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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0172; Directorate Identifier 2013–NM–222–AD; Amendment 39–17929; AD 2014–16–05]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Embraer S.A. Model ERJ 170 airplanes. This AD was prompted by reports of ''BLEED 1(2) LEAK'' messages displayed on the engine indication and crew alert system (EICAS), and indirect damage to components of the electrical wiring interconnection system (EWIS) in the engine pylon area. This AD requires inspecting the EWIS components for damage, and repair if necessary. This AD also requires installing pre-cooler deflectors on the left- and right-hand pylons, and applying silicone sealant. We are issuing this AD to prevent indirect damage to EWIS components near the engine bleed air pre-coolers, which could result in a dual engine roll back to idle and consequent dual engine power loss and reduced controllability of the airplane.

DATES: This AD is effective October 2, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 2, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0172* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Embraer S.A., 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.

FOR FURTHER INFORMATION CONTACT: Kathrine Rask, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2180; fax 425–227–1320.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Embraer S.A. Model ERJ 170 airplanes. The NPRM published in the **Federal Register** on March 28, 2014 (79 FR 17461).

The Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian Airworthiness Directive 2013–11–01, effective November 4, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Embraer S.A. Model ERJ 170 airplanes. The MCAI states:

> This [Brazilian] AD results from reports of ''BLEED 1(2) LEAK'' messages being displayed on the Engine Indication and Crew Alert system (EICAS) panel, and indirect damages to components of the Electrical Wiring Interconnection System (EWIS) on the engine pilone area, zones 419 and 429, adjacent to the exhaust flange of the engine bleed air precooler.
>
> Further investigation has shown that a leakage on the flange of the precooler refrigerating air exhaust duct caused the damage and triggered the message. We are issuing this [Brazilian] AD to prevent EWIS components indirect damage, near to engine bleed air precooler, which could result in a dual engine roll back to idle and the consequent dual engine power loss.

Required actions include inspecting the EWIS components adjacent to the left- and right-hand pre-cooler for damage, and repair if necessary; installing pre-cooler deflectors on the left- and right-hand pylons, and applying silicone sealant. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0172-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 17461, March 28, 2014) or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 17461, March 28, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 17461, March 28, 2014).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Costs of Compliance

We estimate that this AD affects 181 airplanes of U.S. registry.

We also estimate that it takes about 6 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts cost about $366 per product. Based on these figures, we estimate the cost of the AD on U.S. operators to be $158,556, or $876 per product.

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

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

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. For the reasons discussed above, I certify that this AD:

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

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

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

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

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–2014–0172; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–16–05 Embraer S.A.: Amendment 39–17929; Docket No. FAA–2014–0172; Directorate Identifier 2013–NM–222–AD.

(a) Effective Date

This AD is effective October 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Embraer S.A. Model ERJ 170–100 LR, –100 STD, –100 SE, and –100 SU airplanes; and Model ERJ 170–200 LR, –200 SU, and –200 STD airplanes; certificated in any category; as identified in EMBRAER Service Bulletin 170–36–0019, dated August 23, 2011.

(d) Subject

Air Transport Association (ATA) of America Code 36, Pneumatic.

(e) Reason

This AD was prompted by reports of ''BLEED 1(2) LEAK'' messages displayed on the engine indication and crew alert system (EICAS), and indirect damage to components of the electrical wiring interconnection system (EWIS) in the engine pylon area. We are issuing this AD to prevent indirect damage to EWIS components near the engine bleed air pre-coolers, which could result in a dual engine roll back to idle and consequent dual engine power loss and reduced controllability of the airplane.

(f) Compliance

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

(g) Required Actions and Compliance Time

Within 8,000 flight cycles or 12,000 flight hours after the effective date of this AD, whichever occurs later, do the actions specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD.

(1) Do a general visual inspection of the EWIS components adjacent to the left- and right-hand pre-coolers (zones 419 and 429 respectively) for damage, in accordance with the instructions specified in Subject 20–62–00, ''Requirements for EWIS Components Inspections and Checks—Maintenance Practices,'' of Chapter 20, ''Standard Practices-Airframe,'' of EMBRAER 170/175/190/195 Standard Wiring Practices Manual SWPM–1590, Revision 25, dated June 3, 2013. Repair all damage before further flight, in accordance with the instructions specified in Subject 20–62–00, ''Requirements for EWIS Components Inspections and Checks—Maintenance Practices,'' of Chapter 20, ''Standard Practices-Airframe,'' of EMBRAER 170/175/190/195 Standard Wiring Practices Manual SWPM–1590, Revision 25, dated June 3, 2013.

(2) Install a new deflector on the left- and right-hand pre-cooler exhaust flange, in accordance with Part I or Part III, as applicable, of the Accomplishment Instructions of EMBRAER Service Bulletin 170–36–0019, dated August 23, 2011.

(3) Apply high temp silicone sealant to the left- and right-hand pre-cooler, in accordance with Part II or IV, as applicable, of the Accomplishment Instructions of EMBRAER Service Bulletin 170–36–0019, dated August 23, 2011.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g)(1) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraph (h)(1) or (h)(2) of this AD.

(1) Subject 20–62–00, ''Requirements for EWIS Components Inspections and Checks—Maintenance Practices,'' of Chapter 20, ''Standard Practices-Airframe,'' of EMBRAER 170/175/190/195 Standard Wiring Practices Manual SWPM–1590, Revision 23, dated October 8, 2012, which is not incorporated by reference in this AD.

(2) Subject 20–62–00, ''Requirements for EWIS Components Inspections and Checks—Maintenance Practices,'' of Chapter 20, ''Standard Practices-Airframe,'' of EMBRAER 170/175/190/195 Standard Wiring Practices Manual SWPM–1590, Revision 24, dated February 18, 2013, which is not incorporated by reference in this AD.

(i) 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: Kathrine Rask, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2180; fax 425–227–1320. 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) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they were

approved by the State of Design Authority (or its delegated agent, or the DAH with a State of Design Authority's design organization approval, as applicable). You are required to ensure the product is airworthy before it is returned to service.

(j) Related Information

(1) For more information about this AD, contact Kathrine Rask, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2180; fax 425–227–1320.

(2) Service information identified in this AD that is not incorporated by reference may be viewed at the addresses specified in paragraphs (k)(3) and (k)(4) of this AD.

(k) Material Incorporated by Reference

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

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

(i) EMBRAER Service Bulletin 170–36–0019, dated August 23, 2011.

(ii) Subject 20–62–00, ''Requirements for EWIS Components Inspections and Checks—Maintenance Practices'' of Chapter 20, ''Standard Practices-Airframe,'' of EMBRAER 170/175/190/195 Standard Wiring Practices Manual SWPM–1590, Revision 25, dated June 3, 2013. (Page 1 of Subject 20–62–00 is dated February 18, 2013; page 2 is dated June 2, 2011; and page 3/4 is dated October 6, 2011. The page date shown on the List of Effective Pages for page 4 of Subject 20–62–00 is March 12, 2009; the correct date for page 4 (page ''3/4'') of this subject is October 6, 2011.)

(3) For service information identified in this AD, contact Embraer S.A., 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.*

(4) You may view this service information at 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.

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

Issued in Renton, Washington, on July 14, 2014.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–18674 Filed 8–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0145; Directorate Identifier 2013–NM–183–AD; Amendment 39–17945; AD 2014–16–21]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Dassault Aviation Model FALCON 7X airplanes. This AD was prompted by reports that the pintle pins installed on a certain number of airplanes may be incorrectly protected against corrosion. This AD requires replacing certain pintle pins on the left- and right-hand main landing gear (MLG) with a serviceable part. We are issuing this AD to detect and correct pintle pins that have been incorrectly corrosion-protected, which could cause the pintle pins to shear under normal load and lead to the collapse of the MLG during take-off or landing.

DATES: This AD becomes effective October 2, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 2, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0145* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.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.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM 116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Dassault Aviation Model FALCON 7X airplanes. The NPRM published in the **Federal Register** on March 25, 2014 (79 FR 16239). The NPRM was prompted by reports that the pintle pins installed on a certain number of airplanes may be incorrectly protected against corrosion. The NPRM proposed to require replacing certain pintle pins on the left- and right-hand main landing gear (MLG) with a serviceable part. We are issuing this AD to detect and correct pintle pins that have been incorrectly corrosion-protected, which could cause the pintle pins to shear under normal load and lead to the collapse of the MLG during take-off or landing.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2013–0162, dated July 24, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition all Dassault Aviation Model FALCON 7X airplanes. The MCAI states:

> Messier-Bugatti-Dowty, the manufacturer of the landing gears of the Falcon 7X aeroplanes, has advised that pintle pins Part Number (P/N) 55–2355007–01 being installed on a certain number of aeroplanes may be incorrectly protected against corrosion. These pins are designed to shear in case of excessive loads on the main landing gears so that structural damage would be contained after a landing gear collapse. The cadmium-coating inside the bore of suspect pins may not be compliant to the original thickness specifications. Inspection of a few removed parts in service revealed that traces of limited corrosion can be found on an unstressed area of the pins. Messier-Bugatti-Dowty identified a list of potentially affected pintle pins and subsequently, Dassault Aviation identified on which aeroplanes those pintle pins were installed.
>
> This condition, if not corrected, may lead to corrosion of the pins and ultimately cause them to shear under normal load. This could result in landing gear collapse during take-off or landing.
>
> To address this condition, Dassault Aviation, with the support of Messier-Bugatti-Dowty, developed Service Bulletin (SB) F7X–182 to provide instructions for removal of potentially affected pintle pins and replacement with serviceable parts.
>
> For the reasons described above, this [EASA] AD requires replacement of pintle pins on affected airplanes. This [EASA] AD

also prohibits installation of a potentially affected part on an aeroplane.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0145-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 16239, March 25, 2014) or on the determination of the cost to the public.

''Contacting the Manufacturer'' Paragraph in This 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 the NPRM (79 FR 16239, March 25, 2014), 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 this 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.

No comments were provided to the NPRM (79 FR 16239, March 25, 2014) about these proposed changes. However, a comment was provided for an NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013). The commenter 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 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 Dassault Aviation's EASA Design Organization Approval (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.

Other commenters to the NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013) pointed out that in many cases the foreign manufacturer's service bulletin and the foreign authority's MCAI might have been issued some time before the FAA AD. Therefore, the DOA might have provided U.S. operators with an approved repair, developed with full awareness of the unsafe condition, before the FAA AD is issued. Under these circumstances, to comply with the FAA AD, the operator would be required to go back to the manufacturer's DOA and obtain a new approval document, adding time and expense to the compliance process with no safety benefit.

Based on these comments, we removed the requirement that the DAH-provided repair specifically refer to this AD. Before adopting such a requirement, the FAA will coordinate with affected DAHs and verify they are prepared to implement means to ensure that their repair approvals consider the unsafe condition addressed in this AD. Any such requirements will be adopted through the normal AD rulemaking process, including notice-and-comment procedures, when appropriate.

We also have decided not to include a generic reference to either the ''delegated agent'' or ''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 AD.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 16239, March 25, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 16239, March 25, 2014).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Costs of Compliance

We estimate that this AD affects 42 airplanes of U.S. registry.

We also estimate that it will take about 20 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $17,000 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $785,400, or $18,700 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 AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0145;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–16–21 Dassault Aviation: Amendment 39–17945. Docket No. FAA–2014–0145; Directorate Identifier 2013–NM–183–AD.

(a) Effective Date

This AD becomes effective October 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Dassault Aviation Model FALCON 7X airplanes, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by reports that the pintle pins installed on a certain number of airplanes may be incorrectly protected against corrosion. We are issuing this AD to detect and correct pintle pins that have been incorrectly corrosion-protected, which could cause the pintle pins to shear under normal load and lead to the collapse of the MLG during take-off or landing.

(f) Compliance

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

(g) Replacement

For airplanes having serial numbers 4 through 6 inclusive; 9, 12, 19, 21 through 25 inclusive; 29, 32, 33, 37, 39 through 42 inclusive; 45, 49 through 53 inclusive; 55, 56, 62, 63, 65, 67 through 69 inclusive; and 81, 82, 84, and 120: Within 2 months after the effective date of this AD, replace the pintle pins having part number (P/N) 55–2355007–01 on the left- and right-hand MLG with a serviceable part, in accordance with the Accomplishment Instructions of Dassault Aviation Service Bulletin 7X–182, Revision 4, also referred to as 182–R4, dated July 18, 2013.

(h) Parts Installation Prohibition

As of the effective date of this AD, no person may install a pintle pin having P/N 55–2355007–01, with the following serial numbers, on any airplane: EXC–0001, EXC–0003, EXC–0008, EXC–0009, EXC–0010, EXC–0015, EXC–0017, EXC–0018, EXC–0019, EXC–0020, EXC–0022, EXC–0023, EXC–0024, EXC–0025, EXC–0026, EXC–0027, EXC–0029, EXC–0030, EXC–0031, EXC–0033, EXC–0037, EXC–0038, EXC–0040, EXC–0041, EXC–0043, EXC–0044, EXC–0045, EXC–0046, EXC–0047, EXC–0050, EXC–0051, EXC–0052, EXC–0053, EXC–0054, EXC–0057, EXC–0059, EXC–0060, EXC–0061, EXC–0062, EXC–0063, EXC–0064, EXC–0065, EXC–0067, EXC–0069, EXC–0072, EXC–0074, EXC–0075, EXC–0076, EXC–0077, EXC–0078, EXC–0084, EXC–0091, EXC–0092, EXC–0093, EXC–0096, EXC–0098, EXC–0099, EXC–0101, EXC–0102, EXC–0103, EXC–0106, EXC–0107, EXC–0108, EXC–0109, EXC–0110, EXC–0111, EXC–0114, EXC–0115, EXC–0117, EXC–0119, EXC–0120, EXC–0121, EXC–0122, EXC–0123, EXC–0124, EXC–0125, EXC–0126, EXC–0127, EXC–0128, EXC–0129, EXC–0130, EXC–0131, EXC–0132, EXC–0133, EXC–0134, EXC–0135, EXC–0136, EXC–0137, EXC–0138, EXC–0139, EXC–0143, EXC–0144, EXC–0147, EXC–0148, EXC–0149, EXC–0150, EXC–0152, EXC–0153, EXC–0154, EXC–0155, EXC–0158, EXC–0162, EXC–0163, EXC–0164, EXC–0167, EXC–0168, EXC–0170, EXC–0172, EXC–0173, EXC–0175, EXC–0177, EXC–0178, EXC–0183, EXC–0184, EXC–0190, EXC–0192, EXC–0193, EXC–0194, EXC–0197, or EXC–0198.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the following service information. This service information is not incorporated by reference in this AD.

(1) Dassault Aviation Service Bulletin 7X–182, also referred to as 182, dated December 17, 2010.

(2) Dassault Aviation Service Bulletin 7X–182, Revision 1, also referred to as 182–R1, dated December 7, 2011.

(3) Dassault Aviation Service Bulletin 7X–182, Revision 2, also referred to as 182–R2, dated June 1, 2012.

(4) Dassault Aviation Service Bulletin 7X–182, Revision 3, also referred to as 182–R3, dated February 26, 2013.

(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: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; 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 Dassault Aviation'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 2013–0162, dated July 24, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0145-0002.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(3) and (l)(4) of this AD.

(l) Material Incorporated by Reference

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

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

(i) Dassault Aviation Service Bulletin 7X–182, Revision 4, also referred to as 182–R4, dated July 18, 2013.

(ii) Reserved.

(3) For service information identified in this AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.*

(4) 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.

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

Issued in Renton, Washington, on August 4, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–19547 Filed 8–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–1026; Directorate Identifier 2012–NM–173–AD; Amendment 39–17942; AD 2014–16–18]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all BAE Systems (Operations) Limited Model BAe 146 series airplanes and Model Avro 146–RJ series airplanes. This AD was prompted by reports of cracking of the main fitting of the nose landing gear (NLG). This AD requires revising the maintenance program by incorporating a new safe-life limitation for the NLG main fitting. We are issuing this AD to prevent collapse of the NLG, which could lead to degradation of direction control on the ground or an un-commanded turn to the left, and a consequent loss of control of the airplane on the ground, possibly resulting in damage to the airplane and injury to occupants.

DATES: This AD becomes effective October 2, 2014.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 2, 2014.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-1026;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RApublications@baesystems.com;* Internet *http://www.baesystems.com/Businesses/RegionalAircraft/index.htm.* 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.

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:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all BAE Systems (Operations) Limited Model BAe 146 series airplanes and Model Avro 146–RJ series airplanes. The NPRM published in the **Federal Register** on December 11, 2013 (78 FR 75289). The NPRM was prompted by reports of cracking of the main fitting of the nose landing gear (NLG). The NPRM proposed to require revising the maintenance program by incorporating a new safe-life limitation for the NLG main fitting. We are issuing this AD to prevent collapse of the NLG, which could lead to degradation of direction control on the ground or an un-commanded turn to the left, and a consequent loss of control of the airplane on the ground, possibly resulting in damage to the airplane and injury to occupants.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0191R1, dated November 6, 2012 (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:

> Several occurrences of the aeroplane's Nose Landing Gear (NLG) Main Fitting cracking have been reported. Subsequently in different cases, NLG Main Fitting crack lead to collapsed NLG, locked NLG steering and an aeroplane's un-commanded steering to the left.
>
> Cracks in the NLG Bell Housing are not detectable with the NLG fitted to the aeroplane and are difficult to detect during overhaul without substantial disassembly of the gear.
>
> This condition, if not corrected, could lead to degradation of directional control on the

ground or an un-commanded turn to the left and a consequent loss of control of the aeroplane on the ground, possibly resulting in damage to the aeroplane and injury to occupants.

Prompted by these findings, BAE Systems (Operations) Ltd issued Inspection Service Bulletin (ISB) 32–186 (hereafter referred to as the ISB) to introduce a new safe life of 16,000 flight cycles (FC) for certain NLG main fittings, having a Part Number (P/N) as identified in Paragraph 1A, tables 1, 2 and 3 of the ISB.

To correct this unsafe condition, EASA issued AD 2012–0191R1 to require implementation of the new safe-life limitation for the affected NLG main fittings and replacement of fittings that have already exceeded the new limit.

Since that [EASA] AD was issued, it was found that clarification is necessary regarding the existing NLG main fitting life limits. Consequently, this [EASA] AD is revised by adding a Note to clarify that the current life limits, as specified in the applicable Aircraft Maintenance Manual (AMM), remain valid and should be applied, pending compliance with this AD.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-1026-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (78 FR 75289, December 11, 2013) or on the determination of the cost to the public.

''Contacting the Manufacturer'' Paragraph in This 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 the NPRM (78 FR 75289, December 11, 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 this 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.

No comments were provided to the NPRM (78 FR 75289, December 11, 2013) about these proposed changes. However, a comment was provided for an NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013). The commenter 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 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 BAE Systems (Operations) Limited's EASA Design Organization Approval (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.

Other commenters to the NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013) pointed out that in many cases the foreign manufacturer's service bulletin and the foreign authority's MCAI might have been issued some time before the FAA AD. Therefore, the DOA might have provided U.S. operators with an approved repair, developed with full awareness of the unsafe condition, before the FAA AD is issued. Under these circumstances, to comply with the FAA AD, the operator would be required to go back to the manufacturer's DOA and obtain a new approval document, adding time and expense to the compliance process with no safety benefit.

Based on these comments, we removed the requirement that the DAH-provided repair specifically refer to this AD. Before adopting such a requirement, the FAA will coordinate with affected DAHs and verify they are prepared to implement means to ensure that their repair approvals consider the unsafe condition addressed in this AD. Any such requirements will be adopted through the normal AD rulemaking process, including notice-and-comment procedures, when appropriate.

We also have decided not to include a generic reference to either the ''delegated agent'' or ''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 AD.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (78 FR 75289, December 11, 2013) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (78 FR 75289, December 11, 2013).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Costs of Compliance

We estimate that this AD affects 4 airplanes of U.S. registry.

We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $0 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $340, 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 AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2013-1026;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2014–16–18 BAE Systems (Operations) Limited: Amendment 39–17942. Docket No. FAA–2013–1026; Directorate Identifier 2012–NM–173–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective October 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all BAE Systems (Operations) Limited Model BAe 146–100A, –200A, and –300A airplanes; and Model Avro 146–RJ70A, 146–RJ85A, and 146–RJ100A airplanes; certificated in any category; all models, all serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracking of the main fitting of the nose landing gear (NLG). We are issuing this AD to prevent collapse of the NLG, which could lead to degradation of direction control on the ground or an un-commanded turn to the left and a consequent loss of control of the airplane on the ground, possibly resulting in damage to the airplane and injury to occupants.

(f) Compliance

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

(g) Revision of Maintenance or Inspection Program

Within 30 days after the effective date of this AD: Revise the maintenance or inspection program to incorporate a new safe-life limitation of the NLG main fitting, as specified by Subject 05–10–15, Aircraft Equipment Airworthiness Limitations, of Section 05–10, Time Limits, of Chapter 05, Time Limits/Maintenance Checks, of the BAE Systems (Operations) Limited BAe 146 Series/Avro 146–RJ Series Aircraft Maintenance Manual, Revision 108, dated September 14, 2012. Comply with all applicable instructions and airworthiness limitations included in Subject 05–10–15, Aircraft Equipment Airworthiness Limitations, of Section 05–10, Time Limits, of Chapter 05, Time Limits/Maintenance Checks, of the BAE Systems (Operations) Limited BAe 146 Series/Avro 146–RJ Series Aircraft Maintenance Manual, Revision 108, dated September 14, 2012. The initial compliance times for doing the actions is at the applicable times specified in Subject 05–10–15, Aircraft Equipment Airworthiness Limitations, of Section 05–10, Time Limits, of Chapter 05, Time Limits/Maintenance Checks, of the BAE Systems (Operations) Limited BAe 146 Series/Avro 146–RJ Series Aircraft Maintenance Manual, Revision 108, dated September 14, 2012, or within 30 days after the effective date of this AD, whichever is later.

(h) 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, or CDCCLs may be used unless the actions, intervals, or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

(i) Parts Installation Limitation

As of the effective date of this AD, no person may install an NLG main fitting, having a part number identified in paragraph 1.A., Tables 1., 2., and 3. of BAE Systems (Operations) Limited Inspection Service

Bulletin ISB.32–186, dated April 12, 2012, unless in compliance with the requirements 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 European Aviation Safety Agency (EASA); or BAE Systems (Operations) Limited's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) Airworthiness Directive 2012–0191R1, dated November 6, 2012, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-1026-0002.*

(l) Material Incorporated by Reference

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

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

(i) BAE Systems (Operations) Limited Inspection Service Bulletin ISB.32–186, dated April 12, 2012.

(ii) Subject 05–10–15, Aircraft Equipment Airworthiness Limitations, of Section 05–10, Time Limits, of Chapter 05, Time Limits/Maintenance Checks, of the BAE Systems BAe 146 Series/AVRO 146–RJ Series Aircraft Maintenance Manual, Revision 108, dated September 15, 2012. The revision level and date of this document are identified on only page 1 of the Letter of Transmittal.

(3) For service information identified in this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RApublications@baesystems.com;* Internet *http://www.baesystems.com/Businesses/RegionalAircraft/index.htm.*

(4) 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.

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

Issued in Renton, Washington, on August 4, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–19262 Filed 8–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0588; Directorate Identifier 2014–NM–150–AD; Amendment 39–17963; AD 2014–17–10]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A318, A319, A320, and A321 series airplanes. This AD requires repetitive on-ground power cycles (resets) of the Transponder, Terrain and Traffic Collision Avoidance System (T3CAS). This AD was prompted by reports of spurious terrain ahead warning system (TAWS) alerts during approach and takeoff. We are issuing this AD to prevent spurious TAWS alerts, which could increase flightcrew workload during critical landing or takeoff phases, and result in reduced control of the airplane.

DATES: This AD becomes effective September 12, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 12, 2014.

We must receive comments on this AD by October 14, 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: 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 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–2014–0588; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: 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:

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 2014–0174, dated July 23, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on all Airbus Model A318, A319, A320, and A321 series airplanes. The MCAI states:

Following two cases of spurious Terrain Ahead Warning System (TAWS) alert during approach and take off in Geneva, the concerned Transponder, Terrain and Traffic Collision Avoidance System (T3CAS) was sent to ACSS, the manufacturer of the affected equipment, for investigation. The results of a laboratory investigation indicated that an internal frozen position anomaly occurs when T3CAS is constantly powered for more than 149 hours. The origin for this defect was identified as a counter limitation, which is identified as a purely T3CAS software misbehavior and is not self-detected. Only T3CAS units having Part Number (P/N) 9005000–10000 (software Standard 1.0), P/N 9005000–10101 (Standard 1.1), and P/N 9005000–10202 (Standard 1.2) are affected by this software error.

This condition, if not corrected, could lead to spurious TAWS alerts which could increase flight crew workload during critical landing or take off phases, possibly resulting in reduced control of the aeroplane.

Prompted by these reports, Airbus issued Alert Operators Transmission (AOT) A34N004–13 to provide instructions to reset the T3CAS.

