently in place (UGS 2013, p. 5.1–1).

Summary of Water Withdrawal and Diversion

Least chub populations occur within several groundwater basins in Utah, where 25 percent occur in basins closed to groundwater withdrawal (natural and introduced), 25 percent occur in restricted basins, and 50 percent occur in basins open to unrestricted groundwater withdrawal. Eighty percent of all these populations have secured water rights, which provide onsite water available for the least chub. Those without water rights occur in closed basins (Mona Springs, Mills Valley) that provide protection from additional groundwater withdrawals, or are in basins where groundwater levels are monitored (i.e., Leland Harris in Snake Valley monitored by UGS wells). We have also concluded that the SNWA GWD Project will not impact least chub populations due to the exclusion of Snake Valley (and its least chub populations) from authorizations and modeling that demonstrates Spring Valley water withdrawals will not result in drawdowns near the Snake Valley least chub populations. In addition, data from UGS do not suggest that there are impacts from local pumping on least chub populations in the Snake Valley. Overall, based on updated information, water withdrawal and diversion are not considered a threat to the least chub.

Drought

In our 2010 12-month finding (75 FR 35398), we concluded that drought was not a threat on its own, but was a threat to the least chub when considered cumulatively with water withdrawals. Prolonged droughts have primary and secondary effects on groundwater resources. Decreased precipitation leads to decreased recharge of aquifers. Decreased surface-water resources generally lead to increased groundwater withdrawal and increased requests for water-well construction permits (Hutson *et al.* 2004, p. 40; Burden 2009, p. 2). Past and future climatic conditions (see ''Climate Change'' section under Factor E) influence the water available to both water development and aquatic habitats, with water development usually taking priority.

The impacts to least chub habitat from drought can include: Reduction in habitat carrying capacity; lack of connectivity resulting in isolation of habitats and resources; alteration of physical and chemical properties of the habitat, such as temperature, oxygen, and pollutants; vegetation changes; niche overlap resulting in hybridization, competition, and predation; and reduced size and reproductive output (Alley *et al.* 1999, pp. 41, 43; Deacon 2007, pp. 1–2). These impacts are similar to those associated with water withdrawal and diversions, as described under Factor A.

Least chub have survived for thousands of years with intermittent natural drought conditions. As described in our 2010 12-month finding (75 FR 35398), the effects of drought were considered a threat because we were concerned that ongoing and proposed large-scale water withdrawals would exacerbate impacts to the least chub. The cumulative impact of drought and water development for irrigation has led to the loss of springs in the Snake Valley, including those on the Bagley and Garland Ranches (Garland 2007, pers. comm.).

However, we no longer conclude that drought is a threat to the least chub in combination with water withdrawals because of changes to our understanding of water withdrawals, and ongoing conservation actions and amendments in the 2014 CCA. As described above (see ''Water Withdrawal and Diversion''), the Snake Valley was recently excluded from the SNWA GWD Project, so that project is not anticipated to result in drawdowns at Snake Valley least chub sites. In addition, there is only slow development of groundwater in the vicinity of the Snake Valley least chub sites and most sites maintain secure water rights or are located in closed basins. Conservation actions in the 2014 CCA amendment also moderate the effects of drought by ensuring connectivity within sites and prioritizing for restoration or habitat modification, so that habitat corridors remain open for least chub (see discussions in Previous and Ongoing Conservation Efforts and Future Conservation Efforts sections, above). Therefore, drought is not considered a threat to the species.

Summary of Factor A

At this time, based on best available information, and the addition of successful introduced populations, past conservation actions and anticipated conservation actions under the 2014 CCA amendment, and new information concerning the future of water development in the Snake and Spring valleys, we conclude that livestock grazing, mining, oil and gas leasing and exploration, urban and suburban development, water withdrawal and diversion, and drought do not pose a threat to least chub. Although loss of habitat from urban development and groundwater withdrawals extirpated least chub from all but a fraction of its historical range, we find that the present or threatened destruction, modification, or curtailment of the species' habitat or range does not pose a threat to the species now or in the future.

*Factor B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes*

Overutilization for commercial, recreational, scientific, or educational purposes was not considered a threat to least chub in our 2010 12-month finding (75 FR 35398). Commercial, recreational, scientific, and educational utilizations are not common least chub-related activities, and protections are in place to limit their effect on the species. Least chub are considered a ''prohibited'' species under Utah's Collection Importation and Possession of Zoological Animals Rule (R–657–3–1), which makes it unlawful to collect or possess least chub without a permit. Between 2002 and 2010, two permits were issued by UDWR for survey of least chub in the wild, and all least chub collected under the permits were released unharmed (Wilson 2009b, p. 1). No new permits have been issued since 2010 (Mellon 2014, pers. comm.). Use of least chub for scientific or educational purposes is also controlled by UDWR, and the agency typically provides least chub from fish hatchery stocks for these purposes (Wilson 2009b, pp. 1–4; Mellon 2014, pers. comm.). The UDWR has collected least chub from the natural and introduced populations (an average of 528 per year combined for all populations for the last 17 years) to augment hatchery stocks or for transfer to new or existing introduced sites (UDWR 2014, entire). We are aware of no evidence that least chub are being illegally collected for commercial or recreational purposes.

Summary of Factor B

Least chub are not being overutilized for commercial, recreational, scientific, or educational purposes. Least chub that are needed for research purposes can be provided from fish hatchery stocks. A limited number of least chub are collected from wild populations for hatchery augmentation or for translocation purposes, but the available information does not indicate that this causes a threat to extant populations now or in the foreseeable future. We find that overutilization for commercial, recreational, scientific, or educational purposes is not a threat to the species now or likely to become so in the future.

*Factor C. Disease or Predation*

In our 2010 12-month finding (75 FR 35398), we concluded that nonnative fish predation of least chub was a threat to the continued existence of the species because least chub rarely persist where nonnative fishes are introduced (Osmundson 1985, p. 2; Hickman 1989, pp. 2–3, 9). The species is tolerant of broad natural habitat conditions and is well adapted to persist in the extreme, yet natural, environments of springs and playa marshes of the Bonneville Basin, but they are not an effective competitor with nonnative species (Lamarra 1981, p. 1) and are constantly at risk of the introduction and presence of nonnative fish (Hickman 1989, p. 10).

The mosquitofish is the most detrimental invasive fish to least chub (Perkins *et al.* 1998, p. 23; Mills *et al.* 2004b, entire). Mosquitofish prey on the eggs and smaller size classes of least chub and compete with adults and young (Mills *et al.* 2004b, p. 713). The presence of mosquitofish changes least chub behavior and habitat use because young least chub retreat to heavily vegetated, cooler habitats in an effort to seek cover from predation. In these less optimal environments, they have to compete with small mosquitofish that also are seeking refuge from adult mosquitofish. This predatory refuge scenario, in turn, affects survivorship and growth of least chub young-of-year (Mills *et al.* 2004b, pp. 716–717).

Mosquitofish tolerate an extensive range of environmental conditions and have high reproductive potential (Pyke 2008, pp. 171, 173). The ecological impact of introduced mosquitofish is well documented. Mosquitofish profoundly alter ecosystem function, and cause declines of native amphibians and small fish (Alcaraz and Garcia-Berthou 2007, pp. 83–84; Pyke 2008, pp. 180–181). The mosquitofish is native only to the southern United States and northern Mexico, but was introduced into more than 50 countries (García-Berthou *et al.* 2005, p. 453) to control mosquito populations (Pyke 2008, p. 172).

Mosquito abatement districts throughout Utah have released mosquitofish for mosquito control since 1931 (Radant 2002, p. 2), and the mosquitofish has expanded into aquatic ecosystems throughout Utah (Sigler and Sigler 1996, pp. 227–229). However, UDWR successfully persuaded the mosquito abatement districts in Utah to restrict stocking of mosquitofish for the protection of least chub through a signed MOU established in 2002 (Hines *et al.* 2008, p. 25). Despite this protective measure, mosquitofish are present in Mills Valley and Mona Springs. In the fall of 2013, several mosquitofish individuals were detected during annual sampling at Mills Valley. The likely source is overland sheet flow from the Sevier River during a recent flood event; however, they are not expected to be widespread yet (LCCT 2013c, entire), and UDWR will implement a population-wide assessment and removal effort in 2014. At Mona Springs, extensive chemical poisoning and mechanical efforts to remove mosquitofish were largely unsuccessful until recently. In 2013, least chub recruitment was documented at Mona Springs, following barrier installation and mosquitofish removal from isolated springheads (Grover and Crockett 2014, p. 2). These results are promising; however, long-term monitoring of this effort will be needed to determine if Mona Springs can successfully sustain least chub without further intervention. Despite the fact that mosquitofish are present at Mills Valley and Mona Springs, mosquitofish are not yet fully established at the Mills Valley site and the least chub population remains viable, and the mosquitofish removal and restoration efforts in 2013 at Mona Springs have shown positive results, suggesting that it may become a viable self-sustaining least chub population site in the near future, after several more years of successful least chub reproduction are documented.

Other nonnative fishes predate upon and compete with least chub when present in high enough densities. Rainwater killifish (*Lucania parva*) and plains killifish (*Fundulus zebrinus*) were illegally introduced into least chub habitats by unknown entities at an unknown time (Perkin *et al.* 1998, p. 23). These fish are potential competitors with the least chub because they are closely related to mosquitofish and have similar life histories and habitat requirements (Perkins *et al.* 1998, p. 23). Introduced game fishes, including largemouth bass (*Micropterus salmoides*), rainbow trout (*Oncorhynchus mykiss*), and brook trout (*Salvelinus fontinalis*), are predators of least chub, and these species are present in both native and introduced least chub habitats (Workman *et al.* 1979, pp. 1–2, 136; Osmundson 1985, p. 2; Sigler and Sigler 1987, p. 183; Crist 1990, p. 5). Common carp, in high densities, reduce submerged aquatic vegetation (Parkos *et al.* 2003, p. 187). Aquatic vegetation is preferred least chub-spawning habitat, and it provides the eggs, larvae, and young with oxygen, food, and cover (Crawford 1979, p. 74; Crist and Holden 1980, p. 808). As explained below, Clear Lake and Mills Valley least chub populations are currently sympatric with nonnative fishes.

Clear Lake is an expansive habitat that allows least chub to coexist with nonnative fishes. Common carp are present in Clear Lake (Hines *et al.* 2008, p. 43, Mellon 2011, p. 5), and UDWR has implemented carp removal efforts in Clear Lake, successfully reducing the carp densities, but efforts to fully extirpate carp are still ongoing (Wheeler 2011, pp. 1–2; UDWR 2013a, p. III–6).

The habitat in Mills Valley is a system of seasonally interconnected springs and wetlands that drain into the Sevier River (UDWR 2010, p. II–7). During spring flooding events least chub habitats are periodically connected to other habitat within the Mills Valley (UDWR 2006, p. 27). Nonnative green sunfish (*Lepomis cyanellus*), which is a voracious predator, and fathead minnow (*Pimephales promelas*) (Sigler and Sigler 1987, p. 306) invaded least chub habitat at the Mills Valley in 2005 (Hines *et al.* 2008, p. 43; UDWR 2006, pp. 36–37) and spread throughout the wetland complex by 2007 (UDWR 2010, p. II–7). Nonnative fish, as a percentage of the fish community in the area, declined annually from 64 percent in 2007, to less than 1 percent in 2009 (UDWR 2010, p. II–16), and although it is not clear why, it is possibly due to their use of shallower habitats that ice over in winter (least chub overwinter in deeper habitats) that provide unsuitable habitat conditions for them in some years (UDWR 2013a, p. II–8). Thus, the severity of this threat appears to be minimal at this time, based on the best available information.

Although nonnative fish numbers in least chub habitat declined from 2007 to 2009 (UDWR 2010, p. II–16), the potential for nonnative reinvasion during unusually high spring flooding events continues to impact the Mills Valley least chub population. In light of this, the 2014 CCA amendment requires

the drafting of a nonnative fish management plan by the spring of 2015, to address nonnative fish presence and removal efforts at both Mills Valley and Mona Springs least chub populations.

Overall, nonnative fish occur at three of the six naturally occurring least chub populations (Clear Lake WMA, Mills Valley, and Mona Springs). Mosquitofish are only present at two of the six naturally occurring sites: Mills Valley and Mona Springs. Efforts are ongoing to reduce the impacts of nonnative species at the naturally occurring least chub sites, and we are seeing recent successes. However, if nonnative species persist and continue to negatively impact the naturally occurring sites, the recent successful establishment of introduced least chub populations helps to mediate any concerns for the species because the introduced least chub populations are not negatively affected by nonnative species, as described below.

Nonnative species are present in only 2 of the 10 introduced least chub populations (Fitzgerald WMA and Rosebud Top Pond; see Table 1, above). The introduced population criteria specifically require that for any introduction to become successful, no nonnatives be present or present only in low numbers and of species types that do not impact least chub. Mosquitofish are not present in any of the 10 introduced populations. The populations have remained stable at the two sites where nonnative fishes co-exist, in low numbers, with least chub. Based on the successful establishment of the introduced sites, nonnative species are not considered a threat to these populations. By including these 10 introduced populations in conjunction with the naturally occurring populations, the overall threat to the species is reduced because these populations allow us to mitigate the potential that some least chub sites may become unable to support the species over time due to nonnative fish predation pressures. By protecting a variety of habitats and establishing introduced populations throughout the species' historical range, we increase the probability that the species can adjust in the future to various limiting factors that may affect the population.

Disease and parasitism have not affected least chub to a significant degree. Although the parasite blackspot (*Neascus cuticola*) was present at the Leland Harris Spring Complex site during 1977–78, all least chub were robust and in good condition (Workman *et al.* 1979, pp. 2, 103–107). More recently, the parasite was identified in least chub at the Bishop Springs site (Wheeler *et al.* 2004, p. 5). Although we have no information that allows us to determine the effect of blackspot on least chub at the Bishop Springs site, the population has remained stable for the past 15 years (Hines *et al.* 2008, pp. 37–39, Peterson and Saenz, p. 69). As described in our 2010 12-month finding, parasites exist in least chub habitats and some least chub are known to harbor parasites, but we do not have scientific information that the presence of parasites pose a threat to individual least chub or least chub populations. At this time, the best available information does not indicate that the presence of parasites or disease poses a threat to the least chub now nor is likely to in the future.

Summary of Factor C

Least chub are unlikely to persist in the presence of mosquitofish without human intervention. Mosquitofish prey upon least chub eggs and young and compete with least chub for food items, which can result in the decline and eventual elimination of least chub populations. Mosquitofish have already caused the extirpation of several least chub populations. The stocking of mosquitofish into least chub habitat by State mosquito abatement programs is addressed by an MOU that regulates this practice. However, removing mosquitofish from aquatic habitats has only recently proven successful, and they continue to invade new sites on a limited basis. Disease and parasites are not known to pose a threat to least chub populations.