For the reasons described above, this [EASA] AD requires repetitive on ground power cycles (resets) of the T3CAS unit.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0588.

Relevant Service Information

Airbus has issued Alert Operators Transmission A34N004–13, Revision 01, dated March 19, 2014. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This AD

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

Differences Between This AD and the MCAI or Service Information

The MCAI requires revising the airplane maintenance program to incorporate the T3CAS on-ground power cycle instructions. EASA did not provide adequate details for this maintenance program revision; this requirement is therefore not included in this FAA AD.

The MCAI specifies a provision for installing a version (part number) of a T3CAS that is approved after the effective date of the EASA AD as a terminating action for the repetitive on-ground power cycles. Although this FAA AD does not include that provision, any person may request approval of an alternative method of compliance (AMOC) under the provisions of paragraph (j)(1) of this AD.

''Contacting the Manufacturer'' Paragraph in This 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 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.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because spurious TAWS alerts could increase flightcrew workload during critical landing or take off phases, and result in reduced control of the airplane. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0588; Directorate Identifier 2014–NM–150–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD 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 AD.

Costs of Compliance

We estimate that this AD affects 855 airplanes of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $0 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $72,675, 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 AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–17–10 Airbus: Amendment 39–17963. Docket No. FAA–2014–0588; Directorate Identifier 2014–NM–150–AD.

(a) Effective Date

This AD becomes effective September 12, 2014.

(b) Affected ADs

None.

(c) Applicability

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

(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 34, Navigation.

(e) Reason

This AD was prompted by reports of spurious terrain ahead warning system (TAWS) alerts during approach and takeoff. We are issuing this AD to prevent spurious TAWS alerts, which could increase flightcrew workload during critical landing or take off phases, and result in reduced control of the airplane.

(f) Compliance

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

(g) T3CAS On-Ground Power Cycle

For airplanes equipped with a Transponder, Terrain and Traffic Collision Avoidance System (T3CAS) unit having a part number and associated software standard identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD: Within 30 days after the effective date of this AD, do an on-ground power cycle (reset) of the T3CAS, in accordance with the instructions of Airbus Alert Operators Transmission A34N004–13, Revision 01, dated March 19, 2014. Repeat the on-ground power cycle thereafter at intervals not to exceed 120 hours of continuous power of the T3CAS.

(1) Part number 9005000–10000 and software standard 1.0.

(2) Part number 9005000–10101 and software standard 1.1.

(3) Part number 9005000–10202 and software standard 1.2.

(h) Airplanes Excluded From Power-Cycle Requirements

Airplanes on which Airbus modification 39146, 152980, or 154341 has not been incorporated in production are not affected by the requirements of paragraph (g) of this AD, provided no T3CAS unit having a part

number and associated software standard identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD is installed on that airplane.

(i) Parts Installation Limitation

As of the effective date of this AD, installation on an airplane of a T3CAS unit having a part number and software standard as identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD is acceptable, provided the conditions specified in both paragraphs (i)(1) and (i)(2) of this AD are met.

(1) After installation of the T3CAS unit, the unit is repetitively power cycled as required by paragraph (g) of this AD.

(2) The T3CAS unit has accumulated less than 120 hours of continuous power.

(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

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0174, dated July 23, 2014, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0588.

(l) Material Incorporated by Reference

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

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

(i) Airbus Alert Operators Transmission A34N004–13, Revision 01, dated March 19, 2014.

(ii) Reserved.

(3) 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.*

(4) 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.

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

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

Kevin Hull,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–20474 Filed 8–27–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0179; Directorate Identifier 2014–NE–03–AD; Amendment 39–17956; AD 2014–17–03]

RIN 2120–AA64

Airworthiness Directives; Technify Motors GmbH Reciprocating Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Technify Motors GmbH (type certificate previously held by Thielert Aircraft Engines GmbH) TAE 125–02–99 and TAE 125–02–114 reciprocating engines. This AD requires removal of each high-pressure (HP) fuel pump before 300 flight hours (FHs) in service or within 55 FHs after the effective date of the AD, whichever occurs later. This AD was prompted by in-flight shutdowns on airplanes with TAE 125–02 engines. We are issuing this AD to prevent failure of the HP fuel pump, which could result in damage to the engine and damage to the airplane.

DATES: This AD becomes effective October 2, 2014.

ADDRESSES: For service information identified in this AD, contact Technify Motors GmbH, Platanenstrasse 14, D–09356 Sankt Egidien, Germany, phone: +49–37204–696–0; fax: +49–37204–696–55; email: *info@centurion.aero.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0179; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Kenneth Steeves, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7765; fax: 781–238–7199; email: *kenneth.stevees@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on May 23, 2014 (79 FR 29693). The NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

> In-flight shut down occurrences have been reported on aeroplanes equipped with TAE 125–02 engines. The initial results of the investigations showed that abnormal high wear of the high pressure fuel pumps was the probable cause of the engine failure.
>
> This condition, if not corrected, could result in further cases of engine power loss events and consequent potential loss of control of the aeroplane.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 29693, May 23, 2014).

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting this AD as proposed.

Costs of Compliance

We estimate that this AD affects 160 engines installed on airplanes of U.S. registry. We also estimate that it will take about 1 hour per engine to comply with this AD. The average labor rate is $85 per hour. Based on these figures, we estimate the cost of the AD on U.S. operators to be $13,600.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–17–03 Technify Motors GmbH (Type Certificate previously held by Thielert Aircraft Engines GmbH): Amendment 39–17956; Docket No. FAA–2014–0179; Directorate Identifier 2014–NE–03–AD.

(a) Effective Date

This AD becomes effective October 2, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to TAE 125–02–99 and TAE 125–02–114 reciprocating engines with a high-pressure (HP) fuel pump, part number (P/N) 05–7312–K005301 or P/N 05–7312–K005302.

(d) Reason

This AD was prompted by in-flight shutdowns on airplanes with TAE 125–02 engines. We are issuing this AD to prevent failure of the HP fuel pump, which could result in damage to the engine and damage to the airplane.

(e) Actions and Compliance

Comply with this AD unless already done. Remove each HP fuel pump, P/N 05–7312–K005301 and P/N 05–7312–K005302, before 300 flight hours (FHs) in service or within 55 FHs after the effective date of this AD, whichever occurs later.

(f) Installation Prohibition

After the effective date of this AD, do not install a TAE 125–02–99 or TAE 125–02–114 engine with HP fuel pump, P/N 05–7312–K005301 or P/N 05–7312–K005302, onto any airplane.

(g) Alternative Methods of Compliance (AMOCs)

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

(h) Related Information

(1) For more information about this AD, contact Kenneth Steeves, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7765; fax: 781–238–7199; email: *kenneth.steeves@faa.gov.*

(2) Refer to MCAI European Aviation Safety Agency AD 2013–0279, dated November 26, 2013, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!searchResults;rpp=25;po=0;s=FAA-2014-0179;fp=true;ns=true.*

(3) Technify Motors GmbH Service Bulletin No. TM TAE 125–1017 P1, Revision 1, dated September 20, 2013, which is not incorporated by reference in this AD, can be obtained from Technify Motors GmbH using the contact information in paragraph (h)(4) of this AD.

(4) For service information identified in this AD, contact Technify Motors GmbH, Platanenstrasse 14, D–09356 Sankt Egidien, Germany, phone: +49–37204–696–0; fax: +49–37204–696–55; email: *info@centurion.aero.*

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

(i) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on August 18, 2014.

Richard P. Warren,

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

[FR Doc. 2014–20451 Filed 8–27–14; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Docket No. SSA–2014–0045]

RIN 0960–AH69

Extension of the Expiration Date for State Disability Examiner Authority To Make Fully Favorable Quick Disability Determinations and Compassionate Allowances

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: We are extending the expiration date of our rule that authorizes State agency disability examiners to make fully favorable determinations without the approval of a State agency medical or psychological consultant in claims that we consider under our quick disability determination (QDD) and compassionate allowance (CAL) processes. The current rule will expire on November 14, 2014. In this final rule,

we are changing the November 14, 2014 expiration or ''sunset'' date to November 13, 2015, extending the authority for 1 year. We are making no other substantive changes.

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

FOR FURTHER INFORMATION CONTACT: Peter Smith, Office of Disability Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–3235, for information about this final rule. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

Background of the QDD and CAL Disability Examiner Authority

On October 13, 2010, we published a final rule that temporarily authorized State agency disability examiners to make fully favorable determinations without the approval of a State agency medical or psychological consultant in claims that we consider under our QDD and CAL processes. 75 FR 62676.

We included in 20 CFR 404.1615(c)(3) and 416.1015(c)(3) provisions by which the State agency disability examiners' authority to make fully favorable determinations without medical or psychological consultant approval in QDD and CAL claims would no longer be effective on November 12, 2013, unless we decided to terminate the rule earlier or extend them beyond that date by publication of a final rule in the **Federal Register**. 75 FR 62676. On November 6, 2013, we published a final rule extending the expiration date until November 14, 2014. 78 FR 66638.

Explanation of Provision

This final rule extends for 1 year the authority in the rule that we published on October 13, 2010 allowing disability examiners to make fully favorable determinations in certain disability claims under our QDD and CAL processes without the approval of a medical or psychological consultant. This rule allows us to make fully favorable determinations when we can as quickly as possible. The rule also helps us process claims more efficiently because it allows State agency medical and psychological consultants to spend their time on claims that require their expertise.

In the rule that we published on October 13, 2010, we noted that our experience adjudicating QDD and CAL claims led us to our decision to allow disability examiners to make some fully favorable determinations without a medical or psychological consultation. When we implemented the rule, we also knew that State agencies would require some time to establish procedures, adopt necessary software modifications, and satisfy collective bargaining obligations. Extending the rule provided at least three years of data on the active processes as well as time to analyze the data and make a decision on whether to make the authority permanent.

Regulatory Procedures

Justification for Issuing a Final Rule Without Notice and Comment

We follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 when developing regulations. Section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5). Generally, the APA requires that an agency provide prior notice and opportunity for public comment before issuing a final rule. However, the APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest.

We have determined that good cause exists for dispensing with the notice and public comment procedures for this rule. 5 U.S.C. 553(b)(B). Good cause exists because this final rule only extends the expiration date of the existing provisions. It makes no substantive changes. The current regulations expressly provide that we may extend or terminate the current rule. Therefore, we have determined that opportunity for prior comment is unnecessary, and we are issuing this rule as a final rule.

In addition, for the reasons cited above, we find good cause for dispensing with the 30-day delay in the effective date of this final rule. 5 U.S.C. 553(d)(3). We are not making any substantive changes in our current rule, but are extending the expiration date of the rule. In addition, as discussed above, the change we are making in this final rule will allow us to better utilize our scarce administrative resources in light of the current budgetary constraints under which we are operating. For these reasons, we find that it is contrary to the public interest to delay the effective date of our rule.

Executive Order 12866, as Supplemented by Executive Order 13563

We consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the criteria for a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563. Therefore, OMB did not review it.

We also determined that this final rule meets the plain language requirement of Executive Order 12866.

Regulatory Flexibility Act

We certify that this final rule will not have a significant economic impact on a substantial number of small entities because it affects individuals only. Therefore, the Regulatory Flexibility Act, as amended, does not require us to prepare a regulatory flexibility analysis.

Paperwork Reduction Act

This final rule does not create any new or affect any existing collections and, therefore, does not require OMB approval under the Paperwork Reduction Act.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006, Supplemental Security Income.)

List of Subjects

20 CFR Part 404

Administrative practice and procedure; Blind, Disability benefits; Old-age, Survivors and Disability Insurance; Reporting and recordkeeping requirements; Social security.

20 CFR Part 416

Administrative practice and procedure; Reporting and recordkeeping requirements; Supplemental Security Income (SSI).

Carolyn W. Colvin,

Acting Commissioner of Social Security.

For the reasons stated in the preamble, we are amending subpart Q of part 404 and subpart J of part 416 of title 20 of the Code of Federal Regulations as set forth below:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart Q—[Amended]

■ 1. The authority citation for subpart Q of part 404 continues to read as follows:

Authority: Secs. 205(a), 221, and 702(a)(5) of the Social Security Act (42 U.S.C. 405(a), 421, and 902(a)(5)).

■ 2. Amend § 404.1615 by revising paragraph (c)(3) to read as follows:

§ 404.1615 Making disability determinations.

* * * * *

(c) * * *

(3) A State agency disability examiner alone if the claim is adjudicated under the quick disability determination process (see § 404.1619) or the compassionate allowance process (see § 404.1602), and the initial or reconsidered determination is fully favorable to you. This paragraph will no longer be effective on November 13, 2015 unless we terminate it earlier or extend it beyond that date by publication of a final rule in the **Federal Register**; or

* * * * *

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart J—[Amended]

■ 3. The authority citation for subpart J continues to read as follows:

Authority: Secs. 702(a)(5), 1614, 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1382c, 1383, and 1383b).

■ 4. Amend § 416.1015 by revising paragraph (c)(3) to read as follows:

§ 416.1015 Making disability determinations.

* * * * *

(c) * * *

(3) A State agency disability examiner alone if you are not a child (a person who has not attained age 18), and the claim is adjudicated under the quick disability determination process (see § 416.1019) or the compassionate allowance process (see § 416.1002), and the initial or reconsidered determination is fully favorable to you. This paragraph will no longer be effective on November 13, 2015 unless we terminate it earlier or extend it beyond that date by publication of a final rule in the **Federal Register**; or

* * * * *

[FR Doc. 2014–20535 Filed 8–27–14; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–381]

Schedules of Controlled Substances: Placement of Suvorexant into Schedule IV

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: With the issuance of this final rule, the Deputy Administrator of the Drug Enforcement Administration (DEA) places the substance [(7*R*)-4-(5-chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl][5-methyl-2-(2*H*-1,2,3-triazol-2-yl)phenyl]methanone (suvorexant), including its salts, isomers, and salts of isomers, into schedule IV of the Controlled Substances Act. This scheduling action is pursuant to the Controlled Substances Act which requires that such actions be made on the record after opportunity for a hearing through formal rulemaking. This action imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule IV controlled substances on persons who handle (manufacture, distribute, dispense, import, export, engage in research, conduct instructional activities, or possess), or propose to handle suvorexant.

DATES: *Effective Date:* September 29, 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 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.

Under the CSA, each controlled substance is classified into one of five schedules based upon its potential for abuse, its currently accepted medical use in treatment in the United States, and the degree of dependence the substance may cause. 21 U.S.C. 812. The initial schedules of controlled substances established by Congress are found at 21 U.S.C. 812(c), and the current list of all scheduled substances is published at 21 CFR part 1308.

Pursuant to 21 U.S.C. 811(a)(1), the Attorney General may, by rule, ''add to such a schedule or transfer between such schedules any drug or other substance if he (A) finds that such drug or other substance has a potential for abuse, and (B) makes with respect to such drug or other substance the findings prescribed by [21 U.S.C. 812(b)] for the schedule in which such drug is to be placed * * *.'' The Attorney General has delegated this authority to the Administrator of the DEA, 28 CFR 0.100, who in turn has redelegated that authority to the Deputy Administrator of the DEA. 28 CFR part 0, appendix to subpart R.

The CSA provides that scheduling of any drug or other substance may be initiated by the Attorney General (1) on his own motion; (2) at the request of the Secretary of Health and Human Services (HHS); [1] or (3) on the petition of any interested party. 21 U.S.C. 811(a). This action imposes the regulatory controls and administrative, civil, and criminal sanctions of schedule IV controlled substances on persons who handle or propose to handle suvorexant.

Background

Suvorexant ([(7*R*)-4-(5-chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl][5-methyl-2-(2*H*-1,2,3-triazol-2-yl)phenyl]methanone), also known as MK–4305, is a new chemical entity developed for the treatment of insomnia. Suvorexant is a novel, first in class, orexin receptor antagonist with a

[1] As set forth in a memorandum of understanding entered into by the HHS, the Food and Drug Administration (FDA), and the National Institute on Drug Abuse (NIDA), the FDA acts as the lead agency within the HHS in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518, Mar. 8, 1985. The Secretary of the HHS has delegated to the Assistant Secretary for Health of the HHS the authority to make domestic drug scheduling recommendations.

mechanism of action distinct from any marketed drug. It acts via inhibition of the orexin 1 (OX1) and orexin 2 (OX2) receptors. In pharmacological activity studies, suvorexant functioned as an antagonist as demonstrated by its ability to block agonist-induced calcium (Ca^{2+}) release. The U.S. Food and Drug Administration (FDA) approved the new drug application for suvorexant on August 13, 2014.

DEA and HHS Eight Factor Analyses

On June 27, 2013, the HHS provided the DEA with a scientific and medical evaluation document prepared by the FDA entitled ''Basis for the Recommendation to Place Suvorexant in Schedule IV of the Controlled Substances Act.'' After considering the eight factors in 21 U.S.C. 811(c), including consideration of the substance's abuse potential, legitimate medical use, and dependence liability, the Assistant Secretary of the HHS recommended that suvorexant be controlled in schedule IV of the CSA under 21 U.S.C. 812(b). In response, the DEA conducted its own eightfactor analysis of suvorexant pursuant to 21 U.S.C. 811(c). Both the DEA and HHS analyses are available in their entirety in the public docket for this rule (Docket Number DEA–381) at *http://www.regulations.gov* under ''Supporting and Related Material.''

Determination to Schedule Suvorexant

After a review of the available data, including the scientific and medical evaluation and the scheduling recommendation from the HHS, the Deputy Administrator of the DEA published in the **Federal Register** a notice of proposed rulemaking (NPRM) entitled ''Schedules of Controlled Substances: Placement of Suvorexant into Schedule IV'' which proposed placement of suvorexant in schedule IV of the CSA. 79 FR 8639, Feb. 13, 2014. The proposed rule provided an opportunity for interested persons to file a request for hearing in accordance with DEA regulations by March 17, 2014. No requests for such a hearing were received by the DEA. The NPRM also provided an opportunity for interested persons to submit written comments on the proposal on or before March 17, 2014.

Comments Received

The DEA received five comments on the proposed rule to schedule suvorexant. Two commenters supported controlling suvorexant as a schedule IV controlled substance. One commenter opposed the control of suvorexant, one commenter did not articulate an official position, and one commenter was in favor of controlling suvorexant as a schedule III controlled substance, rather than a schedule IV controlled substance.

Support for the Proposed Rule

Two commenters supported controlling suvorexant as a schedule IV controlled substance. These commenters indicated support for controlling suvorexant under the CSA based on the abuse potential of the substance. The commenters noted that controlling suvorexant as a schedule IV controlled substance is appropriate because it is similar to zolpidem (schedule IV), while one commenter stated that suvorexant produces fewer adverse effects than zolpidem. The commenters believe that controlling suvorexant as a schedule IV controlled substance will provide the necessary controls to prevent its diversion.

DEA Response: The DEA appreciates the comments in support of this rulemaking.

Opposition to the Proposed Rule

Two commenters opposed the proposal to control suvorexant as a schedule IV controlled substance, and one commenter did not articulate an official position but expressed concern about the side effects of suvorexant.

Request Not To Control Suvorexant

One commenter opposed controlling suvorexant because they believed that there was a lack of strong scientific evidence that suvorexant has been abused, and the comparison of suvorexant with zolpidem (schedule IV) is incorrect due to each compound eliciting its effects via different mechanisms of action. The commenter was also concerned that controlling suvorexant will make it more difficult for patients to obtain the substance once it is approved by the FDA.

DEA Response: The DEA does not agree. Suvorexant is a novel, first in class, new chemical substance and information on actual abuse data is not currently available. The legislative history of the CSA addresses the assessment of a new drug's potential for abuse,[2] and data from clinical studies investigating the abuse potential for suvorexant suggests that its effect is similar to zolpidem (schedule IV). Similarly, while the mechanism of action for suvorexant is distinct from any currently marketed drug for insomnia, human abuse potential studies demonstrated that suvorexant produced effects that were indistinguishable from zolpidem (schedule IV).

Burdens associated with acquiring a substance as a result of control under the CSA are not relevant factors to the determination whether a substance should be controlled or under what schedule a substance should be placed if it is controlled. *See* 21 U.S.C. 811 and 812. Nonetheless, the DEA disagrees with the unsupported statement that making suvorexant a controlled substance will make it difficult for ultimate users to legally acquire the substance once it is approved by the FDA. If a DEA-registered practitioner lawfully prescribes suvorexant to treat a medical condition, it may be dispensed on the basis of an oral or written prescription. 21 CFR 1306.04(a), 1306.21.

Request To Control Suvorexant as a Schedule III Substance

One commenter had multiple concerns regarding the placement of suvorexant in schedule IV. The commenter believed that further studies on minimal levels of effective suvorexant doses should be conducted to reduce the risks of driving accidents. The commenter also expressed concern about the FDA's statement that while effective, suvorexant is unsafe at various doses. This commenter believed that due to lack of conclusive findings, suvorexant should be categorized as a schedule III controlled substance for ''safety and precautionary purposes'' since it is a novel, first in class, new substance.

Another commenter, who did not articulate a specific position, expressed concern that the side effects produced by suvorexant were similar to the effects of sleep deprivation, including cognitive and psychomotor impairment.

DEA Response: The concerns about the limited research on minimal levels of effective suvorexant doses and the side effects of suvorexant and sleep deprivation, along with the statement that suvorexant is unsafe at various doses, are outside the scope of the DEA's scheduling authority. As part of the new drug approval process, the HHS

[2] The legislative history of the CSA provides that a substance may have a potential for abuse if: ''The drug or drugs containing such a substance are new drugs so related in their action to a drug or drugs already listed as having a potential for abuse to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.'' Comprehensive Drug Abuse Prevention and Control Act of 1970, H.R. Rep. No. 91–1444 (1970); as reprinted in 1970 U.S.C.C.A.N. 4566, 4601.

provides scientific and medical evaluations of a drug or other substance to ensure that it is safe and effective for its intended use. This process is completely separate from the DEA's proceedings to control such drug or other substance. 21 U.S.C. 811.

The DEA does not agree that suvorexant should be controlled as a schedule III controlled substance. Pursuant to 21 U.S.C. 811(a)(1), the Attorney General may, by rule, ''add to such a schedule or transfer between such schedules any drug or other substance if he (A) finds that such drug or other substance has a potential for abuse, and (B) makes with respect to such drug or other substance the findings prescribed by [21 U.S.C. 812(b)] for the schedule in which such drug is to be placed * * *.'' This scheduling action was initiated when the DEA received a scientific and medical evaluation and a scheduling recommendation to control suvorexant as a schedule IV controlled substance from the Assistant Secretary of the HHS. In accordance with 21 U.S.C. 811(c), the DEA conducted its own analysis of the eight factors determinative of control or removal: (1) Its actual or relative potential for abuse; (2) scientific evidence of its pharmacological effect, if known; (3) the state of current scientific knowledge regarding the drug or other substance; (4) its history and current pattern of abuse; (5) the scope, duration, and significant of abuse; (6) what, if any, risk there is to the public health; (7) its psychic or physiological dependence liability; and (8) whether the substance is an immediate precursor of a substance already controlled. The summary of each factor as analyzed by the DEA and the HHS, and as considered by the DEA in this scheduling action, was provided in the proposed rule. Both the DEA and the HHS analyses have been made available in their entirety under ''Supporting and Related Material'' of the public docket for this rule at *http://www.regulations.gov* under Docket Number DEA–381.

There is evidence that suvorexant has a potential for abuse comparable to zolpidem (schedule IV), and like zolpidem, suvorexant has a low potential for abuse relative to the drugs or other substances in schedule III. Suvorexant was compared to zolpidem in human studies of recreational sedative users to measure its abuse potential relative to that of a sedative-hypnotic in schedule IV. The abuse potential of suvorexant (40, 80 and 150 mg) relative to zolpidem (15 and 30 mg) and placebo was evaluated via a visual analog scale VAS, with results demonstrating that the effects of suvorexant were statistically indistinguishable from zolpidem. The results of the human abuse potential study suggest that suvorexant and zolpidem produce similar reinforcing effects and have a similar potential for abuse. In addition, preclinical studies demonstrated that suvorexant (10, 20, 30 and 60 mg/kg) dose dependently reduced locomotor activity in rats, similar to other sedative drugs including zolpidem (schedule IV). Based on the review of the HHS evaluation and scheduling recommendation and all other relevant data, the DEA found that suvorexant has an abuse potential similar to other schedule IV drugs, including zolpidem (schedule IV).

Scheduling Conclusion

Based on consideration of all comments, the scientific and medical evaluation and accompanying recommendation of the HHS, and the DEA's consideration of its own eight-factor analysis, the DEA finds that these facts and all other relevant data constitute substantial evidence of potential for abuse of suvorexant. As such, the DEA is scheduling suvorexant as a controlled substance under the CSA.

Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA outlines the findings required for placing a drug or other substance in any particular schedule. 21 U.S.C. 812(b). After consideration of the analysis and recommendation of the Assistant Secretary for Health of the HHS and review of all available data, the Deputy Administrator of the DEA, pursuant to 21 U.S.C. 812(b)(4), finds that:

(1) [(7R)-4-(5-chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl][5-methyl-2-(2H–1,2,3-triazol-2-yl)phenyl]methanone (suvorexant) has a low potential for abuse relative to the drugs or other substances in schedule III. The overall abuse potential of suvorexant is comparable to the schedule IV controlled substance zolpidem;

(2) [(7R)-4-(5-chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl][5-methyl-2-(2H–1,2,3-triazol-2-yl)phenyl]methanone (suvorexant) has a currently accepted medical use in treatment in the United States. Suvorexant was approved for marketing by FDA as a treatment for insomnia; and

(3) Abuse of [(7R)-4-(5-chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl][5-methyl-2-(2H–1,2,3-triazol-2-yl)phenyl]methanone (suvorexant) may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III. The potential for psychological dependence is similar to that of zolpidem (schedule IV).

Based on these findings, the Deputy Administrator of the DEA concludes that suvorexant, including its salts, isomers, and salts of isomers, warrants control in schedule IV of the CSA. 21 U.S.C. 812(b)(4).

Requirements for Handling Suvorexant

Upon the effective date of this final rule, any person who handles suvorexant is subject to the CSA's schedule IV regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, dispensing, importing, exporting, engagement in research, and conduct of instructional activities, of schedule IV controlled substances including the following:

Registration. Any person who handles (manufactures, distributes, dispenses, imports, exports, engages in research, or conducts instructional activities with) suvorexant, or who desires to handle suvorexant, must be registered with the DEA to conduct such activities, pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312 as of September 29, 2014. Any person who currently handles suvorexant and is not registered with the DEA must submit an application for registration and may not continue to handle suvorexant as of September 29, 2014 unless the DEA has approved that application, pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312.

Security. Suvorexant is subject to schedule III–V security requirements and must be handled and stored pursuant to 21 U.S.C. 821, 823, and 871(b) and in accordance with 21 CFR 1301.71–1301.93, as of September 29, 2014.

Labeling and Packaging. All labels, labeling, and packaging for commercial containers of suvorexant must comply with 21 U.S.C. 825 and 958(e) and be in accordance with 21 CFR part 1302, as of September 29, 2014.

Inventory. Every DEA registrant who possesses any quantity of suvorexant on the effective date of this final rule must take an inventory of all stocks of suvorexant on hand as of September 29, 2014, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11(a) and (d).

Any person who becomes registered with the DEA after September 29, 2014

must take an initial inventory of all stocks of controlled substances (including suvorexant) on hand on the date the registrant first engages in the handling of controlled substances, pursuant to 21 U.S.C. 827 and 958 and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11(a) and (b).

After the initial inventory, every DEA registrant must take a new inventory of all stocks of controlled substances (including suvorexant) on hand every two years, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

Records. All DEA registrants must maintain records with respect to suvorexant pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR parts 1304, 1307, and 1312, as of September 29, 2014.

Prescriptions. All prescriptions for suvorexant or products containing suvorexant must comply with 21 U.S.C. 829, and be issued in accordance with 21 CFR part 1306 and subpart C of 21 CFR part 1311 as of September 29, 2014.

Importation and Exportation. All importation and exportation of suvorexant must be in compliance with 21 U.S.C. 952, 953, 957, and 958, and be in accordance with 21 CFR part 1312 as of September 29, 2014.

Liability. Any activity involving suvorexant not authorized by, or in violation of, the CSA, occurring as of September 29, 2014 is unlawful, and may subject the person to administrative, civil, and/or criminal proceedings.

Regulatory Analyses

Executive Orders 12866 and 13563

In accordance with 21 U.S.C. 811(a), this scheduling action is subject to formal rulemaking procedures done ''on the record after opportunity for a hearing,'' which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget pursuant to section 3(d)(1) of Executive Order 12866 and the principles reaffirmed in Executive Order 13563.

Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132

This rulemaking does not have federalism implications warranting the application of Executive Order 13132. The rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

This rule does not have tribal implications warranting the application of Executive Order 13175. The rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Regulatory Flexibility Act

The Deputy Administrator, in accordance with the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, has reviewed this final rule and by approving it certifies that it will not have a significant economic impact on a substantial number of small entities. The purpose of this final rule is to place suvorexant, including its salts, isomers, and salts of isomers, into schedule IV of the CSA. No less restrictive measures (i.e., non-control, or control in schedule V) enable the DEA to meet its statutory obligations under the CSA. In preparing this certification, the DEA has assessed economic impact by size category and has considered costs with respect to the various DEA registrant business activity classes.

Suvorexant is a new molecular entity which has not yet been marketed in the United States or any other country. Accordingly, the number of currently identifiable manufacturers, importers, and distributors for suvorexant is extremely small. The publicly available materials also specify the readily identifiable persons subject to direct regulation by this final rule. Based on guidelines utilized by the Small Business Administration (SBA), the suvorexant manufacturer/distributor/importer was determined not to be a small entity. Once generic equivalents of suvorexant are developed and approved for manufacturing and marketing, there may be additional manufacturers, importers, and distributors of suvorexant, but whether they may qualify as small entities cannot be determined at this time.

There are approximately 1.5 million controlled substance registrations that represent approximately 381,000 entities (which include businesses, organizations, and governmental jurisdictions). The DEA estimates that 371,000 (97%) of these entities are considered ''small entities'' in accordance with the RFA and SBA size standards. 5 U.S.C. 601(6); 15 U.S.C. 632. Due to the wide variety of unidentifiable and unquantifiable variables that potentially could influence the dispensing rates of new molecular entities, the DEA is unable to determine what number of these 371,000 small entities might handle suvorexant.

Despite the fact that the number of small entities possibly impacted by this rule could not be determined, the DEA concludes that they would not experience a significant economic impact as a result of this final rule. The DEA estimates all anticipated suvorexant handlers to be DEA registrants and currently 98% of DEA registrants (most of which are small entities) are authorized to handle schedule IV controlled substances. Registrants that handle suvorexant are expected to incur nominal additional security, inventory, and recordkeeping costs. These registered entities are likely to have already established and implemented the systems and processes required to handle schedule IV controlled substances and can easily absorb the costs of handling suvorexant with nominal to no additional economic burden. For example, because DEA–registered pharmacies and institutional practitioners are likely to already be schedule IV handlers, they may secure schedule II–V controlled substances by dispersing such substances throughout the stock of noncontrolled substances in such a manner as to obstruct the theft or diversion of the controlled substances. Additionally, because other DEA registrants who will handle suvorexant are likely to already be schedule IV handlers, they already should have existing secure storage areas for schedule II–V controlled substances, which we assume would be able to accommodate any new stocks of suvorexant. *See* 21 CFR 1301.75(b), 1301.72(b). Accordingly, the requirement to secure all controlled substances containing suvorexant would not impose a significant economic burden upon DEA-registered practitioners as the infrastructure and materials for doing so are already in place. The DEA therefore assumes that the cost of compliance with 21 CFR 1301.71–1301.77 as a result of this final rule is nominal.

Correspondingly, because DEA-registered manufacturers, distributors,

and importers must label and package all schedule II–V controlled substances in accordance with 21 CFR part 1302, the requirement to label and package all controlled substances containing suvorexant in accordance with 21 CFR part 1302 would not impose a significant economic burden upon DEA-registered manufacturers, distributors, and importers as the infrastructure and materials for doing so would already be in place. Accordingly, compliance with 21 CFR part 1302 would not require significant additional manpower, capital investment, or recordkeeping burdens.

Because of these facts, this final rule will not result in a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995 (2 U.S.C. 1501 *et seq.*), the DEA has determined and certifies pursuant to UMRA that this action would not result in any Federal mandate that may result ''in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted for inflation) in any one year . . . .'' Therefore, neither a Small Government Agency Plan nor any other action is required under provisions of UMRA of 1995.

Paperwork Reduction Act of 1995

This action does not impose a new collection of information requirement under the Paperwork Reduction Act of 1995. 44 U.S.C. 3501–3521. This action would 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.

Congressional Review Act

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act (CRA)). This rule will not result in: an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets. However, pursuant to the CRA, the DEA has submitted a copy of this final rule to both Houses of Congress and to the Comptroller General.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, the DEA amends 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

■ 2. Amend § 1308.14 by redesignating paragraphs (c)(49) through (c)(54) as (c)(50) through (c)(55) and adding new paragraph (c)(49) to read as follows:

§ 1308.14 Schedule IV.

* * * * *

(c) * * *

(49) Suvorexant 2223

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Dated: August 21, 2014.

Thomas M. Harrigan,

Deputy Administrator.

[FR Doc. 2014–20515 Filed 8–27–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF STATE

22 CFR Part 22

[Public Notice: 8850]

RIN 1400–AD47

Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates—Visa and Citizenship Services Fee Changes

AGENCY: Department of State.

ACTION: Interim final rule.

SUMMARY: The Department of State amends the Schedule of Fees for Consular Services (Schedule) for certain nonimmigrant visa application processing fees, certain immigrant visa application processing and special visa services fees, and certain citizenship services fees. More specifically, the rule amends the application processing fees for two categories of petition-based nonimmigrant visas and the tiered application processing fees for immigrant visas. The rule also amends the security surcharge for immigrant visa services and the fees for certain immigrant visa services. Lastly, the rule raises the application processing fee for renunciation of U.S. citizenship and lowers the hourly consular officer time charge. The Department of State is adjusting the fees in light of the findings of a recent Cost of Service study to ensure that the fees for consular services better align with the costs of providing those services.

DATES: This interim final rule becomes effective September 6, 2014. Written comments must be received on or before October 21, 2014.

ADDRESSES: Interested parties may submit comments to the Department by any of the following methods:

- *Visit the Regulations.gov Web site at: http://www.regulations.gov* and search the RIN 1400–AD47or docket number DOS–2014–0016.
- *Mail (paper, disk, or CD–ROM):* U.S. Department of State, Office of the Comptroller, Bureau of Consular Affairs (CA/C), SA–17 8th Floor, Washington, DC 20522–1707.
- *E-Mail: fees@state.gov.* You must include the RIN (1400–AD47) in the subject line of your message.
- All comments should include the commenter's name, the organization the commenter represents, if applicable, and the commenter's address. If the Department is unable to read your comment for any reason, and cannot contact you for clarification, the Department may not be able to consider your comment. After the conclusion of the comment period, the Department will publish a Final Rule (in which it will address relevant comments) as expeditiously as possible.

FOR FURTHER INFORMATION CONTACT: Celeste Scott, Special Assistant, Office of the Comptroller, Bureau of Consular Affairs, Department of State; phone: 202–485–6681, telefax: 202–485–6826; Email: *fees@state.gov.*

SUPPLEMENTARY INFORMATION:

Background

The interim final rule makes changes to the Schedule of Fees for Consular Services of the Department of State's Bureau of Consular Affairs. The Department sets and collects its fees based on the concept of full cost recovery. The Department completed its most recent review of current consular fees and will implement several changes to the Schedule of Fees based on the new fees calculated by the Cost of Service Model (CoSM). Please note that certain ''no fee'' consular services are included in the Schedule of Fees so that members of the public will be aware of significant consular services provided

by the Department at no charge to the recipient of the service.

What is the authority for this action?

The Department of State derives the general authority to set fees based on the cost of the consular services it provides, and to charge those fees, from the general user charges statute, 31 U.S.C. 9701. *See, e.g.,* 31 U.S.C. 9701(b)(2)(A) (''The head of each agency . . . may prescribe regulations establishing the charge for a service or thing of value provided by the agency . . . based on . . . the costs to the government.''). As implemented through Executive Order 10718 of June 27, 1957, 22 U.S.C. 4219 further authorizes the Department to establish fees to be charged for official services provided by U.S. embassies and consulates. Other authorities allow the Department to charge fees for consular services, but not to determine the amount of such fees because the amount is statutorily determined.

Several statutes address specific fees relating to nonimmigrant visas. For instance, 8 U.S.C. 1351 establishes reciprocity as the basic principle for setting the nonimmigrant visa issuance fee, meaning that the fee charged an applicant from a foreign country is based, insofar as practicable, on the amount of visa or other similar fees charged to U.S. nationals by that foreign country. In addition to the reciprocity issuance fee, Sec. 140(a) of Public Law 103–236, 108 Stat. 382, as amended, reproduced at 8 U.S.C. 1351 (note), establishes a cost-based application processing fee for nonimmigrant machine readable visas (MRVs) and border crossing cards (BCCs). *See also* 8 U.S.C. 1713(b). Such fees remain available to the Department until expended. 8 U.S.C. 1351 (note) and 1713(d). Furthermore, Sec. 501 of Public Law 110–293, Title V, 122 Stat. 2968, reproduced at 8 U.S.C. 1351 (note), requires the Secretary of State to collect an additional $2 surcharge (the ''HIV/AIDS/TB/Malaria surcharge'') on all MRVs and BCCs as part of the application processing fee; this surcharge must be deposited into the Treasury and goes to support programs to combat HIV/AIDS, tuberculosis, and malaria. Section 2 of Public Law 113–42 imposes a temporary $1 surcharge on the fees for MRV and BCC application processing, to be deposited into the general fund of the Treasury. This provision will sunset two years after the first date on which the increased fee is collected and will not affect most MRV and BCC fees paid by applicants.

Additionally, several statutes address fees for immigrant visa processing. For example, Sec. 636 of Public Law 104–208, div. C, Title VI, 110 Stat. 3009–703, reproduced at 8 U.S.C. 1153 (note), authorizes the Secretary of State to collect and retain a ''Diversity Immigrant Lottery Fee.'' Under this fee authority, the Secretary of State may establish and retain a fee to recover the costs of ''allocating visas'' described in 8 U.S.C. 1153, i.e., running the diversity visa lottery pursuant to 8 U.S.C. 1154(a)(1)(I), and to recover the costs of ''processing applications'' for diversity immigrant visas submitted by selectees of the lottery. Accordingly, the ''diversity visa lottery fee,'' charged to those persons selected by the lottery who subsequently apply for a diversity immigrant visa, incorporates all the costs to the Department of administering the diversity visa lottery program and processing the resulting diversity immigrant visa applications.

Another statute authorizes the Department to collect and retain a surcharge on immigrant visas to help pay for efforts to enhance border security. *See* 8 U.S.C. 1714. Although this immigrant visa surcharge was originally frozen statutorily at $45, subsequent legislation authorized the Department to amend this surcharge administratively, provided the resulting surcharge is ''reasonably related to the costs of providing services in connection with the activity or item for which the surcharges are charged.'' Public Law 109–472, Sec. 6, 120 Stat. 3554, reproduced at 8 U.S.C. 1714 (note).

Certain people are exempted by law or regulation from paying specific fees or are expressly made subject to special fee charges by law. These are noted in the text below. They include, for instance, several exemptions from the nonimmigrant visa application processing fee for certain individuals who engage in charitable activities or who qualify for diplomatic visas. *See* 8 U.S.C. 1351; 22 CFR 41.107(c). Certain Iraqi and Afghan nationals are similarly exempt from paying an immigrant visa application processing fee. *See* Public Law 110–181, div. A, Title XII, Sec. 1244(d), 122 Stat. 3, reproduced at 8 U.S.C. 1157 (note); Public Law 111–8, div. F, Title VI, Sec. 602(b)(4), 123 Stat. 524, reproduced at 8 U.S.C. 1101 (note).

Although the funds collected for many consular fees must be deposited into the general fund of the Treasury pursuant to 31 U.S.C. 3302(b), various statutes permit the Department to retain some or all of the fee revenue it collects. The Department retains the following relevant fees: (1) The MRV and BCC fees, *see* Public Law 103–236, Title I, Sec. 140(a)(2), 112 Stat. 2681–50, reproduced at 8 U.S.C. 1351 (note) and 8 U.S.C. 1713(d); (2) the immigrant visa and passport security surcharges, *see* 8 U.S.C. 1714; (3) the diversity visa lottery fee, *see* Public Law 104–208, div. C, Title VI, Sec. 636, reproduced at 8 U.S.C. 1153 (note); (4) the fee for an affidavit of support, *see* Public Law 106–113, div. A, Title II, Sec. 232(a), 113 Stat. 1501, reproduced at 8 U.S.C. 1183a (note); and (5) the fee to process requests from participants in the Department's Exchange Visitor Program for a waiver of the two-year home-residence requirement, *see* 22 U.S.C. 1475e. The Department also has available one-third of the total annual revenue collected from fraud prevention and detection fees charged in relation to H- and L-category visas, *See* 8 U.S.C. 1184(c)(12), 1356(v)(2)(A).

The Department last changed nonimmigrant and immigrant visa fees in an interim final rule dated March 29, 2012. *See* Department of State Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates, 22 CFR part 22 (77 FR 18907). Those changes to the Schedule went into effect April 13, 2012. The final rule regarding those fees was published on September 17, 2012 (77 FR 57012).

The Department last changed fees for passport and citizenship services and overseas citizens' services in an interim final rule dated June 28, 2010. *See* Department of State Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates, 22 CFR Part 22 (75 FR 36522). Those changes to the Schedule went into effect July 13, 2010. A final rule regarding those fees was published on February 2, 2012 (77 FR 5177).

Some fees in the Schedule, including Items 20(a) and (b), 31(a) and (b) and 35(c), are set by the Department of Homeland Security (DHS). These DHS fees were most recently updated by that agency on November 23, 2010, and are subject to change in the future. *See* 75 FR 58962. The Department lists these DHS fees in the Department Schedule of Fees for cashiering purposes only. The Department has no authority to set DHS fees, which are listed at 8 CFR 103.7(b)(1).

Why is the Department adjusting certain nonimmigrant visa, immigrant visa, citizens services and administrative services fees at this time?

Consistent with OMB Circular A–25 guidelines, the Department recently completed a fee review using its activity-based Cost of Service Model. This review was conducted from April 2012 through July 2013 and provides

the basis for updating the Schedule. The results of that review are outlined in this rule.[1]

Similar to the 2011 fee review, upon which the current Schedule is based, costs are generated by an activity-based cost model that takes into account all costs to the U.S. government. Unlike a typical accounting system, which accounts for only traditional general-ledger-type costs such as salaries, supplies, travel and other business expenses, activity-based cost models measure the costs of activities, or processes, and then provide an additional view of costs by the products and services produced by an organization through the identification of the key cost drivers of the activities. Below is a description of Activity-Based Costing excerpted from the Supplemental Notice of Proposed Rulemaking published on March 24, 2010 (75 FR 14111).

Activity-Based Costing Generally

OMB Circular A–25 states that it is the objective of the United States Government to ''(a) ensure that each service, sale, or use of Government goods or resources provided by an agency to specific recipients be self-sustaining; [and] (b) promote efficient allocation of the Nation's resources by establishing charges for special benefits provided to the recipient that are at least as great as costs to the Government of providing the special benefits . . . .'' OMB Circular A–25, 5(a)–(b); see also 31 U.S.C. 9701(b)(2)(A) (agency ''may prescribe regulations establishing the charge for a service or thing of value provided by the agency . . . based on . . . the costs to the Government . . . .''). To set prices that are ''self-sustaining,'' the Department must determine the full cost of providing consular services. Following guidance provided in Statement 4 of OMB's Statement of Federal Financial Accounting Standards (SFFAS), available at *http://www.fasab.gov/pdffiles/sffas-4.pdf,* the Department chose to develop and use an activity-based costing (ABC) model to determine the full cost of the services listed in its Schedule of Fees, both those whose fee the Department proposes to change, as well as those whose fee will remain unchanged from prior years. The Department refers to the specific ABC model that underpins the proposed fees as the ''Cost of Service Model'' or ''CoSM.''

[1] To request more information about the Cost of Service model, please send your request using one of the methods in the Address section above.

The Government Accountability Office (GAO) defines activity-based costing as a ''set of accounting methods used to identify and describe costs and required resources for activities within processes.'' Because an organization can use the same staff and resources (computer equipment, production facilities, etc.) to produce multiple products or services, ABC models seek to precisely identify and assign costs to processes and activities and then to individual products and services through the identification of key cost drivers referred to as ''resource drivers'' and ''activity drivers.''

Example: Imagine a government agency that has a single facility it uses to prepare and issue a single product—a driver's license. In this simple scenario, every cost associated with that facility (the salaries of employees, the electricity to power the computer terminals, the cost of a blank driver's license, etc.) can be attributed directly to the cost of producing that single item. If that agency wants to ensure that it is charging a ''self-sustaining'' price for driver's licenses, it only has to divide its total costs for a given time period by an estimate of the number of driver's licenses to be produced during that same time period.

However, if that agency issues multiple products (driver's licenses, non-driver ID cards, etc.), has employees that work on other activities besides licenses (for example, accepting payment for traffic tickets), and operates out of multiple facilities it shares with other agencies, it becomes much more complex for the agency to determine exactly how much it costs to produce any single product. In those instances, the agency would need to know what percent of time its employees spend on each service and how much of its overhead (rent, utilities, facilities maintenance, etc.) can be allocated to the delivery of each service to determine the cost of producing each of its various products—the driver's license, the non-driver ID card, etc. Using an ABC model would allow the agency to develop those costs.

Components of Activity-Based Costing

As noted in SFFAS Statement 4, ''activity-based costing has gained broad acceptance by manufacturing and service industries as an effective managerial tool'' (SSFAS Statement 4, 147). There are no ''off-the-shelf'' ABC models that allow the Department (or any other entity) to simply populate a few data points and generate an answer. ABC models require financial and accounting analysis and modeling skills combined with a detailed understanding of all the organization's business processes, which, in an entity the size of the Department's Bureau of Consular Affairs, are exceedingly complex. More specifically, ABC models require an organization to:

- Identify all of the activities that are required to produce a particular product or service (''activities'');
- Identify all of the resources allocated to the production of (costs) that product or service (''resources'');
- Measure the quantity of resources consumed (''resource driver''); and
- Measure the frequency and intensity of demand placed on activities to produce services (''activity driver'').

For additional details on an activity-based cost model, see the Supplemental Notice of Proposed Rulemaking published on March 24, 2010 (75 FR 14111).

Although much of the modeling methodology has remained the same between fee reviews, the methodology for capturing Department historical support costs and projected costs has been updated to reflect the change in the Department's workload. In order to accurately account for the costs associated with rapidly growing demand for nonimmigrant visas in locations such as China and Brazil, the current fee review also incorporates two years of projected costs in addition to two years of historical costs and one year of current costs. The new fees represent a weighted average of the annual costs by service for fiscal years 2010–2014. Costs for individual fiscal years were weighted by the projected workload volume for that year. These weighted costs by fiscal year were then added together to generate a single cost per service upon which the fees are determined.

The CoSM update included a new Overseas Time Survey, conducted in June 2012, which collected extensive data on both consular activities and the time spent by consular staff performing consular services at all overseas locations. Costs related to compensation for consular staff were then assigned to service categories based on the amount of time spent performing them. Therefore, the results of the Overseas Time Survey impacted costs for certain consular services identified below.

Nonimmigrant Visa Application and Border Crossing Card Processing Fees

The Department has determined, based on the CoSM, that the costs to the Department to accept, adjudicate, and issue each of the different MRV categories varies. The effort related to some categories such as petition-based MRVs is appreciably higher than the standard, non-petition-based MRV application. Each of those petition-

based nonimmigrant visa categories requires a review of extensive documentation and a more in-depth applicant interview than other categories of MRVs. After thorough review through the CoSM, including updated consular processing time data from the Overseas Time Survey, the fee for processing E (treaty trader and treaty investor) visa applications will decrease from $270 to $205, and the fee for processing K (fiancé and certain spouses of U.S. citizens) visa applications will increase from $240 to $265.

The Department rounded these fees to the nearest $5 for the ease of converting to foreign currencies, which are most often used to pay the fee. These fees also include the statutory $2 HIV/AIDS/TB/Malaria surcharge and the $1 special immigrant program surcharge which must be attached to every MRV fee.

Please note that in June 2013, the authority to charge the $1 surcharge mandated by section 239 of Public Law 110–457, Title II, 122 Stat. 5044, reproduced at 8 U.S.C. 1351 (note) lapsed, and the HIV/AIDS/TB/Malaria surcharge increased from $1 to $2 as mandated by Congress. *See* Public Law 110–293, Title V, Sec. 501, 122 Stat. 2968, reproduced at 8 U.S.C. 1351 (note). Because those changes occurred simultaneously, nonimmigrant visa fees were not affected.

Section 2 of Public Law 113–42, 127 Stat. 552, reproduced at 8 U.S.C. 1351 (note), imposes a temporary $1 surcharge on the fees for MRV and BCC application processing, to be deposited into the general fund of the Treasury. This provision will sunset two years after the first date on which the increased fee is collected. The addition of the new $1 special immigrant program surcharge also does not affect most nonimmigrant visa fees. As the Department rounded these fees to the nearest $5 for the ease of converting foreign currencies, as noted above, the addition of this surcharge will not affect most MRV and BCC fees paid by applicants. The exception is the processing fee for BCC applications by minors under the age of 15, which is statutorily set at $13. The addition of the $1 special immigrant program surcharge to the $13 fee and $2 HIV/AIDS/TB/Malaria surcharge will increase the total fee for this service from $15 to $16.