Overall, we have determined that two of the six least chub naturally occurring populations (Mona Springs and possibly Mills Valley, if mosquitofish successfully establish) are impacted by the presence of nonnative fish species, which are currently being addressed through the 2014 CCA amendment conservation actions. However, establishment of the 10 introduced populations mitigates the potential that some least chub sites may become unable to support the species at some point in the future due to nonnative fish predation pressures. Based on the best scientific and commercial information available to us, we conclude that nonnative fish predation of least chub is not a threat to the least chub now nor is likely to become so in the future.

*Factor D. Inadequacy of Existing Regulatory Mechanisms*

In our 2010 12-month finding (75 FR 35398), we concluded that the existing regulatory mechanisms related specifically to land management were sufficient for mitigating potential threats to least chub, but regulatory mechanisms were not in place to adequately protect the species from groundwater withdrawal. We now find that regulatory mechanisms related specifically to water management are sufficient for mitigating potential threats to the least chub. The LCCT (comprised of various agencies that implement conservation actions for least chub) has successfully worked with the partners to establish protective mechanisms on most of the existing natural and introduced populations of least chub, including land acquisitions, easements, instream flows, and establishment of an ACEC that precludes oil and gas development. Furthermore, the changes to the SNWA GWD Project and the 2014 CCA amendment that adds conservation actions to address Snake Valley groundwater development addresses threats to the species.

Regulatory mechanisms affecting the species fall into three general categories: (1) Land and water management; (2) State mechanisms; and (3) Federal mechanisms.

Land and Water Management

*Land Management*—Populations of least chub are distributed across private, BLM, SITLA, Mitigation Commission, and UDWR lands, and are protected by varying regulatory mechanisms depending on land ownership. The percentages of managed lands and those under landowner or other protective agreements are shown in Table 3, below, and the details of each natural population are further described in our 2010 12-month finding (75 FR 35398). The introduced populations are described in the 2014 CCA amendment (LCCT 2014, entire; UDWR 2013b, entire). Table 3 shows that 82 percent of all populations have the majority (67 percent to 100 percent) of their habitat either managed specifically for least chub by State or Federal agencies or managed for least chub by agreements, and that 12 of 16 populations have 100 percent of their habitat either managed by State or Federal agencies or managed by agreements with private landowners.

*Water Management*—Populations of least chub are distributed across a suite of groundwater basins with various levels of groundwater policies and regulations by UDWRi (i.e., open, closed, or restricted), with varying associated protections (see the ''Current Groundwater Policy and Management'' section, above). Each groundwater basin status by site is described above under Factor A, with 25 percent of natural and introduced least chub populations occurring in closed basins, 25 percent occurring in restricted basins, and 50

percent occurring in open basins. Of these, 80 percent of all the populations have water rights providing water available at the site for least chub (held by various entities, including BLM, UDWR, Utah State Parks, local government, Department of Defense, and private landowners), regardless of their groundwater basin status, thus providing stable water sources for the least chub populations at these sites. Populations of least chub without water rights either occur in closed basins (Mona Springs, Mills Valley), or are located in a basin that monitors groundwater levels (i.e., Leland Harris in Snake Valley monitored by UGS wells). Upon closure of a basin, no additional appropriations can be issued by the Utah State Engineer per the statutory requirements set forth under Utah Code (title 73, chapter 3, sections 1 and 8; and title 73, chapter 4, section 1); thus, basin closures provide regulatory protection from additional groundwater withdrawals. Overall, 94 percent of the populations have regulatory mechanisms that secure water for the site (water rights) or protect against additional withdrawals as enforced by UDWRi (closed basin status). Thus, we find that the existing regulatory mechanisms are adequate to protect the species from threats due to groundwater withdrawals.

TABLE 3—LAND OWNERSHIP AND PERCENT OF NATURAL AND INTRODUCED LEAST CHUB HABITAT MANAGED BY STATE OR FEDERAL AGENCIES, MANAGED UNDER AN AGREEMENT, OR NOT MANAGED, BY SITE

| Site | Land ownership | Percent occupied habitat | | |
|---|---|---|---|---|
| | | Managed by state or federal agencies | Managed under agreements | Not managed |
| Mona Springs | Mitigation Commission | 100 | | |
| Mills Valley | UDWR, private | 20 | | 80 |
| Clear Lake WMA | UDWR | 100 | | |
| Leland Harris Complex | BLM, private, UDWR | 33 | 67 | |
| Gandy Marsh | BLM, SITLA, private | 80 | [1]19 | 1 |
| Bishop Springs | BLM, private, SITLA | 47 | | [2]53 |
| Fitzgerald WMA | UDWR | 100 | | |
| Rosebud Top Pond | Private | | 100 | |
| Cluster Springs | BLM | 100 | | |
| Pilot Spring SE | BLM | 100 | | |
| Escalante Elementary | Local Govt | | 100 | |
| Upper Garden Creek | State Parks | 100 | | |
| Deseret Depot | Dept. of Defense | | 100 | |
| Red Knolls Pond | BLM | 100 | | |
| Keg Spring | BLM | 100 | | |
| Pilot Spring | BLM | 100 | | |

[1] Under voluntary, informal agreement between landowner and UDWR.
[2] 100 percent of springs are fenced from grazing per agreements with SITLA, but lands are not actively managed by SITLA.

(2) State Regulatory Mechanisms

Least chub are considered ''prohibited'' species under the Utah Collection Importation and Possession of Zoological Animals Rule (Utah Code 657–3), making them unlawful to collect or possess. Thus, the species receives regulatory protection from unauthorized collection and take. While its classification is not a regulatory mechanism, the least chub is classified in the State of Utah Wildlife Action Plan as a Tier 1 Sensitive Species, a status that includes federally listed species and species for which a conservation agreement was completed and implemented (Bailey *et al.* 2005, p. 3).

Introduced nonnative fishes for mosquito abatement and game-fishing purposes can be detrimental to the persistence of least chub (see Factor C discussion). The primary mode of historical mosquitofish introduction into least chub habitats was through the actions of Utah's Mosquito Abatement Districts, which used mosquitofish for vector control (Radant 2002, entire; see Factor C for detailed discussion). Under the authority of 657–16 of the Utah Code, the 2003 Policy for Fish Stocking and Transfer Procedures does not allow stocking of nonnative fishes, including mosquitofish, into aquatic habitats without appropriate documentation and certification. This Statewide policy specifies protocols for the introduction of nonnative species into Utah waters and states that all stocking actions must be consistent with ongoing recovery and conservation actions for State of Utah sensitive species, including least chub. This policy is not expected to change in the future. Thus, this policy provides adequate regulation in the prevention of the primary mode of mosquitofish introduction in least chub sites.

The State of Utah operates under the 2008 Utah Aquatic Invasive Species Interdiction Act (Aquatic Invasive Species Act), per title 23, chapter 27 of the Utah Code (and Rule 657–60), which was developed to prevent the movement of aquatic invasive species, including quagga mussels (*Dreissena* sp.), zebra mussels (*Dreissena* sp.), and mud snails (*Potamopyrgus* sp.) during fish transfer operations (UDWR 2009a, entire). Under the Aquatic Invasive Species Act, a control plan is required by UDWR and must include notification and evaluation of water sources being considered for fish transfers, fish health inspections, and completion of an updated hazard analysis and critical control point plan. The Aquatic Invasive Species Act should help reduce the probability of additional aquatic invasive species introductions to least chub habitats.

Regulatory mechanisms that relate to historical groundwater withdrawal are implemented through the USE through the UDWRi, as described in Factor A, ''Water Withdrawal and Diversion'' section, and the Factor D, ''Land and Water Management'' section, above. Groundwater withdrawal in the Snake Valley for future municipal development by SNWA or other potentially interested parties is subject to both Federal and State regulatory processes (Lincoln County Conservation Recreation and Development Act (LCCRDA) and Utah Code 73–3, 73–4, respectively). Therefore, we find that the State regulatory mechanisms in existence adequately protect the least

chub from the threat of reduction of habitat.

(3) Federal Regulatory Mechanisms

The major Federal regulatory mechanisms for protection of least chub and its habitat are through section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*), the stipulated agreement for Spring Valley, Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.) (FLPMA), and the National Environmental Policy Act (42 U.S.C. 4231 et seq.) (NEPA). Additionally, various Executive Orders (E.O. 11990 for wetlands, E.O. 11988 for floodplains, and E.O. 13112 for invasive species) provide guidance and incentives for Federal land management agencies to manage for habitat characteristics essential for least chub conservation.

Least chub population areas contain wetland habitats, and section 404 of the Clean Water Act regulates fill in wetlands that meet certain jurisdictional requirements. Activities that result in fill of jurisdictional wetland habitat require a section 404 permit. We can review permit applications and provide recommendations to avoid and minimize impacts and implement conservation measures for fish and wildlife resources, including the least chub. However, incorporation of Service recommendations into section 404 permits is at the discretion of the U.S. Army Corps of Engineers. In addition, not all activities in wetlands involve fill and not all wetlands are ''jurisdictional.'' Regardless, we have evaluated threats to the species' habitat where fill of wetlands may occur, including peat mining and oil and gas development. At this time we do not have information to indicate that peat mining and oil and gas development pose a threat to the species.

As described under Factor A, SNWA and DOI agencies entered into the Spring Valley Stipulated Agreement in 2007. The Spring Valley Stipulated Agreement requires hydrological and biological monitoring, and management and mitigation of unreasonable adverse effects to federal resources from SNWA groundwater pumping in Spring Valley (NSE 2007, entire). For reasons cited previously, we are confident that the changes the SNWA GWD Project (which now excludes Snake Valley), UGS monitoring, and the 2014 CCA amendment conservation actions will be effective in protecting least chub habitat in Snake Valley.

The Federal Land Policy and Management Act (FLPMA) is the primary Federal law governing most land uses on BLM-administered lands across the range of the least chub populations. Section 102(a)(8) of FLPMA specifically recognizes wildlife and fish resources as being among the uses for which these lands are to be managed. Regulations pursuant to FLPMA address wildlife habitat protection on BLM administered land. Cumulatively, BLM regulations allow the agency to formally recognize sensitive species for special management and protection and include them as such in their land management plans. The least chub is designated as a sensitive species by the BLM in Utah. The policy in BLM Manual 6840—Special Status Species Management (BLM Manual 6840) states: ''Consistent with the principles of multiple use and in compliance with existing laws, the BLM shall designate sensitive species and implement species management plans to conserve these species and their habitats and shall ensure that discretionary actions authorized, funded, or carried out by the BLM would not result in significant decreases in the overall range-wide species population and their habitats'' (BLM 2008, p. 10). Similarly, the BLM Manual 1613—Areas of Critical Environmental Concern (ACEC) (BLM Manual 1613) allows designation of critical areas for the protection of fish and wildlife resources and natural processes and systems (BLM 1988, entire). Designation of Gandy Marsh as an ACEC closed the area to oil and gas leasing by BLM in accordance with the House Resource Management Plan (RMP) and provides additional protection for least chub beyond that provided by the RMP (BLM 1987, entire; BLM 1993, entire). The RMP is BLM's land use decision-making document that provides guidance on management decisions for the area, including issuance of grazing permits and oil and gas leasing. The RMP specific to the Snake Valley populations is expected to be updated in approximately 10 to 15 years. Any change to the management direction would be reviewed at the time of the update and subject to public comment (BLM 2009a, p. 54).

The BLM manual 6840 also establishes management policy and direction for BLM's continued involvement in the 2014 CCA amendment and its membership on the LCCT (LCCT 2014, entire). Furthermore, the BLM, through the 2014 CCA amendment, has committed to the continued management and protection of least chub and its habitat on BLM lands (LCCT 2014, p. 18, 19). Although CCAs are not regulatory mechanisms, CCA signatories can implement conservation measures via regulatory mechanisms, and the BLM has used its regulatory authority to implement the specific protections for the least chub as outlined in the 2014 CCA amendment through its ACEC designation and grazing management under the RMP (as described above).

As required through NEPA for federal actions, the BLM published a ROD authorizing SNWA groundwater conveyance across BLM lands in Delamar, Dry Lake, Cave, and Spring valleys in Nevada, but not Snake Valley (as described under Factor A). Thus, the SNWA GWD Project is not currently authorized to develop groundwater from the Snake Valley.

NEPA also has a provision for the Service to assume a cooperating agency role for Federal projects undergoing evaluation for significant impacts to the human environment. This includes participating in updates to BLM's RMPs. As a cooperating agency, we have the opportunity to provide recommendations to the action agency to avoid impacts or enhance conservation for least chub and its habitat. For projects where we are not a cooperating agency, we often review proposed actions and provide recommendations to minimize and mitigate impacts to fish and wildlife resources.

Acceptance of our NEPA recommendations is at the discretion of the action agency. The BLM land management practices are intended to ensure avoidance of negative effects to species whenever possible, while also providing for multiple-use mandates; therefore, maintaining or enhancing least chub habitat may be considered in conjunction with other agency priorities.

Summary of Factor D

We find that regulatory mechanisms related specifically to land management are sufficient for mitigating potential impacts from land development to the least chub. BLM has provided protective mechanisms in the form of an ACEC at Gandy Marsh. We also retain the ability to comment on NEPA evaluations for other projects on BLM lands that may impact the least chub.

The Spring Valley Stipulated Agreement, the lack of trans-basin transfer of water resources without an interstate agreement (per LCCRDA), the closure of groundwater basins in Utah (Utah Code 73–3, 73–4), and the exclusion of Snake Valley from the SNWA GWD Project (via BLM's ROD) are adequate to sufficiently protect the least chub from local or large-scale groundwater withdrawal.

As evidenced by the discussion above, the species is adequately protected by the existing regulatory mechanisms; thus, we conclude that the lack of existing regulatory mechanisms is not a threat to the species, now or in the future.

*Factor E. Other Natural or Manmade Factors Affecting Its Continued Existence*

Our 2010 12-month finding (75 FR 35398) found that natural and manmade threats to the species included: (1) Drought and climate change; and (2) cumulative effects of drought, climate change, and groundwater withdrawal.

Our 2010 12-month finding also concluded that hybridization, loss of genetic diversity, and stochastic disturbance and population isolation were not considered a threat to the least chub. We have no information to indicate that those conclusions of our 2010 12-month finding should change. While introduced populations were not evaluated under these factors in that 12-month finding, the introduced populations only serve to enhance the resiliency and redundancy for the species should something unanticipated happen to the natural populations. Therefore, we conclude again that hybridization, loss of genetic diversity, and stochastic disturbance and population isolation are not a threat to the species.