Immigrant Visa Application Processing Fees

In addition to the nonimmigrant visa application processing fee modifications referenced above, the Department is adjusting the four-tiered immigrant visa application processing fees based on the CoSM calculation for each discrete category of immigrant visa, as applications for certain categories cost more to process than others. Accordingly, the application processing fee for a Family-Based Visa (immediate relative and family preference, processed on the basis of an approved I–130, I–600 or I–800 petition) will increase from $230 to $325. The application processing fee for an Employment-Based Visa (processed on the basis of an approved I–140 alien worker or I–526 alien entrepreneur petition) will decrease from $405 to $345. Other Immigrant Visa applications (including for I–360 self-petitioners, special immigrant visa applicants and all others) will have an application processing fee of $205, down from $220. As noted above, certain qualifying Iraqi and Afghan Special Immigrant Visa applicants are statutorily exempt from paying any visa-related fees. Public Law 110–181, div. A, Title XII, Sec. 1244(d), reproduced at 8 U.S.C. 1157 (note); Public Law 111–8, div. F, Title VI, Sec. 602(b)(4), reproduced at 8 U.S.C. 1101 (note).

Immigrant Visa Security Surcharge

The Department is increasing the Immigrant Visa Security Surcharge, which is applicable to all applicants except those persons who are statutorily exempted from paying fees, from $75 to $100. The Immigrant Visa Security Surcharge comprises those costs associated with the immigrant visa application processing fee that support enhanced border security. In this update, new data regarding time spent by consular officials related to enhanced border security in processing immigrant visa applications, derived from the 2012 Overseas Time Survey, resulted in an increase to this cost. *See* 8 U.S.C. 1714 and Public Law 109–472, Sec. 6, 120 Stat. 3554, reproduced at 8 U.S.C. 1714 (note). See also the Supplemental Notice of Proposed Rulemaking (75 FR 14111) for general details regarding the inclusion of Overseas Time Survey data into the Cost of Service Study. Please note that as of 2012, the Immigrant Visa Security Surcharge is embedded in the aforementioned immigrant visa application processing fee and is not charged as a standalone fee or set forth as a separate fee on the Schedule.

Determining Returning Resident Status

A permanent resident (called lawful permanent resident or LPR) or conditional resident (CR) who has remained outside the United States for one year, or beyond the validity period of a Re-entry Permit, requires a new immigrant visa to enter the United States and resume permanent residence. A provision exists under U.S. visa law for the issuance of a returning resident special immigrant visa to an LPR who remained outside the United States due to circumstances beyond his or her control. Processing those applications for determination of eligibility as a returning resident has become less costly due to continuing advances in automation, making it easier to verify previous U.S. immigration status. Accordingly, the Department will lower the fee from $275 to $180.

Waiver of Two-Year Residency Requirement

8 U.S.C. 1182, i.e., Educational Visitor Status; Foreign Residence Requirement; Waiver describes in detail certain categories of *exchange visitors* (J–1) that are subject to a two-year home-country physical presence requirement. This requires that the exchange visitor return to the country of his or her nationality or his or her last residence for at least two years following participation in particular exchange visitor programs before adjusting status in the United States or applying for certain visas to travel to the United States. This two-year residency requirement may be waived in certain circumstances. The Department charges a fee for processing waiver applications. In accordance with the results of the CoSM, in which an updated analysis of time spent performing this activity indicated a reduced percentage of resources dedicated to this activity, the Department is decreasing the fee for processing an application for this waiver from $215 to $120.

Affidavit of Support Review

The Department charges the affidavit of support review fee for all affidavits of support reviewed at the National Visa Center in connection with an application for a family-based immigrant visa. The purpose of the review is to ensure that each affidavit is properly completed before the National Visa Center forwards it to a consular post for adjudication. The Department is increasing the fee from $88 to $120 to reflect the increase in the cost of providing this service, as determined by the CoSM, including updated analysis of time spent performing this activity.

Documentation for Renunciation of Citizenship

The CoSM demonstrated that documenting a U.S. citizen's renunciation of citizenship is extremely costly, requiring American consular officers overseas to spend substantial amounts of time to accept, process, and

adjudicate cases. For example, consular officers must confirm that the potential renunciant fully understands the consequences of renunciation, including losing the right to reside in the United States without documentation as an alien. Other steps include verifying that the renunciant is a U.S. citizen, conducting a minimum of two intensive interviews with the potential renunciant, and reviewing at least three consular systems before administering the oath of renunciation. The final approval of the loss of nationality must be done by law within the Directorate of Overseas Citizens Services in Washington, DC, after which the case is returned to the consular officer overseas for final delivery of the Certificate of Loss of Nationality to the renunciant. These steps further add to the time and labor that must be involved in the process. Accordingly, the Department is increasing the fee for processing such requests from $450 to $2,350. As noted in the interim final rule dated June 28, 2010 (77 FR 36522), the fee of $450 was set substantially below the cost to the U.S. government of providing this service (less than one quarter of the cost). Since that time, demand for the service has increased dramatically, consuming far more consular officer time and resources, as reflected in the 2012 Overseas Time Survey and increased workload data. Because the Department believes there is no public benefit or other reason for setting this fee below cost, the Department is increasing this fee to reflect the full cost of providing the service. Therefore the increased fee reflects both the increased cost of the provision of service as well as the determination to now charge the full cost.

Consular Time Charges

The Department previously charged a consular time fee of $231 per hour, per employee. This fee is charged when indicated on the Schedule of Fees or when services are performed away from the office or outside regular business hours. The CoSM estimated that the hourly consular time charge is now lower. Accordingly, the Department is lowering this fee to $135 per hour.

When will the Department of State implement this interim final rule?

The Department intends to implement this interim final rule, and initiate collection of the fees set forth herein, effective 15 days after publication of this rule in the **Federal Register**.

Regulatory Findings

Administrative Procedure Act

The Department is publishing this rule as an interim final rule, with a 60-day provision for post-promulgation comments and with an effective date less than 30 days from the date of publication, based on the ''good cause'' exceptions set forth at 5 U.S.C. 553(b)(3)(B) and 553(d)(3). Delaying implementation of this rule would be contrary to the public interest because the fees in this rule fund consular services that are critical to national security, including screening visa applicants.

Regulatory Flexibility Act

The Department has reviewed this rule and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities as defined in 5 U.S.C. 601(6). This rule decreases the application processing fees for employer-sponsored petition-based immigrant visas. The issuance of these visas is contingent upon approval by DHS of a petition filed by a United States company with DHS, and these companies pay a petition fee to DHS to cover the processing of the petition. The visa itself is sought and paid for by an individual foreign national overseas who seeks to come to the United States. The amount of the petition fees that are paid by small entities to DHS is not, in any way, connected to or controlled by the amount of the visa fees paid by individuals to the Department of State. While small entities may cover or reimburse employees for application processing fees, the State Department is unaware of the number of such entities that do so as it, again, is not a process controlled by the State Department. The workload volume in this category accounts for only four percent of the total immigrant workload expected in FY 2014. The $60 decrease in the application processing fee for these immigrant visas will likely have a positive, albeit insignificant, economic impact on the small entities that choose to reimburse the applicant for the visa fee. Therefore the State Department certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501–1504.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by 5 U.S.C. 804(2).

Executive Orders 12866 and 13563

The Department has reviewed this rule to ensure its consistency with the regulatory philosophy and principles set forth in the Executive Orders. This rule has been submitted to OMB for review.

This rule is necessary in light of the Department of State's CoSM finding that the cost of processing various categories of nonimmigrant and immigrant visas and of providing certain overseas citizens services has changed since those fees were last amended in 2012 and 2010, respectively. The Department is setting the new fees in accordance with 31 U.S.C. 9701 and other applicable legal authority, as described in detail above. *See, e.g.,* 31 U.S.C. 9701(b)(2)(A) (''The head of each agency . . . may prescribe regulations establishing the charge for a service or thing of value provided by the agency . . . based on . . . the costs to the government.''). This regulation sets the fees for consular services at the amount required to recover the costs associated with providing that service.

Details of the fee changes are as follows:

Item No.	Proposed fee	Unit cost	Current fee	Change in fee	Percentage increase	Estimated annual number of applications [1]	Estimated change in annual fees collected [2]
SCHEDULE OF FEES FOR CONSULAR SERVICES							
*	*	*	*	*	*	*	*

Item No.	Proposed fee	Unit cost	Current fee	Change in fee	Percentage increase	Estimated annual number of applications [1]	Estimated change in annual fees collected [2]
PASSPORT AND CITIZENSHIP SERVICES							
8. Administrative Processing of Formal Renunciation of U.S. Citizenship	$2,350	$2,349	$450	$1,900	422	2,378	$4,518,200
NONIMMIGRANT VISA SERVICES							
21. Nonimmigrant Visa Application and Border Crossing Card Processing Fees (per person):							
(c) E category nonimmigrant visa	$205	$205	$270	($65)	−24	46,901	−$3,048,565
(d) K category nonimmigrant visa	$265	$262	$240	$25	10	16,708	$417,700
(f) Border crossing card—under age 15; for Mexican citizens if parent or guardian has or is applying for a border crossing card (valid 10 years or until the applicant reaches age 15; whichever is sooner)	$16	([3])	$15	$1	7	250,000	$250,000
IMMIGRANT AND SPECIAL VISA SERVICES							
32. Immigrant Visa Application Processing Fee (per person)							
(a) Immediate relative and family preference applications	$325	$322	$230	$95	41	575,360	$54,659,200
(b) Employment-based applications	$345	$344	$405	($60)	−15	26,811	−$1,608,660
(c) Other immigrant visa applications (including I–360 self-petitioners and special immigrant visa applicants)	$205	$204	$220	($15)	−7	1,559	−$23,385
34. Affidavit of Support Review	$120	$116	$88	$32	36	317,898	$10,172,736
35. Special Visa Services:							
(a) Determining Returning Resident Status	$180	$178	$275	($95)	−35	3,412	−$324,140
(c) Waiver of Two-Year Residency Requirement	$120	$116	$215	($95)	−44	10,488	−$996,360
ADMINISTRATIVE SERVICES							
75. Consular Time Charges	$135	$134	$231	($96)	−42	134	−$12,864
Total							$64,003,862

Item No.	Proposed fee	Unit cost	Current fee	Change in fee	Percentage increase	Estimated annual number of applications [1]	Estimated change in annual fees collected [2]
*	*	*	*	*		*	*

[1] Based on projected FY 2014 workload.
[2] Using projected FY 2014 workload to generate projections.
[3] The fee for Border Crossing Card applications by minors is statutorily set.

Historically, nonimmigrant visa workload has increased year to year at approximately 11 percent. The Department anticipates that with the current state of the global economy, demand will be approximately 10.1 million in Fiscal Year 2014. With regard to the economic impact as a whole, the more than 94 percent of nonimmigrant visa applications that are not petition-based are sought by and paid for entirely by foreign national applicants. The revenue increases resulting from those fees should not be considered to have a direct cost impact on the domestic economy.

With regard to immigrant visas, many categories are numerically capped by law; these caps limit workload and keep current demand fairly stable. In FY 2013, the Department issued 9.1 percent of all available immigrant visas in Employment-Based categories (capped at 140,000 including adjustments of status processed domestically by DHS). In FY 2013, all immigrant visas available under the Diversity Visa program were issued (capped at 50,000 including adjustments of status processed domestically by DHS). Also in FY 2013, the Department issued 84.9 percent of the immigrant visas available for Family-Preference categories (capped at 226,000 including adjustments of status processed domestically by DHS).

There are nearly 5.7 million applicants currently awaiting numerically-controlled visas, sufficient to fill more than 12 years' workload at the current annual caps, and this does not take into account applicants who would be adjusting status in the United States. It is reasonable to expect that the immigrant visa workload for FY 2014 and FY 2015 will remain about the same as FY 2013. However, please note that these estimates do not take into account variables that the Department cannot predict at this time, such as legislative changes contemplated by Comprehensive Immigration Reform.

Executive Orders 12372 and 13132

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Sec. 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities do not apply to this regulation.

Executive Order 13175

The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act

This rule does not create or revise any reporting or record-keeping requirements.

List of Subjects in 22 CFR Part 22

Consular services, Fees, Passports and visas.

Accordingly, for the reasons stated in the preamble, 22 CFR part 22 is amended as follows:

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

■ 1. The authority citation for part 22 continues to read as follows:

Authority: 8 U.S.C. 1101 note, 1153 note, 1183a note, 1351, 1351 note, 1714, 1714 note; 10 U.S.C. 2602(c); 11 U.S.C. 1157 note; 22 U.S.C. 214, 214 note, 1475e, 2504(a), 4201, 4206, 4215, 4219, 6551; 31 U.S.C. 9701; Exec. Order 10,718, 22 FR 4632 (1957); Exec. Order 11,295, 31 FR 10603 (1966).

■ 2. Section 22.1 is amended by revising the introductory text and items 8, 21, 32, 34, 35, and 75 in the ''Schedule of Fees for Consular Services'' table and removing item 36 to read as follows:

§ 22.1 Schedule of fees.

The following table sets forth the new fees for the following categories listed on the U.S. Department of State's Schedule of Fees for Consular Services:

SCHEDULE OF FEES FOR CONSULAR SERVICES

Item No.	Fee
PASSPORT AND CITIZENSHIP SERVICES	
* * * * * * *	
8. Administrative Processing of Formal Renunciation of U.S. Citizenship	$2,350
* * * * * * *	
NONIMMIGRANT VISA SERVICES	
* * * * * * *	
21. Nonimmigrant Visa Application and Border Crossing Card Processing Fees (per person):	
(a) Non-petition-based nonimmigrant visa (except E category)	$160
(b) H, L, O, P, Q and R category nonimmigrant visa	$190

SCHEDULE OF FEES FOR CONSULAR SERVICES—Continued

Item No.	Fee
(c) E category nonimmigrant visa	$205
(d) K category (fiancé) nonimmigrant visa	$265
(e) Border crossing card—age 15 and over (10 year validity)	$160
(f) Border crossing card—under age 15; for Mexican citizens if parent or guardian has or is applying for a border crossing card (valid 10 years or until the applicant reaches age 15, whichever is sooner).	$16
* * * * * * *	
IMMIGRANT AND SPECIAL VISA SERVICES	
* * * * * * *	
32. Immigrant Visa Application Processing Fee (per person)	
(a) Immediate relative and family preference applications	$325
(b) Employment-based applications	$345
(c) Other immigrant visa applications (including I–360 self-petitioners and special immigrant visa applicants)	$205
(d) Certain Iraqi and Afghan special immigrant visa applications	NO FEE.
* * * * * * *	
34. Affidavit of Support Review (only when reviewed domestically)	$120
35. Special Visa Services:	
(a) Determining Returning Resident Status	$180
(b) Waiver of two year residency requirement	$120
(c) Waiver of immigrant visa ineligibility (collected for USCIS and subject to change)	For fee amount, see 8 CFR 103.7(b)(1).
(d) Refugee or significant public benefit parole case processing	NO FEE.
(Items 36 through 40 vacant.)	
* * * * * * *	
ADMINISTRATIVE SERVICES	
* * * * * * *	
75. Consular Time Charges: As required by this schedule and for fee services performed away from the office or during after-duty hours (per hour or part thereof/per consular officer).	$135
* * * * * * *	

Dated: August 14, 2014.

Patrick Kennedy,

Under Secretary of State for Management, Department of State.

[FR Doc. 2014–20516 Filed 8–27–14; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

[Docket No. USPC–2013–02]

Paroling, Recommitting, and Supervising Federal Prisoners: Prisoners Serving Sentences Under the United States and District of Columbia Codes

AGENCY: United States Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The United States Parole Commission is revising its rules describing the conditions of release set for persons on supervision and the procedures used to impose and modify the conditions. The revision is part of our ongoing effort to make our rules easier to understand for those persons affected by the rules and other interested persons and organizations. We are also adding new procedures for imposing special conditions for sex offenders, and filling a gap left by an earlier rule change in 2003 regarding the administrative appeals that may be filed by District of Columbia offenders on supervised release.

DATES: Effective August 28, 2014 and is applicable beginning July 23, 2014.

FOR FURTHER INFORMATION CONTACT: Office of the General Counsel, U.S. Parole Commission, 90 K Street NE., Washington, DC 20530, telephone (202) 346–7030. Questions about this publication are welcome, but inquiries concerning individual cases cannot be answered over the telephone.

SUPPLEMENTARY INFORMATION:

Background

In the notice of proposed rulemaking published at 78 FR 11998–12002 (Feb. 21, 2013), we discussed the Parole Commission's authority to impose conditions of release, the purposes and types of release conditions and the procedures we use to impose the conditions. We refer you to the previous publication for a review of this background material. In the notice of proposed rulemaking we encouraged the public to comment on our proposed changes and we received a substantial number of written comments from interested persons and organizations. We discuss that public comment below.

Public Comment From the District of Columbia Public Defender Service (PDS)

PDS recommends that the Commission place restrictions on the current rule allowing a supervision officer to seize prohibited items in plain view when conducting a visit of the releasee's residence or place of employment. This rule was first

promulgated in 1984 after the Commission sought and received comment from the public, including 27 federal probation offices. Twenty-four of the probation offices responding favored the current rule on seizing contraband in plain view. Eight years later, in a joint effort with the Probation Committee of the Judicial Conference of the United States, and after a nationwide survey of chief U.S. probation officers on search and seizure practices, we developed a comprehensive search and seizure policy for federal parolees. No change in the contraband seizure rule was made at that time. The current rule and the proposed revision are consistent with Judicial Conference guidelines on search and seizure practices for U.S. probation officers issued as recently as 2010. PDS has not identified any compelling reason to deviate from a long-standing and judicially-approved policy on permitting a supervision officer to seize prohibited items that are in plain view.

PDS recommends changes to the condition permitting a supervision officer to inform another person, often a prospective employer, of the releasee's criminal history if the officer reasonably believes that the releasee may pose a risk to the other person. One recommendation is that in the condition we include specific guidance to the supervision officer on disclosing a releasee's criminal background to a third person. We believe the details of how a supervision officer should contact and advise other persons about a releasee's criminal record is a matter for officer training, and need not be included in the rule or the release condition. We are continuing the current policy that places the responsibility on the *releasee* to disclose his criminal background to the other person when necessary. The supervision officer usually acts only if the releasee fails to make the disclosure. The notes on this subject in our Rules and Procedures Manual already advise that the disclosure should be ''confidentially made to the third party.'' PDS also suggests that we limit third-party disclosure to a case when the releasee has been convicted of a crime that requires registration as a sex offender. While the warnings are likely required most frequently for sex offenders, there are other situations when third-party disclosure may be warranted (*e.g.,* convicted embezzler who wants to work in a bank). PDS comments on third-party disclosure have led us to edit the release condition to restrict the disclosure to a releasee's criminal history (as opposed to ''personal history'').

In discussing the criteria for imposing special conditions for sex offenders, PDS recommends other limitations, such as a restriction on imposing a special condition for sex offender treatment if the basis for the action is not the releasee's current conviction, or if the releasee has previously completed a sex offender treatment program. There are a number of cases in which courts have approved the reliance on sex offense conditions more than 10 years old to impose special sex offender conditions. No hard and fast rule has emerged from the case law. We may consider an ''ancient prior record'' policy—such as the instruction used in salient factor scoring—for using older sex offender convictions in imposing special conditions. But we are not inclined to include such a policy in the rule at this time. PDS reads the statute at 18 U.S.C. 3583(d) to require that a special condition may only be imposed if the condition is reasonably related to the nature and circumstances of the offense *and* the history and characteristics of the offender. This is a misreading of the statute. See *United States* v. *Ross,* 475 F.3d 871 (7th Cir. 2007) (judge did not commit plain error in imposing a sex offender treatment condition in the absence of a current or prior sex offense conviction; evidence of fantasies about crimes against children sufficed to impose sex offender treatment condition), *citing, United States* v. *Prochner,* 417 F.3d 54 (1st Cir. 2005) (sex offender treatment condition upheld where defendant had not been convicted or arrested for a sex offense, but defendant's work history, journal entries and expert opinions indicated such treatment may be necessary).

We agree that the releasee's completion of sex offender treatment in the past is a factor that should be carefully weighed in deciding whether there is a need for resumption of sex offender treatment when the offender is paroled or begins supervised release. But the Commission should be free to decide that an earlier treatment program was an insufficient response to the offender's sexual misconduct, or that repeated treatment is necessary for the releasee.

With regard to the procedures used to impose sex offender special conditions, we disagree with the comments on the production of adverse witnesses. These comments are similar to objections raised by PDS for some time regarding revocation hearings. PDS recommends that we conduct a hearing with the offender *before* requiring him to undergo a sex offender evaluation. The final rule allows the Commission to require the evaluation after giving the offender a chance to object to the proposed condition in writing. A hearing is required only if the releasee's criminal history does not include a sex offense, and we decide that the evaluation and other information support the imposition of sex offender treatment. The Commission has a legitimate interest in ordering an evaluation without a complicated procedure. On the other hand, PDS argues that the releasee has an interest in avoiding the ''sex offender'' label until we determine that there is a demonstrated need for the releasee's placement in a sex offender treatment program. We are continuing to explore appropriate procedures and policies in requiring evaluations of offenders for sex offender treatment.

Public Comment From International CURE, Inc. and Other Persons

International CURE objects to the proposed language to be added to 28 CFR 2.40(b) and 2.85(b) which state ''in choosing a condition the Commission will also consider whether the condition involves no greater deprivation of liberty than is reasonably necessary.'' CURE states that the language ''reasonably necessary'' is unclear and does not provide adequate notice to a releasee of the types of potential deprivation of liberty that may occur. The phrase ''no greater deprivation of liberty than is reasonably necessary'' is derived directly from the applicable statutes. The imposition of special conditions on D.C. supervised releasees is governed by D.C. Code 24–133(c)(2) (the Parole Commission exercises the same authority as vested in U.S. district courts by paragraphs (d) through (i) of 18 U.S.C. 3583) and 18 U.S.C. 3583(d)(2) requires courts to impose conditions that ''involve[ ] no greater deprivation of liberty than is reasonably necessary.''

CURE objects to the condition requiring a releasee to ''promptly inform the supervision officer of an arrest or questioning . . . within two days.'' In CURE's view the term ''questioning'' is overbroad because it could require a releasee to report any type of questioning which is in no way related to an investigation or alleged violation of law. This language is not new; the current version of § 2.204(a)(4)(ii) already requires the releasee to ''notify the supervision officer within two days of an arrest or questioning by a law-enforcement officer.'' We have not received complaints that the rule is being applied by supervision officers an oppressive fashion, or that releasees are having their supervision terms revoked

for failing to report incidental contacts with law-enforcement officers.

Like PDS, CURE objects to the condition allowing a supervision officer to seize contraband in plain view of the officer, asking that the basis for an officer's ''reasonable belief'' that items are contraband should be subjected to due process procedures. A releasee should not be under any misapprehension as to what items he is prohibited from possessing, as the other conditions of supervision clearly so inform him. CURE's idea of a pre-seizure fact finding procedure is impractical and would defeat the purpose of the condition, which is to promptly and safely remove from the releasee's control items a releasee may not possess.

CURE objects to the condition restricting a releasee from being in a place where drugs are sold or used. Again, this is not a new condition but merely an editing of the previous condition that ''the releasee shall not frequent a place where a controlled substance is illegally sold, dispensed, used, or given away.'' 28 CFR 2.204(a)(5)(iii). The commenter objects that the rule does not contain a scienter requirement and thereby exculpate the person who visits a place in which drugs are used or sold without his knowledge. We have not been presented with evidence of revocations for persons who have unwittingly been frequenting places that turned out to be drug markets.

CURE's objection misunderstands the function of this condition of supervision, and of all of the conditions. They do not exist to try to trap a releasee into behavior that will get him sent back to prison. Rather, the function of this provision and all of the conditions is to promote successful reintegration into society by giving a releasee clear guidance about what activities he must avoid because they do not support a law-abiding lifestyle. One of these things to be avoided is hanging out with other people who are using or selling drugs. The same holds true for another well-accepted general condition, *i.e.,* that a releasee should not associate with a person in criminal activity or who has a criminal record. CURE's opposition to this condition is also without merit, especially in the absence of evidence that releasees are being reimprisoned for incidental or unknowing contact with other felons. Moreover, in response to another concern raised by CURE, this condition has not been enforced to restrict releasees from participating in support groups and therapy sessions in which others with a criminal record may be present.

Like PDS, CURE has objections to the condition that requires disclosure of a person's criminal record in situations in which the supervision officer has determined that the releasee's relationship with a person may pose a risk of harm to this person. But we are confident that supervision officers have appropriately weighed the need to protect the public safety and the releasee's privacy interest in these situations and have made disclosures, when deemed necessary, using measures that, to the degree possible, maintain the confidentiality of the disclosure.

CURE objects that the language of the proposed rule allowing for an emergency modification of the conditions without providing a 10-day notice and comment period to the releasee leaves the releasee no recourse after imposition of an emergency special condition. This is incorrect. The rules provide the same right to appeal a change in conditions as is the case if the 10-day notice and comment period is permitted.

CURE also comments that the rule on imposing sex offender treatment for a releasee who does not have a conviction for a sex offense does not sufficiently define the terms ''current behavior'' and ''personal history'' for purposes of determining whether imposition of sex offender evaluation or treatment is warranted. In using these terms we were attempting to convert the statutory terms (''nature and circumstances of the offense and the history and characteristics of the offender'') into plain language. We decided to return to the statutory language in response to the comment.

Emily Crisler wrote to support extending the availability of an administrative appeal of a modification of a condition of parole to D.C. Code offenders on parole and supervised release. She objects to the provision in 28 CFR 2.85(c) that an appeal is not available for the original imposition of conditions upon a D.C. offender's parole release, claiming that this policy forces an offender to abide by ''overly prejudicial and/or constitutionally invalid conditions'' without recourse. She argues that 28 CFR 2.85(c) (for D.C. parolees) and 2.220 (for D.C. supervised releasees) should be consistent; both should either permit appeal of original imposition of conditions of supervision, or both should not permit it. But the availability of an administrative appeal is only required for the D.C. supervised releasee; the Commission may decide to offer an appeal to the D.C. parolee as a matter of agency discretion. Recent personnel cuts limit our capacity to offer administrative appeals that are not required by law.

Ms. Crisler also supports other changes to the rules which she views as enhancing the rehabilitative function of supervision, such as conditions to provide training or correctional treatment or medical care. She recommends that the Commission delete reference to ''the releasee's history and characteristics'' from 28 CFR 2.40 as ''overly broad'' and ''vulnerable to an abuse of discretion.'' She objects to ''characteristics'' as potentially discriminatory if imposed based on a characteristic that is unrelated to the releasee's previous crime or propensity to commit future crimes. The language to which Ms. Crisler objects is statutory language.

Ms. Crisler objects to the standard condition that a person not associate with a person having a criminal record as a violation of releasee's First Amendment right to freedom of association. But releasees do not have the same rights of association as held by persons not under lawful supervision. *E.g., United States* v. *Albanese,* 554 F.2d 543 (2d Cir. 1977). She objects to prohibiting individuals from associating with others who may have committed a crime completely unrelated to the offender's crime. This concern is at odds with the earlier expressed concern that rehabilitation should be the primary focus of conditions; the non-association condition is intended to urge a releasee away from anti-social and toward pro-social associates.

Finally, Ms. Crisler objects to the provision allowing a sex offender condition to be imposed in the absence of a conviction for a sex offense. As we noted earlier, courts have held that sex offender treatment may be appropriate even if the releasee has not been convicted of a sex offense.

Public Comment From the Washington Lawyers Committee (WLC)

WLC argues that the Commission should use the criteria that U.S. district courts must apply in imposing special conditions of supervised release, found at 18 U.S.C. 3583(d), when considering setting release conditions on all D.C. parolees, supervised releasees, and federal parolees. Though the statutory criteria differs for the three groups of offenders, we proposed to adopt, as a matter of policy, the criteria for supervised releasees in setting release conditions for all offenders under the Commission's jurisdiction. That intent is evident from the similar terms used in the proposed language of 28 CFR

2.40(b), 2.85(b), and 2.204(b)(1). Therefore, our proposed rule already met WLC's recommendation that the Section 3583(d) criteria should be the ''floor'' for considering special conditions for all persons under supervision. But we differ with WLC when they recommend that we can only impose a special condition when all the criteria are satisfied in making a decision for a particular offender. We have already touched on this issue in discussing PDS's claim that the statutory language of Section 3583 prohibits us from imposing a special condition of sex offender treatment for a releasee who has not been convicted of a sex offense. In our view, we may impose a special release condition if the condition is reasonably related to the nature and circumstances of the offense or the history and characteristics of the offender, and any one of the purposes of criminal sentencing listed at 3553(a)(2)(B) (deterrence), (C) protection of the public and (D) (offender rehabilitation). We will also consider in each case whether the condition involves no greater deprivation than is reasonably necessary to meet one of the purposes of criminal sentencing listed in 3553(a)(2)(B)–(D). In each case, we acknowledge that the release condition should have some rational relationship to the releasee's offense, his history or his characteristics, *i.e.,* the relevant factual background of the offender. But while in many cases a condition may serve several purposes of criminal sentencing, in some cases one purpose may be clearly dominant. The statutory language does not restrict us from using the disjunctive ''or'' in our recitation of the purposes of imposing release conditions and we adhere to this interpretation. This interpretation is consistent with the practice of the federal courts. *United States* v. *Carter,* 463 F.3d 526, 529 (6th Cir. 2006); *United States* v. *Johnson,* 998 F.2d 696, 699 (9th Cir. 1993).

WLC also comments that for D.C. supervised releasees the Parole Commission must follow the U.S. Sentencing Commission's policy statements on imposing release conditions, considering the requirement of 18 U.S.C. 3583(d)(3). The Sentencing Commission's policy statements contained in the sentencing guideline at 5D1.3 recommend for the federal judiciary standard and special conditions of supervision (5D1.3(c) and (d)), and note other special conditions that ''may be appropriate on a case-by-case basis'' (5D1.3(e)). We find these policy statements to be instructive, but at the same time note that these policy statements do not impose mandatory rules on federal judges when they set conditions of supervised release for U.S. Code offenders, or on the Parole Commission in setting supervision conditions on D.C. supervised releasees.

Like the comments of PDS, WLC questions the Commission's authority to impose a sex offender treatment condition for a person who has not been convicted of a sex offense. As noted earlier, we disagree with this comment and point to federal appellate case precedent that allows the condition without the prerequisite of a sex offense condition.

WLC also recommends that we extend an administrative appeal procedure to D.C. offenders regarding the imposition of parole conditions. We addressed this issue in the previous discussion.

Executive Orders 12866 and 13563

This regulation has been drafted and reviewed in accordance with Executive Order 12866, ''Regulation Planning and Review,'' section 1(b), Principles of Regulation, and in accordance with Executive Order 13565, ''Improving Regulation and Regulatory Review,'' section 1(b), General Principles of Regulation. The Commission has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has not been reviewed by the Office of Management and Budget.

Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Under Executive Order 13132, this rule does not have sufficient federalism implications requiring a Federalism Assessment.

Regulatory Flexibility Act

The rule will not have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

Unfunded Mandates Reform Act of 1995

The rule will not cause State, local, or tribal governments, or the private sector, to spend $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. No action under the Unfunded Mandates Reform Act of 1995 is necessary.

Small Business Regulatory Enforcement Fairness Act of 1996 (Subtitle E—Congressional Review Act)

These rule is not a ''major rule'' as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 Subtitle E—Congressional Review Act, now codified at 5 U.S.C. 804(2). The rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on the ability of United States-based companies to compete with foreign-based companies. Moreover, this is a rule of agency practice or procedure that does not substantially affect the rights or obligations of non-agency parties, and does not come within the meaning of the term ''rule'' as used in Section 804(3)(C), now codified at 5 U.S.C. 804(3)(C). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and parole.

The Final Rule

Accordingly, the U.S. Parole Commission adopts the following amendments to 28 CFR part 2.

PART 2—[AMENDED]

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

■ 2. Revise § 2.40 to read as follows:

§ 2.40 Conditions of release.

(a)(1) *General conditions of release and notice by certificate of release.* All persons on supervision must follow the conditions of release described in § 2.204(a)(3) through (6). These conditions are necessary to satisfy the purposes of release conditions stated in 18 U.S.C. 4209. Your certificate of release informs you of these conditions and special conditions that we have imposed for your supervision.

(2) *Refusing to sign the certificate of release.* (i) If you have been granted a parole date and you refuse to sign the certificate of release (or any other document necessary to fulfill a condition of release), we will consider your refusal as a withdrawal of your application for parole as of the date of your refusal. You will not be released on parole and you will have to reapply for parole consideration.

(ii) If you are scheduled for release to supervision through good-time

deduction and you refuse to sign the certificate of release, you will be released but you still must follow the conditions listed in the certificate.

(b) *Special conditions of release.* We may impose a condition of release other than a condition described in § 2.204(a)(3) through (6) if we determine that imposing the condition is reasonably related to the nature and circumstances of your offense or your history and characteristics, and at least one of the following purposes of criminal sentencing: The need to deter you from criminal conduct; protection of the public from further crimes; or the need to provide you with training or correctional treatment or medical care. In choosing a condition we will also consider whether the condition involves no greater deprivation of liberty than is reasonably necessary for the purposes of deterrence of criminal conduct, protection of the public from crime and offender rehabilitation. We list some examples of special conditions of release at § 2.204(b)(2).

(c) *Participation in a drug-treatment program,* If we require your participation in a drug-treatment program, you must submit to a drug test within 15 days of your release and to at least two other drug tests, as determined by your supervision officer. If we decide not to impose the special condition on drug-treatment, because available information indicates you are a low risk for substance abuse, this decision constitutes good cause for suspending the drug testing requirements of 18 U.S.C. 4209(a). You must pass all pre-release drug tests administered by the Bureau of Prisons before you are paroled. If you fail a drug test your parole date may be rescinded.

(d) *Changing conditions of release.* After your release, we may change or add to the conditions of release if we decide that such action is consistent with the criteria described in paragraph (b) of this section. In making these changes we will use the procedures described in § 2.204(c) and (d). You may appeal our action as provided in §§ 2.26 and 2.220.

(e) *Application of release conditions to an absconder.* If you abscond from supervision, you will stop the running of your sentence as of the date of your absconding and you will prevent the expiration of your sentence. You will still be bound by the conditions of release while you are an absconder, even after the original expiration date of your sentence. We may revoke your release for a violation of a release condition that you commit before the revised expiration date of your sentence (the original expiration date plus the time you were an absconder).

(f) *Revocation for possession of a controlled substance (18 U.S.C. 4214(f)).* If we find after a revocation hearing that you have illegally possessed a controlled substance, we must revoke your release. If you fail a drug test, we must consider whether the availability of appropriate substance abuse programs, or your current or past participation in such programs, justifies an exception from the requirement of mandatory revocation. We will not revoke your release on the basis of a single, unconfirmed positive drug test if you challenge the test result and there is no other violation found by us to support revocation.

(g) *Supervision officer guidance.* See § 2.204(g).

(h) *Definitions.* See § 2.204(h).

■ 3. Revise § 2.85 to read as follows:

§ 2.85 Conditions of release.

(a)(1) *General conditions of release and notice by certificate of release.* All persons on supervision must follow the conditions of release described in § 2.204(a)(3) through (6). Your certificate of release informs you of these conditions and other special conditions that we have imposed for your supervision.

(2) *Refusing to sign the certificate of release.* (i) If you have been granted a parole date and you refuse to sign the certificate of release (or any other document necessary to fulfill a condition of release), we will consider your refusal as a withdrawal of your application for parole as of the date of your refusal. You will not be released on parole and you will have to reapply for parole consideration.

(ii) If you are scheduled for release to supervision through good-time deduction and you refuse to sign the certificate of release, you will be released but you still must follow the conditions listed in the certificate.

(b) *Special conditions of release.* We may impose a condition of release other than a condition described in § 2.204(a)(3) through (6) if we determine that imposing the condition is reasonably related to the nature and circumstances of your offense or your history and characteristics, and at least one of the following purposes of criminal sentencing: The need to deter you from criminal conduct; protection of the public from further crimes; or the need to provide you with training or correctional treatment or medical care. In choosing a condition we will also consider whether the condition involves no greater deprivation of liberty than is reasonably necessary for the purposes of deterrence of criminal conduct, protection of the public from crime and offender rehabilitation. We list some examples of special conditions of release at § 2.204(b)(2).

(c) *Changing conditions of release.* We may at any time change or add to the conditions of release if we decide that such action is consistent with the criteria described in paragraph (b) of this section. In making these changes we will use the procedures described in § 2.204(c) and (d). You may not appeal the decision.

(d) *Application of release conditions to an absconder.* If you abscond from supervision, you will stop the running of your sentence as of the date of your absconding and you will prevent the expiration of your sentence. You will still be bound by the conditions of release while you are an absconder, even after the original expiration date of your sentence. We may revoke your release for a violation of a release condition that you commit before the revised expiration date of your sentence (the original expiration date plus the time you were an absconder).

(e) *Supervision officer guidance.* See § 2.204(g).

(f) *Definitions.* See § 2.204(h).

■ 4. Revise § 2.204 to read as follows:

§ 2.204 Conditions of supervised release.

(a)(1) *General conditions of release and notice by certificate of release.* All persons on supervision must follow the conditions of release described in paragraphs (a)(3) through (6) of this section. These conditions are necessary to satisfy the purposes of release conditions stated in 18 U.S.C. 3583(d) and 3553(a)(2)(B) through (D). Your certificate of release informs you of these conditions and other special conditions that we have imposed for your supervision.

(2) *Refusing to sign the certificate of release does not excuse compliance.* If you refuse to sign the certificate of release, you must still follow the conditions listed in the certificate.

(3) *Report your arrival.* After you are released from custody, you must go directly to the district named in the certificate. You must appear in person at the supervision office and report your home address to the supervision officer. If you cannot appear in person at that office within 72 hours of your release because of an emergency, you must report to the nearest CSOSA or U.S. probation office and obey the instructions given by the duty officer. If you were initially released to the custody of another authority, you must follow the procedures described in this

paragraph after you are released from the custody of the other authority.

(4) *Provide information to and cooperate with the supervision officer*—(i) *Written reports.* Between the first and third day of each month, you must make a written report to the supervision officer on a form provided to you. You must also report to the supervision officer as that officer directs. You must answer the supervision officer completely and truthfully when the officer asks you for information.

(ii) *Promptly inform the supervision officer of an arrest or questioning, or a change in your job or address.* Within two days of your arrest or questioning by a law-enforcement officer, you must inform your supervision officer of the contact with the law-enforcement officer. You must also inform your supervision officer of a change in your employment or address within two days of the change.

(iii) *Allow visits of the supervision officer.* You must allow the supervision officer to visit your home and workplace.

(iv) *Allow seizure of prohibited items.* You must allow the supervision officer to seize any item that the officer reasonably believes is an item you are prohibited from possessing (for example, an illegal drug or a weapon), and that is in plain view in your possession, including in your home, workplace or vehicle.

(v) *Take drug or alcohol tests.* You must take a drug or alcohol test whenever your supervision officer orders you to take the test.

(5) *Prohibited conduct*—(i) *Do not violate any law.* You must not violate any law and must not associate with any person who is violating any law.

(ii) *Do not possess a firearm or dangerous weapon.* You must not possess a firearm or other dangerous weapon or ammunition.

(iii) *Do not illegally possess or use a controlled substance or drink alcohol to excess.* You must not illegally possess or use a controlled substance and you must not drink alcoholic beverages to excess. You must stay away from a place where a controlled substance is illegally sold, used or given away.

(iv) *Do not leave the district of supervision without permission.* You must not leave the district of supervision without the written permission of your supervision officer.

(v) *Do not associate with a person with a criminal record.* You must not associate with a person who has a criminal record without the permission of your supervision officer.

(vi) *Do not act as an informant.* You must not agree to act as an informant for any law-enforcement officer without the prior approval of the Commission.

(6) *Additional conditions*—(i) *Work.* You must make a good faith effort to work regularly, unless excused by your supervision officer. You must support your children and any legal dependent. You must participate in an employment-readiness program if your supervision officer directs you to do so.

(ii) *Pay court-ordered obligations.* You must make a good faith effort to pay any fine, restitution order, court costs or assessment or court-ordered child support or alimony payment. You must provide financial information relevant to the payment of such a financial obligation when your supervision officer asks for such information. You must cooperate with your supervision officer in setting up an installment plan to pay the obligation.

(iii) *Participate in a program for preventing domestic violence.* If the term of supervision results from your conviction for a domestic violence crime, and such conviction is your first conviction for such a crime, you must attend, as directed by your supervision officer, an approved offender-rehabilitation program for the prevention of domestic violence if such a program is readily available within 50 miles of your home.

(iv) *Register if you are covered by a special offender registration law.* You must comply with any applicable special offender registration law, for example, a law that requires you to register as a sex-offender or a gun-offender.

(v) *Provide a DNA sample.* You must provide a DNA sample, as directed by your supervision officer, if collection of such sample is authorized by the DNA Analysis Backlog Elimination Act of 2000.

(vi) *Comply with a graduated sanction.* If you are supervised by CSOSA, you must comply with the sanction(s) imposed by the supervision officer and as established by an approved schedule of graduated sanctions. We may decide to begin revocation proceedings for you even if the supervision officer has earlier imposed a graduated sanction for your alleged violation of a release condition.

(vii) *Inform another person of your criminal record or personal history as directed by the supervision officer.* You must inform a person of your criminal record or personal history if your supervision officer determines that your relationship or contact with this person may pose a risk of harm to this person. The supervision officer may direct you to give this notice and then confirm with the person that you obeyed the officer's direction. The supervision officer may also give the notice directly to the person.

(b)(1) *Special conditions of release.* We may impose a condition of release other than a condition described in paragraphs (a)(3) through (6) of this section if we determine that imposing the condition is reasonably related to the nature and circumstances of your offense or your history and characteristics, and at least one of the following purposes of criminal sentencing: The need to deter you from criminal conduct; protection of the public from further crimes; or the need to provide you with training or correctional treatment or medical care. In choosing a condition we will also consider whether the condition involves no greater deprivation of liberty than is reasonably necessary for the purposes of deterrence of criminal conduct, protection of the public from crime and offender rehabilitation.

(2) *Examples.* The following are examples of special conditions that we may impose—

(i) That you reside in and/or participate in a program of a community corrections center for all or part of the period of supervision;

(ii) That you participate in a drug- or alcohol-treatment program, and not use alcohol and other intoxicants at any time;

(iii) That you remain at home during hours you are not working or going to school, and have your compliance with this condition checked by telephone or an electronic signaling device; and

(iv) That you permit a supervision officer to conduct a search of your person, or of any building, vehicle or other area under your control, at such time as that supervision officer decides, and to seize any prohibited items the officer, or a person assisting the officer, may find.

(3) *Participation in a drug-treatment program.* If we require your participation in a drug-treatment program, you must submit to a drug test within 15 days of your release and to at least two other drug tests, as determined by your supervision officer. If we decide not to impose the special condition on drug-treatment, because available information indicates you are a low risk for substance abuse, this decision constitutes good cause for suspending the drug testing requirements of 18 U.S.C. 3583(d).

(c)(1) *Changing conditions of release.* After your release, we may change or add to the conditions of release if we decide that such action is consistent with the criteria described in paragraph (b)(1) of this section.

(2) *Objecting to the proposed change.* (i) We will notify you of the proposed change, the reason for the proposed change and give you 10 days from your receipt of the notice to comment on the proposed change. You can waive the 10-day comment period and agree to the proposed change. You are not entitled to the notice and 10-day comment period if:

(A) You ask for the change;

(B) We make the change as part of a revocation hearing or an expedited revocation decision; or

(C) We find that the change must be made immediately to prevent harm to you or another person.

(ii) We will make a decision on the proposed change within 21 days (excluding holidays) after the 10-day comment period ends, and notify you in writing of the decision. You may appeal our action as provided in §§ 2.26 and 2.220.

(d) *Imposing special conditions for a sex offender.* (1) If your criminal record includes a conviction for a sex offense, we may impose a special condition that you undergo an evaluation for sex offender treatment, and participate in a sex offender treatment program as directed by your supervision officer. We will impose the sex offender evaluation and treatment conditions using the procedures described in paragraph (c) of this section.

(2)(i) If your criminal record does not include a conviction for a sex offense, we may decide that the nature and circumstances of your offense or your history and characteristics show that you should be evaluated for sex offender treatment. In this case, we may impose a special condition requiring an evaluation for sex offender treatment using the procedures described in paragraph (c) of this section.

(ii) At the conclusion of the evaluation, if sex offender treatment appears warranted and you object to such treatment, we will conduct a hearing to consider whether you should be required to participate in sex offender treatment. You will be given notice of the date and time of the hearing and the subject of the hearing, disclosure of the information supporting the proposed action, the opportunity to testify concerning the proposed action and to present evidence and the testimony of witnesses, the opportunity to be represented by retained or appointed counsel and written findings regarding the decision. You will have the opportunity to confront and cross-examine persons who have given information that is relied on for the proposed action, if you ask that these witnesses appear at the hearing, unless we find good cause for excusing the appearance of the witness.

(iii) A hearing is not required if we impose the sex offender treatment condition at your request, as part of a revocation hearing or an expedited revocation decision, or if a hearing on the need for sex offender treatment (including a revocation hearing) was conducted within 24 months of the request for the special condition.

(iv) In most cases we expect that a hearing conducted under this paragraph will be held in person with you, especially if you are supervised in the District of Columbia. But we may conduct the hearing by videoconference.

(3) Whether your criminal record includes a conviction for a sex offense or not, if we propose to impose other restrictions on your activities, we will use either the notice and comment procedures of paragraph (c) of this section or the hearing procedures of this paragraph, depending on a case-by-case evaluation of the your interest and the public interest.

(e) *Application of release conditions to an absconder.* If you abscond from supervision, you will stop the running of your supervised release term as of the date of your absconding and you will prevent the expiration of your supervised release term. But you will still be bound by the conditions of release while you are an absconder, even after the original expiration date of your supervised release term. We may revoke the term of supervised release for a violation of a release condition that you commit before the revised expiration date of the supervised release term (the original expiration date plus the time you were an absconder).

(f) *Revocation for certain violations of release conditions.* If we find after a revocation hearing that you have possessed a controlled substance, refused to comply with drug testing, possessed a firearm or tested positive for illegal controlled substances more than three times in one year, we must revoke your supervised release and impose a prison term as provided at § 2.218. When considering mandatory revocation for repeatedly failing a drug test, we must consider whether the availability of appropriate substance abuse programs, or your current or past participation in such programs, justifies an exception from the requirement of mandatory revocation.

(g) *Supervision officer guidance.* We expect you to understand the conditions of release according to the plain meaning of the conditions. You should ask for guidance from your supervision officer if there are conditions you do not understand and before you take actions that may risk violation of your release conditions. The supervision officer may instruct you to refrain from particular conduct, or to take specific actions or to correct an existing violation of a release condition. If the supervision officer directs you to report on your compliance with an officer's instruction and you fail to do so, we may consider that your failure is itself a release violation.

(h) *Definitions.* As used for any person under our jurisdiction, the term—

(1) *Supervision officer* means a community supervision officer of the District of Columbia Court Services and Offender Supervision Agency or a United States probation officer;

(2) *Domestic violence crime* has the meaning given that term by 18 U.S.C. 3561, except that the term ''court of the United States'' as used in that definition shall be deemed to include the Superior Court of the District of Columbia;

(3) *Approved offender-rehabilitation program* means a program that has been approved by CSOSA (or the United States Probation Office) in consultation with a State Coalition Against Domestic Violence or other appropriate experts;

(4) Releasee means a person who has been released to parole supervision, released to supervision through good-time deduction or released to supervised release;

(5) *Certificate of release* means the certificate of supervised release delivered to the releasee under § 2.203;

(6) *Firearm* has the meaning given by 18 U.S.C. 921;

(7) *Sex offense* means any ''registration offense'' as that term is defined at D.C. Code 22–4001(8) and any ''sex offense'' as that term is defined at 42 U.S.C. 16911(5); and

(8) *Conviction,* used with respect to a sex offense, includes an adjudication of delinquency for a juvenile, but only if the offender was 14 years of age or older at the time of the sex offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in 18 U.S.C. 2241), or was an attempt or conspiracy to commit such an offense.

■ 5. Revise § 2.220 to read as follows:

§ 2.220 Appeal.

(a) As a supervised releasee you may appeal a decision to: Change or add a special condition of supervised release, revoke supervised release, or impose a term of imprisonment or a new term of supervised release after revocation. You may not appeal one of the general conditions of release.

(b) If we add a special condition to take effect immediately upon your

supervised release, you may appeal the imposition of the special condition no later than 30 days after the date you begin your supervised release. If we change or add the special condition sometime after you begin your supervised release, you may appeal within 30 days of the notice of action changing or adding the condition. You must follow the appealed condition until we change the condition in response to your appeal.

(c) You cannot appeal if we made the decision as part of an expedited revocation, or if you asked us to change or add a special condition of release.

(d) You must follow the procedures of § 2.26 in preparing your appeal. We will follow the same rule in voting on and deciding your appeal.

Dated: August 21, 2014.

Cranston J. Mitchell,

Vice Chairman, U.S. Parole Commission.

[FR Doc. 2014–20427 Filed 8–27–14; 8:45 am]

BILLING CODE 4410–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0417; FRL–9913–13-Region 9]

Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District and Shasta County Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the Imperial County Air Pollution Control District (ICAPCD) and the Shasta County Air Quality Management District (SHAQMD) portions of the California State Implementation Plan (SIP). We are approving local rules regarding enhanced monitoring under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on October 27, 2014 without further notice, unless EPA receives adverse comments by September 29, 2014. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number [EPA–R09–OAR–2014–0417], by one of the following methods:

1. Federal eRulemaking Portal: *www.regulations.gov.* Follow the on-line instructions.
2. Email: *steckel.andrew@epa.gov.*
3. Mail or Deliver: Andrew Steckel (Air–4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

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

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

FOR FURTHER INFORMATION CONTACT: Vanessa Graham, EPA Region IX, (415) 947–4120, *graham.vanessa@epa.gov.*

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

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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules we are approving, with the dates that they were adopted by ICAPCD and SHAQMD, and submitted by the California State Air Resource Board (CARB).