Climate Change

Our analyses under the Act include consideration of environmental changes resulting from ongoing and projected changes in climate. The terms ''climate'' and ''climate change'' are defined by the Intergovernmental Panel on Climate Change (IPCC). The term ''climate'' refers to the mean and variability of different types of weather conditions over time, with 30 years being a typical period for such measurements, although shorter or longer periods also may be used (IPCC 2007a, p. 78). The term ''climate change'' thus refers to a change in the mean or variability of one or more measures of climate (e.g., temperature or precipitation) that persists for an extended period, typically decades or longer, whether the change is due to natural variability, human activity, or both (IPCC 2007a, p. 78).

Scientific measurements spanning several decades demonstrate that changes in climate are occurring, and that the rate of change has been faster since the 1950s. Based on extensive analyses of global average surface air temperature, the most widely used measure of change, the IPCC concluded that warming of the global climate system over the past several decades is ''unequivocal'' (IPCC 2007a, p. 2). In other words, the IPCC concluded that there is no question that the world's climate system is warming.

Examples of other changes include substantial increases in precipitation in some regions of the world and decreases in other regions (for these and additional examples, see IPCC 2007a, p. 30; Solomon *et al.* 2007, pp. 35–54, 82–85). Various environmental changes (e.g., shifts in the ranges of plant and animal species, increasing ground instability in permafrost regions, conditions more favorable to the spread of invasive species and of some diseases, changes in amount and timing of water availability) are occurring in association with changes in climate (IPCC 2007a, pp. 2–4, 30–33).

Results of scientific analyses presented by the IPCC show that most of the observed increase in global average temperature since the mid-20th century cannot be explained by natural variability in climate and is ''very likely'' (defined by the IPCC as 90 percent or higher probability) due to the observed increase in greenhouse gas (GHG) concentrations in the atmosphere as a result of human activities, particularly carbon dioxide emissions from fossil fuel use (IPCC 2007a, pp. 5–6 and figures SPM.3 and SPM.4; Solomon *et al.* 2007, pp. 21–35). Further confirmation of the role of GHGs comes from analyses by Huber and Knutti (2011, p. 4), who concluded it is extremely likely that approximately 75 percent of global warming since 1950 has been caused by human activities.

Scientists use a variety of climate models, which include consideration of natural processes and variability, as well as various scenarios of potential levels and timing of GHG emissions, to evaluate the causes of changes already observed and to project future changes in temperature and other climate conditions (e.g., Meehl *et al.* 2007, entire; Ganguly *et al.* 2009, pp. 11555, 15558; Prinn *et al.* 2011, pp. 527, 529). All combinations of models and emissions scenarios yield very similar projections of average global warming until about 2030. Although projections of the magnitude and rate of warming differ after about 2030, the overall trajectory of all the projections is one of increased global warming through the end of this century, even for projections based on scenarios that assume that GHG emissions will stabilize or decline. Thus, there is strong scientific support for projections that warming will continue through the 21st century, and that the magnitude and rate of change will be influenced substantially by the extent of GHG emissions (IPCC 2007a, pp. 44–45; Meehl *et al.* 2007, pp. 760–764; Ganguly *et al.* 2009, pp. 15555–15558; Prinn *et al.* 2011, pp. 527, 529).

In addition to basing their projections on scientific analyses, the IPCC reports projections using a framework for treatment of uncertainties (e.g., they define ''very likely'' to mean greater than 90 percent probability, and ''likely'' to mean greater than 66 percent probability; see Solomon *et al.* 2007, pp. 22–23). Some of the IPCC's key projections of global climate and its related effects include: (1) It is virtually certain there will be warmer and more frequent hot days and nights over most of the earth's land areas; (2) it is very likely there will be increased frequency of warm spells and heat waves over most land areas; (3) it is very likely that the frequency of heavy precipitation events, or the proportion of total rainfall from heavy falls, will increase over most areas; and (4) it is likely the area affected by droughts will increase, that intense tropical cyclone activity will increase, and that there will be increased incidence of extreme high sea level (IPCC 2007b, p. 8, Table SPM.2). More recently, the IPCC published additional information that provides further insight into observed changes since 1950, as well as projections of extreme climate events at global and broad regional scales for the middle and end of this century (IPCC 2011, entire).

Various changes in climate may have direct or indirect effects on species. These may be positive, neutral, or negative, and they may change over time, depending on the species and other relevant considerations, such as interactions of climate with other variables such as habitat fragmentation (for examples, see Franco *et al.* 2006; IPCC 2007b, pp. 8–14, 18–19; Forister *et al.* 2010; Galbraith *et al.* 2010; Chen *et al.* 2011). In addition to considering individual species, scientists are evaluating possible climate change-related impacts to, and responses of, ecological systems, habitat conditions, and groups of species; these studies include acknowledgement of uncertainty (e.g., Deutsch *et al.* 2008; Berg *et al.* 2009; Euskirchen *et al.* 2009; McKechnie and Wolf 2009; Sinervo *et al.* 2010; Beaumont *et al.* 2011; McKelvey *et al.* 2011; Rogers and Schindler 2011).

Many analyses involve elements that are common to climate change vulnerability assessments. In relation to climate change, vulnerability refers to the degree to which a species (or system) is susceptible to, and unable to cope with, adverse effects of climate change, including climate variability

and extremes. Vulnerability is a function of the type, magnitude, and rate of climate change and variation to which a species is exposed, its sensitivity, and its adaptive capacity (IPCC 2007a, p. 89; see also Glick *et al.* 2011, pp. 19–22). No single method for conducting such analyses applies to all situations (Glick *et al.* 2011, p. 3). We use our expert judgment and appropriate analytical approaches to weigh relevant information, including uncertainty, in our consideration of various aspects of climate change.

As is the case with all stressors that we assess, even if we conclude that a species is currently affected or is likely to be affected in a negative way by one or more climate-related impacts, it does not necessarily follow that the species meets the definition of an ''endangered species'' or a ''threatened species'' under the Act. If a species is listed as endangered or threatened, knowledge regarding the vulnerability of the species to, and known or anticipated impacts from, climate-associated changes in environmental conditions can be used to help devise appropriate strategies for its recovery.

The IPCC predicts that the resiliency of many ecosystems is likely to be exceeded this century by an unprecedented combination of climate change, associated disturbances (e.g., flooding, drought, wildfire, and insects), and other global drivers (IPCC 2007, pp. 31–33). With medium confidence, IPCC predicts that approximately 20 to 30 percent of plant and animal species assessed by the IPCC so far are likely to be at an increased risk of extinction if increases in global average temperature exceed 1.5 to 2.5 °C (3 to 5 °F) (IPCC 2007a, p. 48).

Utah is projected to warm more than the average for the entire globe (Governor's Blue Ribbon Advisory Council on Climate Change (GBRAC) 2008, p. 14). The expected consequences of this warming are fewer frost days, longer growing seasons, and more heat waves (GBRAC 2008, p. 14). For Utah, the projected increase in annual mean temperature by year 2100 is about 4.5 °C (8 °F) (GBRAC 2008, p. 14). Because of increased temperature, Utah soils are expected to dry more rapidly (GBRAC 2008, p. 20), and this is likely to result in reduced inundation duration and depth in least chub habitat during certain years. Utah is also projected to have more frequent heavy precipitation events, separated by longer dry spells as a result of climate change (GBRAC 2008, p. 15). Drought is a localized dry spell. Drought conditions are a potential stressor to the least chub, as rainfall determines springhead discharge and wetland inundation, which may indirectly control population size in the isolated habitat of the individual wetland/spring complexes in which least chub reside.

Precipitation models predict a reduction in mountain snowpack, a threat of severe and prolonged episodic drought (UBRAC 2007, p. 3), and a decline in summer precipitation across all of Utah (UBRAC 2007, p. 18). However, Utah is in the transition zone for predicted changes in winter precipitation (between the northwest and southwest United States), resulting in low confidence in future winter precipitation trends (UBRAC 2007, p 18).