TABLE 1—SUBMITTED RULES

Local agency	Rule #	Rule title	Adopted	Submitted
ICAPCD	910	Enhanced Monitoring	03/21/95	06/16/95
SHAQMD	3:8	Enhanced Monitoring and Compliance Certification for Major Sources as Defined by Title V.	01/03/95	2/24/95

On December 16, 1995, the submittal for ICAPCD Rule 910 was deemed by operation of law to meet the completeness criteria in 40 CFR Part 51, Appendix V, which must be met before formal EPA review.

On August 24, 1995, the submittal for SHAQMD Rule 3:8 was deemed by operation of law to meet the completeness criteria in 40 CFR Part 51, Appendix V, which must be met before formal EPA review.

B. Are there other versions of these rules?

There are no previous versions of Rule 910 in the ICAPCD portion of the SIP, nor Rule 3:8 in the SHAQMD portion of the SIP.

C. What is the purpose of the submitted rules?

The primary purpose of these rules is to improve the current monitoring schemes so that sources, districts, states and EPA can determine a source's compliance with underlying emission limitations or standards on a regular basis.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

As part of the 1990 amendments to the CAA, Congress amended Sections 113 and 114. Among the revisions are provisions which require an enhanced monitoring and compliance certification program for major stationary sources of air pollution. EPA Region IX provided recommended language necessary to be incorporated into SIPs. A summary of our evaluation finds that the credible evidence language used in Rules 910 and 3:8 is identical to the language required in the CAA for the implementation of regulations. In addition, we have evaluated whether the rules are adequately enforceable and whether they would interfere with the on-going process for ensuring that requirements for Reasonable Further Progress (RFP) and attainment of National Ambient Air Quality Standards (NAAQS) are met.

Guidance and policy documents that we use to evaluate enforceability and other CAA requirements include a letter dated May 16, 1994, from EPA Region IX, Felicia Marcus, entitled ''Call for SIP Revision Concerning Enhanced Monitoring''.

B. Do the rules meet the evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. Our Technical Support Document (TSD) has more information on our evaluation.

C. EPA Recommendations To Further Improve the Rules

When these rules are next revised, we recommend that section D.2.b(1) of ICAPCD Rule 910, and section c.2.d of SHAQMD Rule 3:8 be modified to include test methods as outlined in 40 CFR part 63. This is not an approvability issue because the rules do not limit credible evidence to those methods specifically listed, but it would be clearer to also specify part 63 in this list.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by September 29, 2014, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on October 27, 2014. This will incorporate these rules into the federally enforceable SIP.

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.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this 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 Clean Air Act; and
- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

List of Subjects in 40 CFR Part 52

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

Dated: May 23, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS.

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(215) (i)(G) and (c)(222)(i)(F) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(215) * * *

(i) * * *

(G) Shasta County Air Quality Management District.

(*1*) Rule 3:8, ''Enhanced Monitoring and Compliance Certification for Major Sources as Defined by Title V of the Federal Clean Air Act,'' adopted on January 3, 1995.

* * * * *

(222) * * *

(i) * * *

(F) Imperial County Air Pollution Control District.

(*1*) Rule 910, ''Enhanced Monitoring,'' adopted March 21, 1995.

* * * * *

[FR Doc. 2014–20504 Filed 8–27–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[FCC 14–109]

Extension of the Consummation Deadline for Space and Earth Station License Transfers and Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules to extend the time by which parties must consummate an approved satellite space station or earth station license assignment or transfer of control from 60 to 180 days. This will provide parties greater flexibility to set closing dates, decrease the need to file extension of time requests, and harmonize this consummation deadline with that in other wireless services.

DATES: Effective August 28, 2014.

FOR FURTHER INFORMATION CONTACT: Clay DeCell, 202–418–0803.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, FCC 14–109, adopted July 31, 2014, and released August 1, 2014. The full text of the Order is available for download at *https://apps.fcc.gov/edocs_public/.* It is also available for inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities, send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Synopsis of the Order

By this Order, we amend § 25.119(f) of the Commission's rules to extend the time by which parties must consummate an approved satellite space station or earth station license assignment or transfer of control from 60 to 180 days. This amendment is part of the Commission's process reform initiative and will provide parties greater flexibility to set closing dates, decrease the need to file extension of time requests, and harmonize this consummation deadline with that in other wireless services. Because this amendment involves a rule of agency procedure, general notice and an opportunity to comment are not required. 5 U.S.C. 553(b)(A).

Section 25.119(f) of the Commission's rules requires space station and earth station licensees to consummate an assignment or transfer of control within 60 days from the date of authorization. 47 CFR 25.119(f). This period is shorter than the 180-day consummation period for wireless licenses, which are often involved in the same transaction with satellite licenses. See 47 CFR 1.948(d). Moreover, many space station and earth station licensees seek Commission approval well in advance of closing a transaction, and may need more than 60 days to consummate after Commission authorization. This can result in the filing of requests to extend the consummation deadline, and these requests have been granted.

To address this issue, a staff working group recommended, under Recommendation 5.30 of its Process Reform Report, extending the 60-day consummation period to 180 days. We find that it is in the public interest to adopt this recommendation. The amendment will remove unnecessary administrative burdens by eliminating the filing of such extension of time requests. A 180-day deadline may also facilitate transactions involving a company holding licenses in multiple services.

We hereby modify § 25.119(f) of our rules consistent with Recommendation 5.30. Accordingly, parties to an approved license transfer or assignment will be required to consummate the transaction within 180 days from the date of authorization, instead of within 60 days.

Accordingly, *it is ordered* that, pursuant to sections 4(i) and 4(j) of the Communications Act, as amended, 47 U.S.C. 154(i), (j), and section 553(b)(A) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(A), § 25.119(f) of the Commission's rules, 47 CFR 25.119(f), is amended as described above.

It is further ordered that this Order is effective upon publication in the **Federal Register**, pursuant to section 553(d)(1) of the APA, 5 U.S.C. 553(d)(1). As a result, the new rule will apply to all transfers and assignments that are pending or have been approved, but not consummated, at the time of, and after, **Federal Register** publication.

Procedural Matters

This action does not require notice and comment, and therefore is not subject to the Regulatory Flexibility Act of 1980, as amended. See 5 U.S.C. 601(2), 603(a).

This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

The Commission will not send a copy of this Order pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A), because the amended rule is a rule of agency organization, procedure, or practice that does not ''substantially affect the rights or obligations of non-agency parties.''

List of Subjects in 47 CFR Part 25

Administrative practice and procedure.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison.

For the reasons stated in the preamble, the Federal Communications Commission amends 47 CFR part 25 as follows:

PART 25—SATELLITE COMMUNICATIONS

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

Authority: Interprets or applies sections 4, 301, 302, 303, 307, 309, 310, 319, 332, 705, and 721 of the Communications Act, as amended, 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721, unless otherwise noted.

■ 2. In § 25.119 revise the first sentence of paragraph (f) to read as follows:

§ 25.119 Assignment or transfer of control of station authorization.

* * * * *

(f) Assignments and transfers of control shall be completed within 180 days from the date of authorization. * * *

* * * * *

[FR Doc. 2014–20302 Filed 8–27–14; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 201, 204, 211, 222, and 237

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide needed editorial changes.

DATES: Effective August 28, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Manuel Quinones, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6088; facsimile 571–372–6094.

SUPPLEMENTARY INFORMATION: This final rule amends the DFARS as follows:

1. Corrects a hyperlink at 201.170(a)(2).

2. Removes an obsolete clause, 252.225–7022, from the list of clauses at 204.1202(2)(vii). DFARS final rule 2013–D009, published at 78 FR 59854 on September 30, 2013, removed and reserved clause 252.225–7022.

3. Directs contracting officers to additional procedures and guidance by adding a reference to DFARS PGI at 204.7103 and 211.7001.

4. Updates the DFARS part 222, Table of Contents, to revise the heading for subpart 222.6 to conform to the Federal Acquisition Regulation subpart 22.6 heading entitled ''Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000''.

5. Revises the 237.102–74 section heading and removes an obsolete reference in the paragraph text.

List of Subjects in 48 CFR Parts 201, 204, 211, 222, and 237

Government procurement.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 201, 204, 211, 222, and 237 are amended as follows:

■ 1. The authority citation for 48 CFR parts 201, 204, 211, 222, and 237 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM

201.170 [Amended]

■ 2. Amend section 201.170 paragraph (a)(2) by removing *''osd.pentagon.ousd-atl.mbx.peer-reviews@mail''* and adding *''osd.pentagon.ousd-atl.mbx.peer-reviews@mail.mil''* in its place.

PART 204—ADMINISTRATIVE MATTERS

204.1202 [Amended]

■ 3. Amend section 204.1202(2) by removing paragraph (vii) and redesignating paragraphs (viii) through (xiv) as (vii) through (xiii).

■ 4. Amend section 204.7103 by adding text to read as follows:

204.7103 Contract line items.

Follow the procedures at PGI 204.7103 for establishing contract line items.

PART 211—DESCRIBING AGENCY NEEDS

■ 5. Add subpart 211.70 to read as follows:

Subpart 211.70—Purchase Requests

211.7001 Procedures.

Follow the procedures at PGI 211.7001 for developing and distributing purchase requests, except for the requirements for Military Interdepartmental Purchase Requests (DD Form 448) addressed in 253.208–1.

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

■ 6. Revise the subpart 222.6 heading to read as follows:

Subpart 222.6—Contracts for Materials, Supplies, Articles, and Equipment Exceeding $15,000

PART 237—SERVICE CONTRACTING

■ 7. Revise section 237.102–74 to read as follows:

237.102–74 Taxonomy for the acquisition of services, and supplies and equipment.

See PGI 237.102–74 for further guidance on the taxonomy for the acquisition of services and the acquisition of supplies and equipment.

[FR Doc. 2014–20527 Filed 8–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2012–0103; 4500030114]

RIN 1018–AY71

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Northwest Atlantic Ocean Distinct Population Segment of the Loggerhead Sea Turtle; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; technical amendment.

SUMMARY: We, the U.S. Fish and Wildlife Service, published a final rule in the **Federal Register** on July 10, 2014, that designated specific areas in the terrestrial environment of the U.S. Atlantic and Gulf of Mexico coasts as critical habitat for the Northwest Atlantic Ocean distinct population segment of the loggerhead sea turtle under the Endangered Species Act of 1973, as amended. On July 23, 2014, we published another final rule that set forth additions, removal, updates, and corrections to the List of Endangered and Threatened Wildlife for marine and anadromous taxa, including the loggerhead sea turtle. Neither the July 10, 2014, final rule nor the July 23, 2014, final rule presented a complete and accurate entry for the loggerhead sea turtle in the List of Endangered and Threatened Wildlife; the complete and accurate entry is a combination of the

two, as well as an additional citation. With this document, we correct the entry for the loggerhead sea turtle in the List of Endangered and Threatened Wildlife.

DATES: Effective August 28, 2014.

FOR FURTHER INFORMATION CONTACT: Anissa Craghead, (703) 358–2445.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, share authority with the National Marine Fisheries Service (NMFS) to protect certain marine and anadromous species, including sea turtles. Endangered and threatened animal species are listed in the Code of Federal Regulations in title 50 at part 17 (50 CFR 17.11(h)) in the List of Endangered and Threatened Wildlife (List).

We published a final rule in the **Federal Register** on July 10, 2014 (79 FR 39756), that designated specific areas in the terrestrial environment of the U.S. Atlantic and Gulf of Mexico coasts as critical habitat for the Northwest Atlantic Ocean distinct population segment (DPS) of the loggerhead sea turtle (*Caretta caretta*). That final rule became effective on August 11, 2014.

On July 23, 2014, we published a final rule (79 FR 42687) that set forth additions, removal, updates, and corrections to the List for marine and anadromous taxa, including the loggerhead sea turtle, based on rules previously issued by NMFS. That rule was effective upon publication on July 23, 2014.

The July 10 and July 23 rules were developed simultaneously for different purposes, and both rules amended the entry on the List for the Northwest Atlantic Ocean DPS of the loggerhead sea turtle for different reasons.

The entry in the List for the Northwest Atlantic DPS of the loggerhead sea turtle in the July 10, 2014, final rule did not incorporate the uniform language adopted in the July 23, 2014, final rule for all DPSs of loggerhead sea turtle for the following columns: (1) Common name, and (2) Vertebrate population where endangered or threatened. The July 10, 2014, final rule also did not list the applicable citations for NMFS protective regulations in the ''Special rules'' column of the List for the DPS. Lastly, it did not cite NMFS' designation of critical habitat in the marine environment for the DPS.

The entry in the List for the Northwest Atlantic DPS of loggerhead sea turtle in the July 23, 2014, final rule to adopt the NMFS changes did not incorporate the applicable citations in the ''Critical habitat'' column for the DPS.

We regret the errors presented in the differing List entries for this species and any confusion they have caused. In order to set forth a complete and accurate entry in the List for the Northwest Atlantic DPS of the loggerhead sea turtle, we are publishing this correction. In this document, we are also correcting the heading (title) of our (terrestrial environment) critical habitat entry for the Northwest Atlantic DPS of the loggerhead sea turtle so that it includes ''DPS'' in order to match the information in the DPS's entry in the List. This document does not increase, decrease, or otherwise revise in any way the threatened species status or critical habitat designation for the Northwest Atlantic DPS of the loggerhead sea turtle.

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; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11(h) by revising the entry for ''Sea turtle, loggerhead, Northwest Atlantic Ocean'' in the List of Endangered and Threatened Wildlife under REPTILES to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historical range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*	*	
REPTILES							
*	*	*	*	*	*	*	
Sea turtle, loggerhead (Northwest Atlantic Ocean DPS).	*Caretta caretta*	Northwest Atlantic Ocean Basin.	Loggerhead sea turtles originating from the Northwest Atlantic Ocean north of the equator, south of 60° N. Lat., and west of 40° W. Long..	T	794	17.95(c), 226.223	223.205, 223.206, 223.207
*	*	*	*	*	*	*	

* * * * *

§ 17.95 [Amended]

■ 3. Amend § 17.95(c), in the heading of the entry for ''Loggerhead Sea Turtle, Northwest Atlantic Ocean (*Caretta caretta*),'' by adding the word ''DPS''

immediately following the word ''Ocean''.

Dated: *August 22, 2014.*

Tina A. Campbell,

Chief, Division of Policy and Directives Management, U.S. Fish and Wildlife Service.

[FR Doc. 2014–20463 Filed 8–27–14; 8:45 am]

BILLING CODE 4310–55–P

Proposed Rules

Federal Register
Vol. 79, No. 167
Thursday, August 28, 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 AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2014–0005]

RIN 0579–AD94

Importation of Fresh Citrus From China Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the fruits and vegetables regulations to allow the importation into the continental United States of commercial consignments of five species of fresh citrus fruit from China. As a condition of entry, the citrus fruit would have to be produced in accordance with a systems approach that includes requirements for registration of places of production and packinghouses, sourcing of pest-free propagative material, inspection for quarantine pests at set intervals by the national plant protection organization (NPPO) of China, bagging of fruit, safeguarding, post-harvest processing and sampling, and importation in commercial consignments. Additionally, we would require places of production to trap for several species of *Bactrocera* fruit flies, and would require the fruit to be treated for those species of fruit flies. In addition, consignments would have to be accompanied by a phytosanitary certificate issued by the NPPO of China that declares that the conditions for importation have been met and that the consignments have been inspected and found free of quarantine pests. Finally, the NPPO of China would have to provide an operational workplan to the Animal and Plant Health Inspection Service of the United States Department of Agriculture that details the activities that the NPPO of China will carry out to meet these requirements. This proposed rule would allow for the importation of fresh citrus from China into the continental United States while providing protection against the introduction of plant pests.

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-2014-0005.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0005, 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-2014-0005* 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: Ms. Claudia Ferguson, Senior Regulatory Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 851–2352.

SUPPLEMENTARY INFORMATION:

Background

The regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–69, referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests within the United States.

Currently, the regulations do not authorize imports of fresh citrus fruit from China into the United States. The Animal and Plant Health Inspection Service (APHIS) received a request from the national plant protection organization (NPPO) of China to amend the regulations to allow the importation of five species of commercially produced citrus fruit (*Citrus grandis* (L.) Osbeck cv. *Guanximiyou,* referred to in this document as pomelo; *Citrus kinokuni* Hort. ex Tanaka, referred to in this document as mandarin orange; *Citrus poonensis* Hort. ex Tanaka, referred to in this document as ponkan; *Citrus sinensis* (L.) Osbeck, referred to in this document as sweet orange; and *Citrus unshiu* Marcov., referred to in this document as Satsuma mandarin) from China into the continental United States. In evaluating China's request, we prepared a pest risk assessment (PRA) and a risk management document (RMD). Copies of the PRA and the RMD may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT** or viewed on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).

The PRA, titled ''Importation of Citrus from China into the Continental United States, A Qualitative, Pathway-Initiated Pest Risk Assessment'' (USDA 2014), analyzed the potential pest risk associated with the importation of fresh citrus into the continental United States from China.

A quarantine pest is defined in § 319.56–2 of the regulations as a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled. The PRA identified 22 quarantine pests that could follow the pathway for packed citrus fruit from China to the continental United States. They are:

- *Brevipalpus junicus,* a mite.
- *Cenopalpus pulcher,* a mite.
- *Tuckerella knorri,* a mite.
- *Resseliella citrifrugis,* a leaf miner.
- *Bactrocera correcta,* guava fruit fly.
- *Bactrocera cucurbitae,* melon fruit fly.
- *Bactrocera dorsalis,* oriental fruit fly.
- *Bactrocera minax,* Chinese citrus fruit fly.
- *Bactrocera occipitalis,* Pacific fruit fly.
- *Bactrocera pedestris,* a fruit fly.
- *Bactrocera tau,* a complex of fruit flies.
- *Bactrocera tsuneonis,* Japanese orange fly.
- *Diaphorina citri,* Asian citrus psyllid.
- *Ostrinia furnacalis,* Asian corn borer.

- *Candidatus* Liberibacter asiaticus, the bacterial pathogen that causes citrus greening.
- *Candidatus* Phytoplasma asteris, a bacterial pathogen that causes yellowing.
- *Xanthomonas citri* Schaad *et al.,* a complex of bacteria that cause citrus canker.
- *Phyllosticta citricarpa,* the fungus that causes citrus black spot.
- *Phyllosticta citrichinaensis,* a fungus.
- *Phyllosticta citriasiana,* a fungus.
- Citrus bent leaf viroid.
- Satsuma dwarf virus.

Of these 22 pests, the PRA determined that 3, *Candidatus* Phytoplasma asteris, citrus bent leaf viroid, and Satsuma dwarf virus, pose a negligible risk of being introduced into the United States through the importation of citrus from China. Additionally, the PRA found that *Candidatus* Liberibacter asiaticus does not follow the pathway of citrus fruit unless it is vectored by *D. citri* on the fruit. (As noted above, however, the PRA did find *D. citri* to be a quarantine pest that could follow the pathway.) Finally, because *P. citrichinaensis* and *P. citriasiana* are extremely biologically similar to *P. citricarpa,* the PRA determined that its conclusions regarding *P. citricarpa* hold for these two pests as well.

The PRA did not evaluate the plant pest risk associated with *D. citri, X. citri* and *P. citricarpa* because domestic quarantines[1] exist in the United States for these pests and we have developed mitigations for the interstate movement of citrus fruit from areas of the United States that are quarantined for the pests. The importation of citrus from China would be subject to equivalent mitigations.

For the remaining quarantine pests, the PRA derived plant pest risk potentials by estimating the consequences and likelihood of introduction of each pest into the continental United States through the importation of citrus from China. The PRA considered six of the quarantine pests to have a high pest risk potential (*B. correcta, B. dorsalis, B. minax, B. occipitalis, B. pedestris,* and *B. tsuneonis*) and seven, a medium pest risk potential (*B. junicus, C. pulcher, B. tau, T. knorri, R. citrifrugis, B. cucurbitae,* and *O. furnacalis*).

Based on the findings of the PRA, APHIS has determined that measures beyond standard port-of-entry inspection are necessary in order to mitigate the risk associated with the importation of fresh pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit from China into the continental United States. These measures are listed in the RMD and are used as the basis for the requirements of this proposed rule.

Therefore, we are proposing to amend the regulations to allow the importation of commercial consignments of fresh pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit from China into the continental United States subject to a systems approach. Requirements of the systems approach, which would be added to the regulations as a new § 319.56–70, are discussed in the following sections.

Proposed Systems Approach

General Requirements

Proposed paragraph (a) of § 319.56–70 would set out general requirements for fresh pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit from China destined for export to the continental United States.

Proposed paragraph (a)(1) of § 319.56–70 would require the NPPO of China to provide an operational workplan to APHIS that details systems approach activities that the NPPO of China and places of production and packinghouses registered with the NPPO of China would, subject to our approval of the workplan, carry out to meet the proposed requirements. An operational workplan is an arrangement between APHIS' Plant Protection and Quarantine program, officials of the NPPO of a foreign government, and, when necessary, foreign commercial entities, that specifies in detail the phytosanitary measures that will comply with our regulations governing the import or export of a specific commodity. Operational workplans apply only to the signatories and establish detailed procedures and guidance for the day-to-day operations of specific import/export programs. Operational workplans also establish how specific phytosanitary issues are dealt with in the exporting country and make clear who is responsible for dealing with those issues.

If the operational workplan is approved, APHIS would be directly involved with the NPPO of China in monitoring and auditing the systems approach implementation. Such monitoring could involve site visits by APHIS personnel.

Proposed paragraph (a)(2) of § 319.56–70 would require the pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit considered for export to the continental United States to be grown by places of production that are registered with the NPPO of China.

Proposed paragraph (a)(3) of § 319.56–70 would require the pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit to be packed for export to the continental United States in packinghouses that are registered with the NPPO of China.

Proposed paragraph (a)(4) of § 319.56–70 would require the NPPO of China to maintain all forms and documents pertaining to registered places of production and packinghouses for at least 1 year and, as requested, provide them to APHIS for review. Such forms and documents would include (but would not be limited to) records regarding fruit fly trapping in registered places of production and records regarding pest detections in registered places of production and registered packinghouses.

Proposed paragraph (a)(5) of § 319.56–70 would require pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit from China to be imported into the continental United States in commercial consignments only. Noncommercial shipments are more prone to infestations because the commodity is often ripe to overripe, could be of a variety with unknown susceptibility to pests, and is often grown with little or no pest control. Commercial consignments, as defined in § 319.56–2 of the regulations, are consignments that an inspector identifies as having been imported for sale and distribution. Such identification is based on a variety of indicators, including, but not limited to: Quantity of produce, type of packaging, identification of place of production or packinghouse on the packaging, and documents consigning the fruits or vegetables to a wholesaler or retailer. For purposes of the proposed regulations, in order for a consignment to be considered a commercial consignment, fruit in the consignment would have to be practically free of leaves, twigs, and other plant parts, except for stems less than 1 inch long and attached to the fruit. We currently require most other fruits and vegetables imported into the United States from foreign countries to be imported in commercial consignments as a mitigation against quarantine pests of those commodities.

[1] The domestic quarantine regulations for *D. citri* are found in ''Subpart—Citrus Greening and Asian Citrus Psyllid,'' §§ 301.76 through 301.76–11 of 7 CFR. The domestic quarantine regulations for *X. citri* are found in ''Subpart—Citrus Canker,'' §§ 301.75–1 through 301.75–17. The domestic quarantine for *P. citricarpa* is found in a March 2012 Federal Order that is available at *http://www.aphis.usda.gov/plant_health/plant_pest_info/citrus/downloads/black_spot/DA-2012-09-federalorder.pdf.*

Proposed paragraph (a)(6) of § 319.56–70 would require the identity of each lot of pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit from China destined for export to the United States to be maintained throughout the export process, from the place of production to the arrival at the port of entry in the continental United States. The means of identification that allows the lot to be traced back to its place of production would have to be authorized by the operational workplan. This requirement would facilitate traceback in the event that quarantine pests are discovered in a lot of pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit destined for export to the United States. This, in turn, would help ensure that timely remedial measures are taken to address the plant pest risk at the place of production and preclude the further export of infested fruit from that place of production. We discuss these traceback procedures later in this document.

Proposed paragraph (a)(7) of § 319.56–70 would provide that lots of pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit destined for export to the United States must be safeguarded during movement from registered places of production to registered packinghouses as specified by the operational workplan. Such safeguarding could include the use of pest-proof screens or tarpaulins to cover the lots during transit, or other similar prophylactic materials approved by APHIS and the NPPO of China.

This safeguarding requirement would help prevent the introduction of quarantine pests to the mandarin orange, pomelo, ponkan, Satsuma mandarin, and sweet orange fruit while the fruit is in transit.