More locally to least chub, the hydrology of the Great Salt Lake Basin will be impacted by changes in mountain runoff (UBRAC 2007, p. 18). While predictions indicate that the Great Salt Lake Basin will be affected by declining mountain snowpack and the resulting runoff, the timing and extent of these changes are unclear (UBRAC 2007, p. 19). Drought conditions and higher evaporation rates could likely result in lowered groundwater levels, reduced spring flows, and reductions in size and depth of pool habitat for least chub (Wilson 2006, p. 8).

Because the least chub depends on small, ephemeral springfed wetlands for major portions of its life history (spawning, nursery niches, and feeding) and the amount of this habitat available will likely be reduced and restricted to spring heads, the severity of climate change is an important factor in the species' persistence. Under circumstances of restricted habitats, both hybridization and extirpation have occurred (Hubbs 1955, p. 18; Miller and Behnke 1985, p. 514). Additionally, the species is bound by dispersal barriers throughout its range and cannot retreat to additional habitats or easily recolonize areas after they are extirpated.

Least chub survival and reproduction, as described above, are highly dependent upon habitat inundation, which in turn is dependent upon climatic conditions (precipitation and temperature). Climate change is predicted to increase temperatures and increase the likelihood and duration of drought conditions in Utah. Both of these effects will reduce inundation depths and amount of wetted habitat and could impact the least chub. Despite the predicted effects of climate change on least chub and its habitat, there are several factors that offset the effects of climate change and must be weighed against potential effects including habitat restoration, established water rights, and the redundancy of multiple populations. To help the species adapt and be resilient to changing climates, the 2014 CCA amendment commits to maintaining habitat corridors between the springs and wetlands through habitat modification or restoration activities, if warming periods close off these important corridors. This scenario is expected to result in greater habitat connectivity under these circumstances and make the species more resilient to climate change.

The species' resiliency has also been increased by the increased number of introduced populations (increased redundancy) that now reside across a significant portion of the northern Bonneville Basin. As detailed in the sections above, there are an additional 10 introduced least chub populations that were not included in the 2010 12-month finding analysis. Even though several of these populations were in existence at the time, they were not included because information was limited and their long-term success was unknown. These populations are spread over an area that is likely to have more diverse microclimates, resulting in a greater variability and ability for the species to adapt to changing climatic conditions than was originally considered in our 2010 12-month finding. Thus, these additional areas and their individual micro climates will increase species' resiliency and decrease its vulnerability to the effects of climate change.

Since our 2010 12-month finding, the LCCT has secured water rights at least chub population locations, which has further increased the resiliency of the species and decreased its susceptibility to the effects of climate change. As explained in the ''Water Withdrawal and Diversion'' section above, 3 of the 6 natural populations and all of the 10 introduced populations have secure water rights. Although water rights are typically subject to changes in yearly runoff or precipitation amounts, they are nonetheless regulated by the USE and provide assurance of a continued water source for least chub habitats.

In summary, least chub habitats are isolated from each other and are thus limited in adapting to changing climatic conditions by shifting habitat use (e.g., move into spring head habitat), but the expanded geographic range when considering the introduced populations now encompasses the western half of Utah in the Bonneville Basin, thereby counteracting the effects of climate change as climatic effects will vary across this 28-million-acre range. In addition, proven successes of habitat

restoration will allow the LCCT to employ an adaptive management process that allows for isolated or dewatered areas to be recovered for functional least chub habitat. Established water rights for a majority of natural and introduced least chub sites will result in greater protection of species habitat. For these reasons, we conclude that environmental changes resulting from climate change, including drought, will be moderated as a result of range expansion through previous and anticipated conservation actions in the 2014 CCA amendment, established water rights, and broadly distributed population, and therefore, we do not consider climate change to be a threat to the species.

Summary of Factor E

Least chub have persisted for thousands of years, and naturally occurring drought does not pose a threat to the species. Climate models predict that Utah may warm more than average, with more heat waves, less mountain snowpack, and a decline in summer precipitation. The introduced sites occur over a large geographic range and provide habitat heterogeneity and redundancy, they are supported by established water rights, and habitat restoration can be used to offset some effects of climate change. We believe that this approach provides a buffer against environmental effects that may result from cumulative effects of drought and changing climate conditions in the Bonneville Basin, and we conclude that addressing the threats identified in the 2010 12-month finding will prevent these threats from acting cumulatively.

Cumulative Effects

We cannot completely predict the cumulative effects of climate change and drought on least chub at this time, but we know that each will occur to some extent and be compounded by the others. In our 2010 12-month finding (75 FR 35398), the cumulative effects of proposed large-scale groundwater withdrawal, drought, and climate change were likely to pose a threat to the least chub. However, as described above, because of the changes in the SNWA GWD Project, the addition of UGS monitoring, and 2014 CCA amendment conservation actions, water development is no longer a threat to least chub, and the effects of drought and climate change are mitigated by the presence of the introduced least chub populations across a large geographic range.

In summary, we find that the potential combination of drought and climate change are likely to occur but that the expanded geographic range of all the populations together, when including the introduced sites, thereby counteract the effects of climate change as effects will vary across the full range of the species, and established water rights for the majority of the natural and introduced populations will offset any significant effects. Since the impacts of each of the cumulative threats are reduced, these threats cumulatively no longer are a threat to the species.

**Finding**

As required by the Act, we considered the five factors in assessing whether the least chub meets the definition of an endangered or threatened species. We examined the best scientific and commercial information available regarding the past, present, and future threats faced by the species. Based on our review of the best available scientific and commercial information, we find that the current and future threats are not of sufficient imminence, intensity, or magnitude to indicate that the least chub is in danger of extinction (endangered), or likely to become endangered within the foreseeable future (threatened). Therefore, the least chub does not meet the definition of an endangered or a threatened species, and we are withdrawing the least chub from our candidate list. Our rationale for this finding is outlined below.

Review of least chub historical population trends shows that the distribution of the least chub was reduced from its historical range in Utah's Bonneville Basin. However, UDWR surveys in the 1990s and 2000s discovered 3 new populations on the eastern extent of the historical range, and 10 successful introduced populations have been established since 2005. We now consider 15 viable, naturally occurring and introduced least chub populations to exist (excluding Mona Springs due to lack of a self-sustaining population at this current time).

The least chub is not in danger of extinction because 10 successful introduced populations have been established in addition to the naturally occurring populations, and these populations, when combined, show high likelihood of persistence even under higher probabilities of catastrophic events, as analyzed by the initial PVA (Peterson and Seanz 2013, p. 30). The introduced sites occur over a large geographic range and provide habitat heterogeneity and redundancy. We conclude that they provide a buffer against environmental effects that may result from cumulative effects of drought and changing climate conditions in the Bonneville Basin. Furthermore, their distribution encompasses and is representative of the known genetic diversity of the species (each natural population and GMU is represented in at least one introduced population). If the species continued to persist in its current distribution, we conclude that it will have sufficient resiliency, redundancy, and representation to persist now and in the foreseeable future.

In our 2010 12-month finding (75 FR 35398), we identified several threats that we expected to significantly impact the status of the species as a whole into the foreseeable future, which was an appropriate conclusion based on the best available scientific and commercial information available at that time. However, since that time, activities such as the SNWA GWD Project have been modified substantially, and significant ongoing and new conservation efforts have reduced the magnitude of potential impacts in the future such that the species no longer meets the definition of an endangered or threatened species.

In our 2010 12-month finding, we identified livestock grazing, groundwater development and withdrawal, lack of regulatory mechanisms to regulate groundwater withdrawal, nonnative fishes, and the effects of climate change and drought (and their cumulative effects) as threats to the continued existence of the least chub. Our conclusion was based on information about past and current impacts to least chub habitat due to these stressors, information about continued and future groundwater development near least chub habitat, and the lack of a sufficient number of populations to protect against these stressors.

Since the time of our 2010 12-month finding, the LCCT has made a significant effort to develop and implement additional conservation measures (2014 CCA amendment) for the least chub. The 2005 CCA contained conservation measures that were implemented by the BLM and UDWR that have reduced or eliminated threats to the least chub, including fencing projects and private landowner agreements (see Previous and Ongoing Conservation Efforts and Future Conservation Efforts sections, above). In addition, through the 2014 CCA amendment, the LCCT has implemented several conservation measures that address the threat of livestock grazing by acquiring and managing lands for the protection of least chub (land-swap and grazing rights purchase), committing to habitat restoration activities, and

fencing heavily impacted areas. The LCCT has also committed to nonnative fish removal by implementing activities, now described in the 2010 Nonnative Fish Management Plans, which have been successful at Clear Lake and recently at Mona Springs. Furthermore, groundwater withdrawal in the Snake Valley is being closely monitored through the UGS monitoring well network and through a bathymetry and habitat evaluation of Leland Harris; once completed, this network will provide us with the ability to track the projections we make in this document regarding the effects of groundwater withdrawals. Restoration and habitat modifications have ensured adequate habitat corridors for dispersal and colonization within population sites, which is expected to increase resilience to future random natural impacts and offset the threat of climate change and drought. In addition, water rights at half of the natural and all of the introduced least chub sites (held by a variety of entities, including UDWR, BLM, local government, Department of Defense, and private landowners) will help offset the effects of climate change and drought by providing dedicated water sources to help stabilize area water levels and ensure adequate habitat is available.

As summarized in the Previous and Ongoing Conservation Efforts, Future Conservation Efforts, and PECE Analysis sections above, we have a high degree of certainty that the 2005 CCA and the 2014 CCA amendment will continue to be implemented. See Table 2 under Future Conservation Efforts for the status of the 2014 CCA amendment conservation actions. Our level of certainty is high because: (1) The signatory agencies have been compliant with implementation of the conservation actions of the original 1998 CCA and its 2005 reauthorization; (2) the authorities for expending funds are in place and least chub research and population monitoring has been funded by signatory agencies for the last 20+ years; (3) signatory agencies have been responsive to protecting existing habitat and acquiring new introduction sites for the species; (4) monitoring and documentation of compliance with the conservation measures are in place; (5) annual reports of monitoring have been completed; (6) adaptive management will be used to reassess conservation actions on a regular basis; (7) water rights are established for the majority of least chub locations—all of these least chub sites have sufficient natural water flow to maintain populations, but the water rights provide additional security (above and beyond natural flows) in the event that water levels decrease at some point in the future; and (8) all parties have the legal authorities to carry out their responsibilities under the 2005 CCA and the 2014 CCA amendment. In addition, the estimated occupancy rates and the presence of recruitment have remained consistent over the last 10 years.

We also have high certainty that the suite of conservation measures in the 2005 CCA and the 2014 CCA amendment will be effective at reducing and eliminating threats to the least chub to the point that the species does not meet the definition of an endangered or threatened species. Our certainty arises from the fact that the 10 successful introduced populations have been established, and the CCAs have been successful in implementing conservation actions in the past. Furthermore, annual monitoring and reporting requirements will ensure that all of the conservation measures are implemented as planned, and are effective at removing threats to the least chub and its habitat. Any issues that arise will be discussed at annual meetings and the adaptive management process will be used to address any identified issues until they are resolved. The collaboration between us and other stakeholders requires regular meetings and mandatory involvement of all signatories and associated parties in order to implement the agreement fully, as outlined in the 2014 CCA amendment.

In summary, we conclude that the conservation efforts have sufficient certainty of implementation and effectiveness that they can be relied upon in this 12-month finding. Further, we conclude that conservation efforts have reduced or eliminated current and future threats to the least chub to the point that the species is not in danger of extinction now or in the foreseeable future. In addition, we received new information that several of the threats identified in our 2010 12-month finding (75 FR 35398) do not reduce the viability of the species to the level that it meets the definition of an endangered or threatened species under the Act. Therefore, we find that listing the least chub as endangered or threatened is not warranted.

We will continue to monitor the status of the species through monitoring requirements in the 2005 CCA and 2014 CCA amendment, and our evaluation of any other information we receive. These monitoring requirements will not only inform us of the amount of least chub habitat protected through the actions, but will also help inform us of the status of the least chub natural and introduced populations. Additional information will continue to be accepted on all aspects of the species. We encourage interested parties, outside of those parties already signatories to the 2005 CCA and the 2014 CCA amendment, to become involved in the conservation of the species.

If at any time data indicate that protective status under the Act should be needed, for example, we become aware of declining enforcement of or participation in the CCA or CCA amendment or noncompliance with the conservation actions, or if there are new threats or increasing stressors that rise to the level of a threat, we can initiate listing procedures, including, if appropriate, emergency listing pursuant to section 4(b)(7) of the Act.

**Distinct Population Segment Analysis**

After assessing whether the species is endangered or threatened throughout its range, we considered whether a distinct vertebrate population segment (DPS) of the least chub meets the definition of an endangered or threatened species.

Under the Service's Policy Regarding the Recognition of Distinct Vertebrate Population Segments Under the Endangered Species Act (61 FR 4722, February 7, 1996), three elements are considered in the decision concerning the establishment and classification of a possible DPS. These are applied similarly for additions to or removal from the Federal List of Endangered and Threatened Wildlife. These elements include:

(1) The discreteness of a population in relation to the remainder of the species to which it belongs;

(2) The significance of the population segment to the species to which it belongs; and

(3) The population segment's conservation status in relation to the Act's standards for listing, delisting, or reclassification (i.e., is the population segment endangered or threatened).

Discreteness

Under the DPS policy, a population segment of a vertebrate taxon may be considered discrete if it satisfies either one of the following conditions:

(1) It is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors. Quantitative measures of genetic or morphological discontinuity may provide evidence of this separation.

(2) It is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation

status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the Act.

Least chub are distributed across three Genetic Management Units (GMU)—West Desert GMU, Sevier GMU, and Wasatch Front GMU. The GMUs were delineated by the LCCT based on genetics information which showed population similarities in these areas (Mock and Miller 2005, pp. 271–277). There are 5 naturally occurring (excluding Mona Springs due to a lack of a self-sustaining population) and 10 successful introduced populations of least chub distributed across these three GMUs. Least chub in these GMUs are markedly separated from each as a consequence of physical (geographic) features, and as a result appear to exhibit genetic divergence as well. We, therefore, conclude that the three GMUs are discrete under the Service's DPS policy.