Proposed paragraph (a)(8) of § 319.56–70 would require pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit from China to be treated for *B. correcta, B. cucurbitae, B. dorsalis, B. occipitalis, B. pedestris, B. tau,* and *B. tsuneonis* in accordance with 7 CFR part 305. Within part 305, § 305.2 provides that approved treatment schedules are set out in the Plant Protection and Quarantine (PPQ) Treatment Manual, found online at *http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/treatment.pdf.* The manual currently does not provide a treatment schedule specifically for pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit for these species of fruit flies. However, there is an existing cold treatment schedule, T107–b, for a species of fruit fly, *Anastrepha ludens,* that is known to be significantly more cold-tolerant than these seven species. This treatment schedule specifies that commodities for which it is approved must either be treated at 33 °F or below for 18 days, 34 °F or below for 20 days, or 35 °F or below for 22 days.

Pursuant to the process set forth in § 305.2, we are proposing to amend the PPQ Treatment Manual to specify that cold treatment schedule T107-b is effective for pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit for *B. correcta, B. cucurbitae, B. dorsalis, B. occipitalis, B. pedestris, B. tau,* and *B. tsuneonis,* if it is used in conjunction with the other provisions of the systems approach in § 301.56–70. If this proposed rule is finalized and we do not receive any comments that change our determination to amend the Treatment Manual in this manner, we will amend the manual accordingly.

In addition to this proposed cold treatment schedule, the citrus fruit may be treated for these species of *Bactrocera* with irradiation at a dose of at least 150 gray. This treatment schedule, which is already in the Treatment Manual as schedule T105, allows for irradiation treatment at a dose of at least 150 gray, and has been demonstrated to neutralize, that is, to kill, render sterile, or prevent from reaching maturity, each of these seven *Bactrocera* species.

Proposed paragraph (a)(9) of § 319.56–70 would require each consignment of pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit imported from China into the continental United States to be accompanied by a phytosanitary certificate issued by the NPPO of China stating that the requirements of the proposed regulations have been met and consignments have been inspected and found free of quarantine pests. (Our proposed inspection requirements would be in paragraph (c)(2) of § 319.56–70.)

Place of Production Requirements

Our proposed systems approach would require places of production to take certain measures to prevent the introduction of quarantine pests to pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit destined for export to the continental United States. Proposed paragraph (b) of § 319.56–70 would contain these measures.

Proposed paragraph (b)(1) of § 319.56–70 would require all propagative material entering a registered place of production to be tested and certified by the NPPO of China as being free of quarantine pests. Propagative material is considered to be a high risk pathway for a number of pests of citrus. Additionally, certain of these pests, such as *C.* liberibacter asiaticus, have extensive latency periods. Thus, material that is not tested and certified presents a risk of introducing quarantine pests into a place of production.

Proposed paragraph (b)(2) of § 319.56–70 would require registered places of production to remove plant litter and fallen debris from groves in accordance with the operational workplan. It would also prohibit fallen fruit from being included in field containers of fruit brought to the packinghouse to be packed for export. Plant litter, fallen debris, and fallen fruit are especially susceptible to fruit fly infestation.

Proposed paragraph (b)(3) of § 319.56–70 would require registered places of production to trap for *Bactrocera* spp. in accordance with the operational workplan. The operational workplan would specify the types of traps and baits that must be used, the minimum number of traps per acre that must be deployed, the requisite distance between each trap, and the intervals at which the traps must be serviced.

Proposed paragraph (b)(4) of § 319.56–70 would require places of production to carry out any additional grove sanitation and phytosanitary measures specified for the place of production by the operational workplan. Depending on the location, size, and plant pest history of the grove, these could include surveying protocols, safeguarding of trees, application of pesticides and fungicides, or other measures.

Proposed paragraph (b)(5) of § 319.56–70 would state that, when any pomelo, mandarin orange, ponkan, sweet orange, or Satsuma mandarin fruit are still on the tree and are no more than 2 cm in diameter, double-layered paper bags must be placed wholly over the fruit. This bagging would have to be monitored by the NPPO of China, and bags would have to remain intact and on the fruit until the fruit arrives at the packinghouse. This bagging protocol, which is modeled on a similar requirement for sand pears and Ya pears from China, would help protect the citrus fruit against quarantine insects and fungi.

Proposed paragraph (b)(6) of § 319.56–70 would require the NPPO of China to visit and inspect registered places of production regularly for signs of infestations and would allow APHIS to monitor these inspections. The NPPO of China would also have to provide records of pest detections and pest detection practices to APHIS, and

APHIS would have to review and approve of these practices before the place of production could export citrus to the United States. This provision is modeled on an existing provision for the importation of sand pears and fragrant pears (*Pyrus* sp. nr. *communis*) from China, and serves a dual purpose: It not only provides for the NPPO of China to inspect the place of production for quarantine pests in a manner that APHIS believes to be sufficiently rigorous, but also affords the NPPO the opportunity to determine whether the place of production has continually maintained any phytosanitary measures specified for it by the operational workplan.

Proposed paragraph (b)(7) of § 319.56–70 would provide that, if APHIS or the NPPO of China determines that a registered place of production has failed to follow the requirements of the regulations, the place of production would be excluded from the export program for pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit to the continental United States until APHIS and the NPPO of China jointly agree that the place of production has taken appropriate remedial measures to address plant pest risk.

Packinghouse Requirements

Proposed paragraph (c) of § 319.56–70 would set forth requirements for mitigation measures that would have to take place at registered packinghouses.

Proposed paragraph (c)(1) of § 319.56–70 would require the fruit to be washed, brushed, surface disinfected for *X. citri* and *P. citricarpa* in accordance with the operational workplan, treated with an APHIS-approved fungicide, and waxed. Section 301.75–7 requires citrus fruit from areas quarantined for *X. citri* to be treated at packinghouses for *X. citri.* Additionally, the March 2012 Federal Order for the interstate movement of citrus fruit from areas of the United States that are quarantined for *P. citricarpa* requires fruit from such areas to be washed, brushed, disinfected, treated for *P. citricarpa,* and waxed at packinghouseses. Accordingly, this requirement would be generally consistent with our own domestic requirements.

Because of the close similarity between *P. citricarpa* and *P. citrichinaensis* and *P. citriasiana,* we have determined that the measures would also mitigate for those two pests. Finally, because *B. junicus, C. pulcher, T. knorri, R. citrifrugis,* and *D. citri* are all external feeders, washing and brushing should remove them from the surface of the fruit, as well.

Proposed paragraph (c)(2) of § 319.56–70 would require the NPPO of China or officials authorized by the NPPO of China to visually inspect a biometric sample of each consignment for quarantine pests. As we mentioned earlier, *B. junicus, C. pulcher, T. knorri, R. citrifrugis,* and *D. citri* are all external feeders. Thus, visual inspection should be able to detect any fruit that are infested with those pests.

A portion of the citrus fruit would then have to be cut open and inspected for evidence of quarantine pests. (Cutting the fruit open would allow inspectors to determine whether the fruit are infested with fruit fly larvae.) If any evidence of quarantine pests is found, the entire consignment would be prohibited from export to the continental United States.

Proposed paragraph (c)(3) of § 319.56–70 would provide that, if APHIS or the NPPO of China determines that a registered packinghouse has failed to follow the requirements of the regulations, the packinghouse would be excluded from the export program for pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit to the continental United States until APHIS and the NPPO of China jointly agree that the packinghouse has taken appropriate remedial measures to address plant pest risk.

Port of First Arrival Requirements

Proposed paragraph (d) of § 319.56–70 would provide that, if *B. junicus, C. pulcher, T. knorri, R. citrifrugis, B. correcta, B. cucurbitae, B. dorsalis, B. minax, B. occipitalis, B. pedestris, B. tau, B. tsuneonis, D. citri, O. furnacalis, X. citri, P. citricarpa, P. citrichinaensis,* or *P. citriasiana* is discovered on pomelo, mandarin orange, ponkan, sweet orange, or Satsuma mandarin fruit from China at the port of first arrival in the continental United States, the entire lot in which the quarantine pest was detected would be subject to appropriate remedial measures to address this risk. These measures could include prohibiting the lot from entering the continental United States, and ordering it instead to be re-exported or destroyed. APHIS and the NPPO of China will then initiate traceback of the lot to determine the source of the infestation. Depending on the results of this traceback, the place of production of the fruit and/or the packinghouse in which it was packed could be excluded from the export program for pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit to the continental United States until APHIS and the NPPO of China jointly agree that the place of production and/or packinghouse has taken appropriate remedial measures to address plant pest risk. Depending on the nature of the pest, and the density of the infection or infestation, we may also suspend the entire export program until all appropriate measures have been taken.

Executive Orders 12866 and 13563 and Regulatory Flexibility Act

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis, which is summarized below, regarding the economic effects of this proposed rule on small entities. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).

Based on the information we have, there is no reason to conclude that adoption of this proposed rule would result in any significant economic effect on a substantial number of small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

The proposed rule would amend the current regulations to allow the importation of *Citrus sinensis* (sweet orange), *Citrus poonensis* (ponkan), *Citrus grandis cv.guanximiyou* (pomelo), *Citrus kinokuni* (mandarin orange), and *Citrus unshiu* (Satsuma mandarin) into the continental United States. A systems approach to pest risk mitigation would provide an appropriate level of phytosanitary protection against the pests of quarantine concern.

Citrus imports from China would compete with domestically produced fresh citrus and current U.S. imports. The quantity of oranges imported from China is likely to be relatively small. The majority of China's fresh orange exports, mostly navel oranges, go mainly to Russia and to neighboring countries in Asia. China's fresh orange exports to North America, mainly to Canada, are very limited, ranging from 100 to 300 metric tons (MT) per year. The United States is a net exporter of fresh oranges. An increase in orange

imports of 300 MT per year would be equivalent to about one-fourth of 1 percent of fresh orange imports from all sources in the 2012/2013 season.

As with oranges, the bulk of China's tangerine and mandarin variety exports are to Russia and to neighboring Asian countries. Even though demand for fresh oranges has remained relatively flat in recent years, U.S. consumption of tangerine and mandarin varieties has been growing at a rate of about 9 percent per year and the United States is now a net importer of those varieties. Imports of fresh tangerine and mandarin varieties from China would help meet the growing demand for these citrus species, and the quantity could match the nearly 4.5 percent annual increase in imports (about 6,300 MT) that has occurred over the past 5 years. We expect that imports of pomelo and ponkan from China would be relatively minor, helping to serve the U.S. niche markets for these species.

The extent to which imports from China would result in greater competition for U.S. producers would depend on relative prices, the varieties shipped, seasonality, the qualitative attributes of the imported citrus, and the extent to which the citrus imported from China would displace imports from other countries. Importers and distributors of fresh citrus from China would also benefit from the proposed rule as it would provide them with new business opportunities.

We have identified industries that could be affected by the proposed rule based on the North American Industry Classification System. Based on Small Business Administration size standards, small entities are prominent in those industries for which information on business size composition is available.

Executive Order 12988

This proposed rule would allow fresh pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit to be imported into the continental United States from China, subject to a systems approach. If this proposed rule is adopted, State and local laws and regulations regarding fresh pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit imported under this rule would be preempted while the fruit is in foreign commerce. Fresh pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit are generally imported for immediate distribution and sale to the consuming public and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. APHIS–2014–0005. Please send a copy of your comments to: (1) Docket No. APHIS–2014–0005, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, Room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

APHIS is proposing to amend the fruits and vegetables regulations to allow the importation of fresh pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit from China into the continental United States. As a condition of entry, pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit from China would have to be produced in accordance with a systems approach. This action would allow for the importation of fresh pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit from China into the United States while providing protection against the introduction of quarantine pests.

Allowing fresh pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit to be imported into the continental United States from China will require information collection activities, including phytosanitary certificates, producer and packinghouse registration, recordkeeping, inspection of registered places of production, lot identification, and an operational workplan.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, 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 information collection on those who are to respond (such as 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).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 1.5 hours per response.

Respondents: NPPO of China, producers, and importers.

Estimated annual number of respondents: 136.

Estimated annual number of responses per respondent: 2.058.

Estimated annual number of responses: 280.

Estimated total annual burden on respondents: 420 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.)

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the EGovernment Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this proposed rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we propose to amend 7 CFR part 319 as follows:

PART 319–FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 2. Section 319.56–70 is added to read as follows:

§ 319.56–70 Fresh citrus from China.

Fresh pomelo (*Citrus grandis* (L.) Osbeck cv. *Guanximiyou*), mandarin orange (*Citrus kinokuni* Hort. ex Tanaka), ponkan (*Citrus poonensis* Hort. ex Tanaka), sweet orange (*Citrus sinensis* (L.) Osbeck), and Satsuma mandarin (*Citrus unshiu* Marcov.) fruit may be imported into the continental United States from China only under the conditions described in this section. These conditions are designed to prevent the introduction of the following quarantine pests: *Brevipalpus junicus,* a mite; *Cenopalpus pulcher,* a mite; *Tuckerella knorri,* a mite; *Resseliella citrifrugis,* a leaf miner; *Bactrocera correcta,* guava fruit fly; *Bactrocera cucurbitae,* melon fruit fly; *Bactrocera dorsalis,* oriental fruit fly; *Bactrocera minax,* Chinese citrus fruit fly; *Bactrocera occipitalis,* Pacific fruit fly; *Bactrocera pedestris,* a fruit fly; *Bactrocera tau,* a complex of fruit flies; *Bactrocera tsuneonis,* Japanese orange fly; *Diaphorina citri,* Asian citrus psyllid; *Ostrinia furnacalis,* Asian corn borer; *Xanthomonas citri,* a complex of bacteria that cause citrus canker; *Phyllosticta citricarpa,* the fungus that causes citrus black spot; *Phyllosticta citrichinaensis,* a fungus; and *Phyllosticta citriasiana,* a fungus.

(a) *General requirements*—(1) *Operational workplan.* The national plant protection organization (NPPO) of China must provide an operational workplan to APHIS that details the activities that the NPPO of China and places of production and packinghouses registered with the NPPO of China will, subject to APHIS' approval of the workplan, carry out to meet the requirements of this section. The operational workplan must include and describe the specific requirements as set forth in this section. APHIS will be directly involved with the NPPO of China in monitoring and auditing implementation of the systems approach.

(2) *Registered places of production.* The pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit considered for export to the continental United States must be grown by places of production that are registered with the NPPO of China.

(3) *Registered packinghouses.* The fresh pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit must be packed for export to the continental United States in packinghouses that are registered with the NPPO of China.

(4) *Recordkeeping.* The NPPO of China must maintain all forms and documents pertaining to registered places of production and packinghouses for at least 1 year and, as requested, provide them to APHIS for review.

(5) *Commercial consignments.* Pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit from China may be imported to the continental United States in commercial consignments only. For purposes of this section, fruit in a commercial consignment must be practically free of leaves, twigs, and other plant parts, except for stems less than 1 inch long and attached to the fruit.

(6) *Identification.* The identity of each lot of pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit from China destined for export to the United States must be maintained throughout the export process, from the place of production to the arrival at the port of entry in the continental United States. The means of identification that allows the lot to be traced back to its place of production must be authorized by the operational workplan.

(7) *Safeguarding.* Lots of pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit destined for export to the United States must be safeguarded during movement from registered places of production to registered packinghouses as specified by the operational workplan.

(8) *Treatment for fruit flies.* Pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit from China destined for export to the continental United States must be treated for *B. correcta, B. dorsalis, B. cucurbitae, B. occipitalis, B. pedestris, B. tau,* and *B. tsuneonis* in accordance with part 305 of this chapter.

(9) *Phytosanitary certificate.* Each consignment of pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit imported from China into the continental United States must be accompanied by a phytosanitary certificate issued by the NPPO of China stating that the requirements of this section have been met and the consignment has been inspected and found free of quarantine pests.

(b) *Place of production requirements.* (1) All propagative material entering a registered place of production must be tested and certified by the NPPO of China as being free of quarantine pests.

(2) Places of production must remove plant litter and fallen debris from groves in accordance with the operational workplan. Fallen fruit may not be included in field containers of fruit brought to the packinghouse to be packed for export.

(3) Places of production must trap for *Bactrocera* spp. in accordance with the operational workplan.

(4) Places of production must carry out any additional grove sanitation and phytosanitary measures specified for the place of production by the operational workplan.

(5) When any pomelo, mandarin orange, ponkan, sweet orange, or Satsuma mandarin fruit destined for export to the continental United States are still on the tree and are no more than 2 cm in diameter, double-layered paper bags must be placed wholly over the fruit. This bagging must be monitored by the NPPO of China. The bags must remain intact and on the fruit until it arrives at the packinghouse.

(6) The NPPO of China must visit and inspect registered places of production regularly throughout the exporting season for signs of infestations. The NPPO of China must allow APHIS to monitor these inspections. The NPPO of China must also provide records of pest detections and pest detection practices to APHIS. Before any place of production may export citrus to the continental United States pursuant to this section, APHIS must review and approve of these practices.

(7) If APHIS or the NPPO of China determines that a registered place of production has failed to follow the requirements in paragraph (b) of this section, the place of production will be excluded from the export program for pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit to the continental United States until APHIS and the NPPO of China jointly agree that the place of production has taken appropriate remedial measures to address plant pest risk.

(c) *Packinghouse requirements.* (1) Prior to packing, the fruit must be washed, brushed, and surface disinfected for *X. citri* and *P. citricarpa* in accordance with the operational workplan, treated with an APHIS-approved fungicide, and waxed.

(2) After treatment, the NPPO of China or officials authorized by the NPPO of China must visually inspect a biometric sample of each consignment for quarantine pests. A portion of the fruit must then be cut open and inspected for evidence of quarantine

pests. If any evidence of quarantine pests is found, the entire consignment will be prohibited from export to the continental United States.

(3) If APHIS or the NPPO of China determines that a registered packinghouse has failed to follow the requirements in this paragraph (c), the packinghouse will be excluded from the export program for pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit to the continental United States until APHIS and the NPPO of China jointly agree that the packinghouse has taken appropriate remedial measures to address plant pest risk.

(d) *Port of first arrival requirements.* If any quarantine pest listed in the introduction to this section is discovered on pomelo, mandarin orange, ponkan, sweet orange, or Satsuma mandarin fruit from China at the port of first arrival in the continental United States, the entire lot in which the quarantine pest was detected will be subject to appropriate remedial measures to address this risk, and may be denied entry into the continental United States. APHIS and the NPPO of China will initiate traceback of the lot to determine the source of the infestation. Depending on the results of this traceback, the place of production of the fruit and/or the packinghouse in which it was packed may be excluded from the export program for pomelo, mandarin orange, ponkan, sweet orange, and Satsuma mandarin fruit to the continental United States until APHIS and the NPPO of China jointly agree that the place of production and/or packinghouse has taken appropriate remedial measures to address plant pest risk.

Done in Washington, DC, this 22nd day of August 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–20493 Filed 8–27–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2014–0015]

RIN 0579–AD95

Importation of Fresh Citrus Fruit From the Republic of South Africa Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the fruits and vegetables regulations to allow the importation of several varieties of fresh citrus fruit, as well as *Citrus* hybrids, into the continental United States from areas in the Republic of South Africa where citrus black spot has been known to occur. As a condition of entry, the fruit would have to be produced in accordance with a systems approach that would include shipment traceability, packinghouse registration and procedures, and phytosanitary treatment. The fruit would also be required to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the national plant protection organization of the Republic of South Africa with an additional declaration confirming that the fruit has been produced in accordance with the systems approach. This action would allow for the importation of fresh citrus fruit, including *Citrus* hybrids, from the Republic of South Africa while continuing to provide protection against the introduction of plant pests into the United States.

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-2014-0015.*
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2014–0015, 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-2014-0015* 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: Mr. Marc Phillips, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 156, Riverdale, MD 20737; (301) 851–2114.

SUPPLEMENTARY INFORMATION:

Background

The regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–69, referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States. Currently, the regulations allow for the importation of citrus fruit from the Republic of South Africa from an area designated free of citrus black spot (*Guignardia citricarpa,* CBS) [1] provided the shipment has undergone cold treatment in accordance with the Plant Protection and Quarantine (PPQ) Treatment Manual to mitigate against infestation by the false codling moth (*Thaumatotibia leucotreta*), fruit flies of the genera *Ceratitis* and *Pterandrus,* and *Bactrocera invadens,* and is accompanied by a permit and subjected to inspection, shipping, and packinghouse procedures.

The national plant protection organization (NPPO) of the Republic of South Africa has requested that the Animal and Plant Health Inspection Service (APHIS) amend the regulations in order to allow grapefruit (*Citrus paradisi* Macfad.), sweet oranges (*C. sinensis* (L.) Osbeck), mandarins (*C. reticulata*), lemons (*C. limon*), and tangelos (*C. paradisi* x *C. reticulata*) to be imported from areas where CBS has been known to occur into the continental United States. (Hereafter we refer to these species as ''citrus fruit.'') As part of our evaluation of the Republic of South Africa's request, we prepared a commodity import evaluation document (CIED). Copies of the CIED may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT** or viewed on the Regulations.gov Web site or in our reading room (see **ADDRESSES** above for a link to Regulations.gov and

[1] A list of pest-free areas currently recognized by APHIS can be found at *http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/DesignatedPestFreeAreas.pdf.*

information on the location and hours of the reading room).

Domestically, CBS has been found to be present in certain areas in the State of Florida. The requirements for interstate movement of regulated articles from those areas are stipulated in a Federal Order issued on March 16, 2012.[2] The requirements of the Federal Order parallel the intrastate movement and quarantine requirements set out by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry. We have determined that the CBS status of the Republic of South Africa is identical to the CBS status of infested areas in the State of Florida and therefore the same phytosanitary standards and practices should apply.

The CIED we prepared in response to the Republic of South Africa's market access request, titled ''South Africa Citrus: access using U.S. domestic requirements for Citrus Black Spot.'' (July 20, 2012), affirms that phytosanitary measures that are the same or equivalent to the interstate movement requirements established by APHIS could be applied to mitigate the risks of introducing or disseminating CBS via the importation of citrus fruit from areas in the Republic of South Africa where CBS is known to occur. Since these areas are not designated as being free of CBS, we have determined that measures beyond standard port-of-arrival inspections are required to mitigate the risks posed by CBS. Therefore, we are proposing to allow the importation of citrus fruit from these areas in the Republic of South Africa into the continental United States only if it is produced under a systems approach, which is described below. Citrus from the Republic of South Africa that is produced in one of the areas designated free of CBS would continue to be allowed entry under the current requirements.

We are proposing to add the systems approach to the regulations in a new § 319.56–70.

Commercial Consignments

Paragraph (a) of proposed § 319.56–70 would state that only commercial consignments of citrus fruit from areas in the Republic of South Africa where CBS is known to occur would be allowed to be imported into the continental United States. Produce grown commercially is less likely to be infested with plant pests than noncommercial consignments. Noncommercial consignments are more prone to infestations because the commodity is often ripe to overripe, could be of a variety with unknown susceptibility to pests, and is often grown with little or no pest control. Commercial consignments, as defined in § 319.56–2, are consignments that an inspector identifies as having been imported for sale and distribution. Such identification is based on a variety of indicators, including, but not limited to: Quantity of produce, type of packing, identification of grower or packinghouse on the packaging, and documents consigning the fruits or vegetables to a wholesaler or retailer.

General Requirements

Paragraph (b) of proposed § 319.56–70 would set out general requirements for the South African NPPO and for growers and packers producing citrus fruit for export to the United States.

The South African NPPO would be required to provide an operational workplan to APHIS that details the activities that the South African NPPO will, subject to APHIS' approval of the workplan, carry out to meet the proposed requirements. An operational workplan is an agreement between APHIS' PPQ program, officials of the NPPO of a foreign government, and, when necessary, foreign commercial entities that specifies in detail the phytosanitary measures that will comply with our regulations governing the import or export of a specific commodity. Operational workplans apply only to the signatory parties and establish detailed procedures and guidance for the day-to-day operations of specific import/export programs. Operational workplans also establish how specific phytosanitary issues are dealt with in the exporting country and make clear who is responsible for dealing with those issues. The implementation of a systems approach typically requires an operational workplan to be developed. APHIS would be directly involved with the South African NPPO in monitoring and auditing implementation of the systems approach.

In addition, the fruit would have to be packed for export to the United States in a packinghouse that meets the requirements for safeguarding, culling, and treatment that are described below. Maintaining the identity of the fruit would allow for the use of the traceback procedures described below.

Finally, all shipments would be required to undergo cold treatment in accordance with our phytosanitary treatment regulations in 7 CFR part 305 to mitigate against infestation by the false codling moth (*Thaumatotibia leucotreta*), fruit flies of the genera *Ceratitis* and *Pterandrus,* and *Bactrocera invadens.*

Packinghouse Requirements

We are proposing several requirements for packinghouse activities, which would be contained in paragraph (c) of proposed § 319.56–70. All packinghouses that participate in the export program would have to be registered with the South African NPPO. Packinghouses that are registered with the South African NPPO would be required to have in place general sanitation procedures and programs for training packinghouse workers to cull fruit with evidence of pest damage, among other things. If issues should arise, registration would also allow for the traceback of a box of fruit to its packinghouse, via the box markings detailed in the operational workplan, and would allow APHIS and the South African NPPO to determine what remedial actions are necessary.