Significance

If a population segment is considered discrete under one or more of the conditions described in the Service's DPS policy, its biological and ecological significance will be considered in light of Congressional guidance that the authority to list DPSs be used ''sparingly'' while encouraging the conservation of genetic diversity. In making this determination, we consider available scientific evidence of the discrete population segment's importance to the taxon to which it belongs. Since precise circumstances are likely to vary considerably from case to case, the DPS policy does not describe all the classes of information that might be used in determining the biological and ecological importance of a discrete population. However, the DPS policy describes four possible classes of information that provide evidence of a population segment's biological and ecological importance to the taxon to which it belongs. As specified in the DPS policy (61 FR 4722), this consideration of the population segment's significance may include, but is not limited to, the following:

(1) Persistence of the discrete population segment in an ecological setting unusual or unique to the taxon;

(2) Evidence that loss of the discrete population segment would result in a significant gap in the range of a taxon;

(3) Evidence that the discrete population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historic range; or

(4) Evidence that the discrete population segment differs markedly from other populations of the species in its genetic characteristics.

A population segment needs to satisfy only one of these conditions to be considered significant. Furthermore, other information may be used as appropriate to provide evidence for significance.

Because of the isolated status of the least chub GMUs, each GMU could be considered potentially discrete based on the physical, geographic factors separating the existing populations. However, separate GMUs and configurations of GMUs would not meet the standard of being significant for several reasons: They do not occur in an unusual ecological setting; their loss would not result in a significant gap in the range of the species; they do not represent the last surviving natural occurrence; and they are not markedly separate from other populations in their genetic characteristics. We conclude that none of the three GMUs were independently significant because they would not meet any of the four standards under our policy definition of significant.

We determine, based on a review of the best available information, that the least chub GMUs are not independently significant in relation to the remainder of the taxon. Therefore, these population segments do not qualify as DPSs under our 1996 DPS policy and are not listable entities under the Act. Since we found that the population segments do not meet the significance element and, therefore, do not qualify as DPSs under the Service's DPS policy, we will not proceed with an evaluation of the status of the population segments under the Act.

**Significant Portion of Its Range Analysis**

Under the Act and our implementing regulations, a species may warrant listing if it is endangered or threatened throughout all or a significant portion of its range. The Act defines ''endangered species'' as any species which is ''in danger of extinction throughout all or a significant portion of its range,'' and ''threatened species'' as any species which is ''likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' The term ''species'' includes ''any subspecies of fish or wildlife or plants, and any distinct population segment [DPS] of any species of vertebrate fish or wildlife which interbreeds when mature.'' We published a final policy interpretating the phrase ''Significant Portion of its Range'' (SPR) (79 FR 37578, July 1, 2014). The final policy states that (1) if a species is found to be endangered or threatened throughout a significant portion of its range, the entire species is listed as endangered or threatened, respectively, and the Act's protections apply to all individuals of the species wherever found; (2) a portion of the range of a species is ''significant'' if the species is not currently endangered or threatened throughout all of its range, but the portion's contribution to the viability of the species is so important that, without the members in that portion, the species would be in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range; (3) the range of a species is considered to be the general geographical area within which that species can be found at the time the Service or the National Marine Fisheries Service (NMFS) makes any particular status determination; and (4) if a vertebrate species is endangered or threatened throughout an SPR, and the population in that significant portion is a valid DPS, we will list the DPS rather than the entire taxonomic species or subspecies.

The SPR policy is applied to all status determinations, including analyses for the purposes of making listing, delisting, and reclassification determinations. The procedure for analyzing whether any portion is an SPR is similar, regardless of the type of status determination we are making. The first step in our analysis of the status of a species is to determine its status throughout all of its range. If we determine that the species is in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range, we list the species as endangered (or threatened) and no SPR analysis will be required. If the species is neither endangered nor threatened throughout all of its range, we determine whether the species is endangered or threatened throughout a significant portion of its range. If it is, we list the species as endangered or threatened, respectively; if it is not, we conclude that listing the species is not warranted.

When we conduct an SPR analysis, we first identify any portions of the species' range that warrant further consideration. The range of a species can theoretically be divided into portions in an infinite number of ways. However, there is no purpose to analyzing portions of the range that are not reasonably likely to be significant and endangered or threatened. To identify only those portions that warrant further consideration, we determine whether there is substantial information indicating that (1) the portions may be

significant and (2) the species may be in danger of extinction in those portions or likely to become so within the foreseeable future. We emphasize that answering these questions in the affirmative is not a determination that the species is endangered or threatened throughout a significant portion of its range—rather, it is a step in determining whether a more detailed analysis of the issue is required. In practice, a key part of this analysis is whether the threats are geographically concentrated in some way. If the threats to the species are affecting it uniformly throughout its range, no portion is likely to warrant further consideration. Moreover, if any concentration of threats apply only to portions of the range that clearly do not meet the biologically based definition of ''significant'' (i.e., the loss of that portion clearly would not be expected to increase the vulnerability to extinction of the entire species), those portions will not warrant further consideration.

If we identify any portions that may be both (1) significant and (2) endangered or threatened, we engage in a more detailed analysis to determine whether these standards are indeed met. As discussed above, to determine whether a portion of the range of a species is significant, we consider whether, under a hypothetical scenario, the portion's contribution to the viability of the species is so important that, without the members in that portion, the species would be in danger of extinction or likely to become so in the foreseeable future throughout all of its range. This analysis will consider the contribution of that portion to the viability of the species based on principles of conservation biology. Contribution would be evaluated using the concepts of redundancy, resiliency, and representation. (These concepts can similarly be expressed in terms of abundance, spatial distribution, productivity, and diversity.) The identification of an SPR does not create a presumption, prejudgment, or other determination as to whether the species in that identified SPR is endangered or threatened. We must go through a separate analysis to determine whether the species is endangered or threatened in the SPR. To determine whether a species is endangered or threatened throughout an SPR, we will use the same standards and methodology that we use to determine if a species is endangered or threatened throughout its range.

Depending on the biology of the species, its range, and the threats it faces, it may be more efficient to address the ''significant'' question first, or the status question first. Thus, if we determine that a portion of the range is not ''significant,'' we do not need to determine whether the species is endangered or threatened there; if we determine that the species is not endangered or threatened in a portion of its range, we do not need to determine if that portion is ''significant.''

We evaluated the current range of the least chub to determine if there is any apparent geographic concentration of potential threats for the species. The range for least chub is limited to the springs and seasonally-connected marsh habitats where they are found. We examined potential threats from livestock grazing, oil and gas leasing and exploration, mining, urban and suburban and development, water withdrawal and diversion, overutilization, disease or predation, the inadequacy of existing regulatory mechanisms, drought, and climate change. We found no concentration of threats that suggests that least chub may be in danger of extinction in a portion of its range. We found no portions of the range where potential threats are significantly concentrated or substantially greater than in other portions of its range. Therefore, we find that factors affecting the species are essentially uniform throughout its range, indicating no portion of the range of the species warrants further consideration of possible endangered or threatened status under the Act.

Our review of the best available scientific and commercial information indicates that the least chub is not in danger of extinction (endangered) nor likely to become endangered within the foreseeable future (threatened), throughout all or a significant portion of its range. Therefore, we find that listing this species as an endangered or threatened species under the Act is not warranted at this time.

We request that you submit any new information concerning the status of, or threats to, the least chub to our Utah Ecological Services Field Office (see **ADDRESSES**) whenever it becomes available. New information will help us monitor this species and encourage its conservation. If an emergency situation develops for this species, we will act to provide immediate protection.

## References Cited

A complete list of references cited is available on the Internet at *http://www.regulations.gov* and upon request from the Utah Ecological Services Field Office (see **ADDRESSES** section).

## Authors

The primary authors of this notice are the staff members of the Utah Ecological Services Field Office.

## Authority

The authority for this action is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: August 12, 2014.

**Stephen Guertin,**

*Acting Director, U.S. Fish and Wildlife Service.*

[FR Doc. 2014–19927 Filed 8–25–14; 8:45 am]

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