Any symptomatic or damaged fruit would have to be removed from the commodity destined for export to the United States. Fruit would be required to be practically free of leaves, twigs, and other plant parts, except for stems that are less than 1 inch long and attached to the fruit. These are standard practices in packing commercial fruit that have been shown to effectively remove high proportions of fruit with visible pest damage or disease symptoms.

Citrus fruit would have to be prepared for shipping using packinghouse procedures that include washing, brushing, surface disinfection, treatment with an APHIS-approved fungicide in accordance with label instructions, and waxing.

Phytosanitary Certificate

To certify that citrus fruit from the Republic of South Africa has been grown and packed in accordance with the requirements of proposed § 319.56–70, paragraph (d) would require each consignment of citrus fruit to be accompanied by a phytosanitary certificate of inspection issued by the South African NPPO stating that the fruit in the consignment is free of all quarantine pests and has been produced in accordance with the requirements of the systems approach.

Executive Order 12866 and Regulatory Flexibility Act

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

[2] The Federal Order is available on the Internet at *http://www.aphis.usda.gov/plant_health/plant_pest_info/citrus/downloads/black_spot/DA-2012-09-federalorder.pdf.*

therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis, which is summarized below, regarding the economic effects of this proposed rule on small entities. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).

Based on the information we have, there is no reason to conclude that adoption of this proposed rule would result in any significant economic effect on a substantial number of small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

The proposed rule would allow the importation of five citrus species from CBS-affected areas of the Republic of South Africa. Importation would require a systems approach to pest risk mitigation, equivalent to U.S. requirements that govern the interstate movement of citrus from domestic CBS-affected areas, in addition to cold treatment. Because CBS is present in most citrus-producing areas in the Republic of South Africa, this action would greatly expand the area where citrus may be grown and shipped to the continental United States.

Changes in imports of South African citrus and impacts for U.S. producers and consumers would depend on a variety of factors. Additional imports would compete with U.S. domestic production as well as with citrus imports from other countries, particularly ones also located in the Southern Hemisphere that have export seasons similar to those of the Republic of South Africa. The extent to which the United States may become a more prominent export destination for South African citrus could also be influenced by the Republic of South Africa's export prospects elsewhere, particularly to the European Union (EU). The EU is an important market for South African citrus, but imports were recently suspended for one growing season due to concerns over CBS. While the suspension was temporary, future EU restrictions are possible. On the demand side, consumers base their purchasing decisions for fresh citrus on the price and a number of qualitative attributes such as variety, flavor, juiciness, ease of peeling, appearance, freshness, perceived health benefits, production method, and product origin.

Consumers would benefit from additional fresh citrus imported from the Republic of South Africa, and importers and distributors of South African fresh citrus would also benefit from new business opportunities. U.S. producers would face increased competition from the additional imports. For all affected entities, effects can be expected to vary by citrus species.

The U.S. import market for oranges has been expanding, even though per capita consumption of oranges has remained relatively constant. As with other citrus, the peak U.S. demand for imported oranges occurs as the U.S. production and marketing season is ending, and corresponds to the Republic of South Africa's peak in orange exports to the world. Strong competition from domestically produced Valencia oranges is likely to limit additional imports of this variety from the Republic of South Africa, whereas we expect there may be better opportunities for increased navel orange imports.

South African exporters may find opportunities to expand sales of fresh grapefruit to the United States with publication of this rule. Less than 4 percent of grapefruit production areas in the Republic of South Africa are considered to be CBS-free and therefore currently eligible to send citrus to the United States. However, U.S. per capita consumption has been relatively flat over the last decade, and imports represent a small proportion of the overall domestic supply of grapefruit. South African exporters would be constrained to some extent by the same market-clearing price faced by all suppliers, although fresh grapefruit from the Republic of South Africa have generally commanded a price premium relative to imports from other sources.

A significant portion of the Republic of South Africa's tangelo and mandarin varieties is grown in areas that are CBS-free and already eligible for importation by the United States. Therefore, any increase in tangerine and mandarin imports as a result of the proposed rule is likely to be limited. U.S. per capita consumption of tangerines has increased over the last decade, as have imports.

No lemons from the Republic of South Africa are currently imported into the United States, even though lemons grown in CBS-free areas are eligible. All citrus imported from the Republic of South Africa must be cold treated, and lemons do not survive this cold treatment in a marketable condition. Therefore, no new lemon imports are expected as a result of this proposed rule.

We use a non-spatial, net trade, partial equilibrium model to assess benefits and costs of the proposed rule quantitatively. As a measure of the sensitivity of possible impacts, we assume three annual import volumes for each of the three species of citrus expected to be affected by the rule: Fresh oranges, fresh tangerine and mandarin varieties,[3] and fresh grapefruit. In all cases, we find that consumer welfare gains would outweigh producer welfare losses, yielding small positive net welfare impacts. Modeled net economic gains for the United States due to the additional citrus imports from the Republic of South Africa range from about $40,000 to $130,000 for fresh oranges, from about $240,000 to $740,000 for fresh tangerine and mandarin varieties, and from about $21,000 to $42,000 for fresh grapefruit.

We have identified industries that could be affected by the proposed rule based on the North American Industry Classification System. Based on Small Business Administration size standards, small entities are prominent in those industries for which information on business size composition is available.

Executive Order 12988

This proposed rule would allow fresh citrus fruit to be imported into the continental United States from areas in the Republic of South Africa where citrus black spot has been known to occur. If this proposed rule is adopted, State and local laws and regulations regarding fresh citrus fruit imported under this rule would be preempted while the fruit is in foreign commerce. Fresh fruits are generally imported for immediate distribution and sale to the consuming public and would remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. If this proposed rule is adopted, no retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping

[3] Including tangelos, clementines and similar citrus hybrids.

requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. APHIS–2014–0015. Please send a copy of your comments to: (1) APHIS, using one of the methods described under **ADDRESSES** at the beginning of this document, and (2) Clearance Officer, OCIO, USDA, Room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

APHIS is proposing to amend the fruits and vegetables regulations to allow the importation of several varieties of fresh citrus fruit, as well as *Citrus* hybrids, into the continental United States from areas in the Republic of South Africa where citrus black spot has been known to occur. As a condition of entry, the fruit would have to be produced in accordance with a systems approach that would include requirements for shipment traceability, packinghouse registration, and phytosanitary treatment. The fruit would also be required to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the national plant protection organization of the Republic of South Africa with an additional declaration confirming that the fruit has been produced in accordance with the systems approach. This action would allow for the importation of fresh citrus fruit, including *Citrus* hybrids, from the Republic of South Africa while continuing to provide protection against the introduction of plant pests into the United States.

Allowing the importation of fresh citrus into the United States from the Republic of South Africa will require an operational workplan, packinghouse registrations, and phytosanitary certificates with an additional declaration.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, 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 information collection on those who are to respond (such as 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).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 0.77 hours per response.

Respondents: NPPO of the Republic of South Africa, producers, and exporters.

Estimated annual number of respondents: 56.

Estimated annual number of responses per respondent: 5.19.

Estimated annual number of responses: 291.

Estimated total annual burden on respondents: 225 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.)

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this proposed rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we propose to amend 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 2. Add § 319.56–70 to read as follows:

§ 319.56–70 Citrus fruit from the Republic of South Africa.

Grapefruit (*Citrus paradisi* Macfad.), sweet oranges (*C. sinensis* (L.) Osbeck), mandarins (*C. reticulata*), lemons (*C. limon*), and tangelos (*C. paradisi* x *C. reticulata*) may be imported from areas in the Republic of South Africa where citrus black spot (*Guignardia citricarpa*) is known to occur into the continental United States only under the conditions described in this section. These species are referred to collectively in this section as ''citrus fruit.'' These conditions are designed to prevent the introduction of citrus black spot.

(a) *Commercial consignments.* Citrus fruit from the Republic of South Africa may be imported in commercial consignments only.

(b) *General requirements.* (1) The national plant protection organization (NPPO) of the Republic of South Africa must provide an operational workplan to APHIS that details the activities that the South African NPPO will, subject to APHIS' approval of the workplan, carry out to meet the requirements of this section. APHIS will be directly involved with the South African NPPO in monitoring and auditing implementation of the systems approach.

(2) The fruit must be packed for export to the United States in a packinghouse that meets the requirements of paragraph (c) of this section.

(3) The fruit must be cold treated in accordance with part 305 of this chapter to mitigate against infestation by the false codling moth (*Thaumatotibia leucotreta*), fruit flies of the genera *Ceratitis* and *Pterandrus,* and *Bactrocera invadens.*

(c) *Packinghouse procedures.* (1) All packinghouses that participate in the export program must be registered with the South African NPPO.

(2) Culling must be performed in the packinghouse to remove any symptomatic or damaged fruit. Fruit must be practically free of leaves, twigs, and other plant parts, except for stems that are less than 1 inch long and attached to the fruit.

(3) Fruit must be washed, brushed, surface disinfected, treated with an APHIS-approved fungicide in accordance with label instructions, and waxed.

(d) *Phytosanitary certificate.* Each consignment of citrus fruit must be accompanied by a phytosanitary certificate of inspection issued by the South African NPPO stating that the fruit in the consignment is free of all

quarantine pests and has been produced in accordance with the requirements of the systems approach in 7 CFR 319.56–70.

Done in Washington, DC, this 22nd day of August 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–20494 Filed 8–27–14; 8:45 am]

BILLING CODE 3410–34–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2014–0500; FRL–9915–90–Region 7]

Approval and Promulgation of Implementation Plans; State of Kansas; Infrastructure SIP Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve elements of a State Implementation Plan (SIP) submission from the State of Kansas addressing the applicable requirements of Clean Air Act (CAA) section 110 for the 2010 National Ambient Air Quality Standards (NAAQS) for Nitrogen Dioxide (NO_2). Section 110 requires that each state adopt and submit a SIP to support implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as ''infrastructure'' SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: Comments must be received on or before September 29, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2014–0500, by one of the following methods:

1. *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
2. *Email: kemp.lachala@epa.gov.*
3. *Mail:* Ms. Lachala Kemp, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.
4. *Hand Delivery or Courier:* Deliver your comments to Ms. Lachala Kemp, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2014–0500. 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 through *http://www.regulations.gov* or email information that you consider to be CBI or otherwise protected. 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 should be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., 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 at *http://www.regulations.gov* or in hard copy at U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219 from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Ms. Lachala Kemp, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219; *telephone number:* (913) 551–7214; *fax number:* (913) 551–7065; *email address: kemp.lachala@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we refer to EPA. This section provides additional information by addressing the following questions:

I. What is a section 110(a)(1) and (2) infrastructure SIP?
II. What are the applicable elements under sections 110(a)(1) and (2)?
III. What is EPA's approach to the review of infrastructure SIP submissions?
IV. What is EPA's evaluation of how the state addressed the relevant elements of sections 110(a)(1) and (2)?
V. What action is EPA proposing?
VI. Statutory and Executive Order Review

I. What is a section 110(a)(1) and (2) infrastructure SIP?

Section 110(a)(1) of the CAA requires, in part, that states make a SIP submission to EPA to implement, maintain and enforce each of the NAAQS promulgated by EPA after reasonable notice and public hearings. Section 110(a)(2) includes a list of specific elements that such infrastructure SIP submissions must address. SIPs meeting the requirements of sections 110(a)(1) and (2) are to be submitted by states within three years after promulgation of a new or revised NAAQS. These SIP submissions are commonly referred to as ''infrastructure'' SIPs.

II. What are the applicable elements under sections 110(a)(1) and (2)?

On February 9, 2010, EPA established a new 1-hour primary NO_2 NAAQS (hereafter the 2010 NO_2 NAAQS) at a level of 100 parts per billion (ppb), based on the 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. (75 FR 6473)

For the 2010 NO_2 NAAQS, states typically have met many of the basic program elements required in section 110(a)(2) through earlier SIP submissions in connection with previous NAAQS. Nevertheless, pursuant to section 110(a)(1), states have to review and revise, as appropriate, their existing SIPs to ensure that the SIPs are adequate to address the 2010 NO_2 NAAQS. To assist

states in meeting this statutory requirement, EPA issued guidance on September 13, 2013 (2013 Guidance), addressing the infrastructure SIP elements required under section 110 (a)(1) and (2) for the 2010 NO_2 NAAQS.[1] EPA will address these elements below under the following headings: (A) Emission limits and other control measures; (B) Ambient air quality monitoring/data system; (C) Program for enforcement of control measures (prevention of significant deterioration) (PSD)), New Source Review for nonattainment areas, and construction and modification of all stationary sources); (D) Interstate and international transport; (E) Adequate authority, resources, implementation, and oversight; (F) Stationary source monitoring system; (G) Emergency authority; (H) Future SIP revisions; (I) Nonattainment areas; (J) Consultation with government officials, public notification, prevention of significant deterioration (PSD), and visibility protection; (K) Air quality and modeling/data; (L) Permitting fees; and (M) Consultation/participation by affected local entities.

III. What is EPA's approach to the review of infrastructure SIP submissions?

EPA is acting upon the March 19, 2013, and May 9, 2013, SIP submissions from Kansas that address the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 2010 NO_2 NAAQS. The requirement for states to make a SIP submission of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' and these SIP submissions are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must address.

EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Although the term ''infrastructure SIP'' does not appear in the CAA, EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as ''nonattainment SIP'' or ''attainment plan SIP'' submissions to address the nonattainment planning requirements of part D of title I of the CAA, ''regional haze SIP'' submissions required by EPA rule to address the visibility protection requirements of CAA section 169A, and nonattainment new source review permit program submissions to address the permit requirements of CAA, title I, part D.

Section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submissions, and section 110(a)(2) provides more details concerning the required contents of these submissions. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.[2] EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, EPA believes that the list of required elements for infrastructure SIP submissions provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submission.

The following examples of ambiguities illustrate the need for EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submissions for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that ''each'' SIP submission must meet the list of requirements therein, while EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of title I of the Act, which specifically address nonattainment SIP requirements.[3] Section 110(a)(2)(I) pertains to nonattainment SIP requirements and part D addresses when attainment plan SIP submissions to address nonattainment area requirements are due. For example, section 172(b) requires EPA to establish a schedule for submission of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years, or in some cases three years, for such designations to be promulgated.[4] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submission.

Another example of ambiguity within sections 110(a)(1) and 110(a)(2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit ''a plan'' to meet these requirements, EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the infrastructure SIP requirements, EPA can elect to act on such submissions either individually or in a larger combined action.[5]

[1] Stephen D. Page, Director, Air Quality Policy Division, Office of Air Quality Planning and Standards, ''Guidance on Infrastructure State Implementation Plan (SIP) Elements Under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' Memorandum to EPA Regional Air Division Directors, Regions I–X, September 13, 2013.

[2] For example: Section 110(a)(2)(E)(i) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; section 110(a)(2)(C) provides that states must have a SIP-approved program to address certain sources as required by part C of title I of the CAA; and section 110(a)(2)(G) provides that states must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

[3] See, e.g., ''Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NO_X SIP Call; Final Rule,'' 70 FR 25162, at 25163–65 (May 12, 2005) (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[4] EPA notes that this ambiguity within section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submission of certain types of SIP submissions in designated nonattainment areas for various pollutants. Note, e.g., that section 182(a)(1) provides specific dates for submission of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

[5] See, e.g., ''Approval and Promulgation of Implementation Plans; New Mexico; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) Permitting,'' 78 FR 4339 (January 22, 2013) (EPA's final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of EPA's 2008 $PM_{2.5}$ NSR rule), and ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport

Similarly, EPA interprets the CAA to allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submission for a given NAAQS without concurrent action on the entire submission. For example, EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submission.[6]

Ambiguities within sections 110(a)(1) and 110(a)(2) may also arise with respect to infrastructure SIP submission requirements for different NAAQS. Thus, EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submissions for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submission for purposes of section 110(a)(2)(B) could be very different for different pollutants, for example because the content and scope of a state's infrastructure SIP submission to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[7]

EPA notes that interpretation of section 110(a)(2) is also necessary when EPA reviews other types of SIP submissions required under the CAA. Therefore, as with infrastructure SIP submissions, EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submissions. For example, section 172(c)(7) requires that attainment plan SIP submissions required by part D have to meet the ''applicable requirements'' of section 110(a)(2). Thus, for example, attainment plan SIP submissions must meet the requirements of section 110(a)(2)(A) regarding enforceable emission limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submissions required by part D would not need to meet the portion of section 110(a)(2)(C) that pertains to the PSD program required in part C of title I of the CAA, because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements. As this example illustrates, each type of SIP submission may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of section 110(a)(1) and section 110(a)(2), EPA believes that it is appropriate to interpret the ambiguous portions of section 110(a)(1) and section 110(a)(2) in the context of acting on a particular SIP submission. In other words, EPA assumes that Congress could not have intended that each and every SIP submission, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, EPA has adopted an approach under which it reviews infrastructure SIP submissions against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

Historically, EPA has elected to use guidance documents to make recommendations to states for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submissions for particular elements.[8] EPA developed the 2013 Guidance document to provide states with up-to-date guidance for infrastructure SIPs for any new or revised NAAQS. Within the 2013 guidance, EPA describes the duty of states to make infrastructure SIP submissions to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. EPA also made recommendations about many specific subsections of section 110(a)(2) that are relevant in the context of infrastructure SIP submissions.[9] The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, EPA interprets sections 110(a)(1) and 110(a)(2) such that infrastructure SIP submissions need to address certain issues and need not address others. Accordingly, EPA reviews each infrastructure SIP submission for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.

As an example, section 110(a)(2)(E)(ii) is a required element of section 110(a)(2) for infrastructure SIP submissions. Under this element, a state must meet the substantive requirements of section 128, which pertain to state boards that approve permits or enforcement orders and heads of executive agencies with similar powers. Thus, EPA reviews infrastructure SIP submissions to ensure that the state's SIP appropriately addresses the requirements of section 110(a)(2)(E)(ii) and section 128. The 2013 Guidance explains EPA's interpretation that there may be a variety of ways by which states can appropriately address these substantive statutory requirements, depending on the structure of an individual state's permitting or enforcement program (*e.g.,* whether permits and enforcement orders are approved by a multi-member board or by a head of an executive agency). However they are addressed by the state, the substantive requirements of section 128 are necessarily included in EPA's evaluation of infrastructure SIP submissions because section 110(a)(2)(E)(ii) explicitly requires that the state satisfy the provisions of section 128.

As another example, EPA's review of infrastructure SIP submissions with respect to the PSD program requirements in sections 110(a)(2)(C), (D)(i)(II), and (J) focuses upon the structural PSD program requirements contained in part C and EPA's PSD regulations. Structural PSD program requirements include provisions necessary for the PSD program to address all regulated sources and New Source Review (NSR) pollutants,

Requirements for the 2006 $PM_{2.5}$ NAAQS,'' (78 FR 4337) (January 22, 2013) (EPA's final action on the infrastructure SIP for the 2006 $PM_{2.5}$ NAAQS).

[6] On December 14, 2007, the State of Tennessee, through the Tennessee Department of Environment and Conservation, made a SIP revision to EPA demonstrating that the State meets the requirements of sections 110(a)(1) and (2). EPA proposed action for infrastructure SIP elements (C) and (J) on January 23, 2012 (77 FR 3213) and took final action on March 14, 2012 (77 FR 14976). On April 16, 2012 (77 FR 22533) and July 23, 2012 (77 FR 42997), EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure SIP elements of Tennessee's December 14, 2007 submittal.

[7] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

[8] EPA notes, however, that nothing in the CAA requires EPA to provide guidance or to promulgate regulations for infrastructure SIP submissions. The CAA directly applies to states and requires the submission of infrastructure SIP submissions, regardless of whether or not EPA provides guidance or regulations pertaining to such submissions. EPA elects to issue such guidance in order to assist states, as appropriate.

[9] EPA's September 13, 2013, guidance did not make recommendations with respect to infrastructure SIP submissions to address section 110(a)(2)(D)(i)(I). EPA issued the guidance shortly after the U.S. Supreme Court agreed to review the D.C. Circuit decision in *EME Homer City,* 696 F.3d 7 (D.C. Cir. 2012) which had interpreted the requirements of section 110(a)(2)(D)(i)(I). In light of the uncertainty created by this litigation (which culminated in the Supreme Court's recent decision, 134 SCt. 1584), EPA elected not to provide additional guidance on the requirements of section 110(a)(2)(D)(i)(I) at that time. As the guidance is neither binding nor required by statute, whether EPA elects to provide guidance on a particular section has no impact on a state's CAA obligations.

including greenhouse gases (GHGs). By contrast, structural PSD program requirements do not include provisions that are not required under EPA's regulations at 40 CFR 51.166 but are merely available as an option for the state, such as the option to provide grandfathering of complete permit applications with respect to the 2012 $PM_{2.5}$ NAAQS. Accordingly, the latter optional provisions are types of provisions EPA considers irrelevant in the context of an infrastructure SIP action.

For other section 110(a)(2) elements, however, EPA's review of a state's infrastructure SIP submission focuses on assuring that the state's SIP meets basic structural requirements. For example, section 110(a)(2)(C) includes, *inter alia,* the requirement that states have a program to regulate minor new sources. Thus, EPA evaluates whether the state has an EPA-approved minor NSR program and whether the program addresses the pollutants relevant to that NAAQS. In the context of acting on an infrastructure SIP submission, however, EPA does not think it is necessary to conduct a review of each and every provision of a state's existing minor source program (*i.e.,* already in the existing SIP) for compliance with the requirements of the CAA and EPA's regulations that pertain to such programs.

With respect to certain other issues, EPA does not believe that an action on a state's infrastructure SIP submission is necessarily the appropriate type of action in which to address possible deficiencies in a state's existing SIP. These issues include: (i) Existing provisions related to excess emissions from sources during periods of startup, shutdown, or malfunction that may be contrary to the CAA and EPA's policies addressing such excess emissions (''SSM''); (ii) existing provisions related to ''director's variance'' or ''director's discretion'' that may be contrary to the CAA because they purport to allow revisions to SIP-approved emissions limits while limiting public process or not requiring further approval by EPA; and (iii) existing provisions for PSD programs that may be inconsistent with current requirements of EPA's ''Final NSR Improvement Rule,'' 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007) (''NSR Reform''). Thus, EPA believes it may approve an infrastructure SIP submission without scrutinizing the totality of the existing SIP for such potentially deficient provisions and may approve the submission even if it is aware of such existing provisions.[10] It is important to note that EPA's approval of a state's infrastructure SIP submission should not be construed as explicit or implicit re-approval of any existing potentially deficient provisions that relate to the three specific issues just described.

EPA's approach to review of infrastructure SIP submissions is to identify the CAA requirements that are logically applicable to that submission. EPA believes that this approach to the review of a particular infrastructure SIP submission is appropriate, because it would not be reasonable to read the general requirements of section 110(a)(1) and the list of elements in 110(a)(2) as requiring review of each and every provision of a state's existing SIP against all requirements in the CAA and EPA regulations merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for the purposes of ''implementation, maintenance, and enforcement'' of a new or revised NAAQS when EPA evaluates adequacy of the infrastructure SIP submission. EPA believes that a better approach is for states and EPA to focus attention on those elements of section 110(a)(2) of the CAA most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

For example, EPA's 2013 Guidance gives simpler recommendations with respect to carbon monoxide than other NAAQS pollutants to meet the visibility requirements of section 110(a)(2)(D)(i)(II), because carbon monoxide does not affect visibility. As a result, an infrastructure SIP submission for any future new or revised NAAQS for carbon monoxide need only state this fact in order to address the visibility prong of section 110(a)(2)(D)(i)(II).

Finally, EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of sections 110(a)(1) and 110(a)(2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes EPA to issue a ''SIP call'' whenever the Agency determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[11] Section 110(k)(6) authorizes EPA to correct errors in past actions, such as past approvals of SIP submissions.[12] Significantly, EPA's determination that an action on a state's infrastructure SIP submission is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude EPA's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on an infrastructure SIP submission, EPA believes that section 110(a)(2)(A) may be among the statutory bases that EPA relies upon in the course of addressing such deficiency in a subsequent action.[13]

IV. What is EPA's evaluation of how the state addressed the relevant elements of sections 110(a)(1) and (2)?

EPA Region 7 received Kansas' infrastructure SIP submission for the 2010 NO_2 standard on March 19, 2013,

[10] By contrast, EPA notes that if a state were to include a new provision in an infrastructure SIP submission that contained a legal deficiency, such as a new exemption for excess emissions during SSM events, then EPA would need to evaluate that provision for compliance against the rubric of applicable CAA requirements in the context of the action on the infrastructure SIP.

[11] For example, EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. See ''Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revisions,'' 74 FR 21639 (April 18, 2011).

[12] EPA has used this authority to correct errors in past actions on SIP submissions related to PSD programs. See ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule,'' 75 FR 82536 (December 30, 2010). EPA has previously used its authority under CAA section 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. See, e.g., 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062 (November 16, 2004) (corrections to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

[13] See, e.g., EPA's disapproval of a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). See, e.g., 75 FR 42342 at 42344 (July 21, 2010) (proposed disapproval of director's discretion provisions); 76 FR 4540 (January 26, 2011) (final disapproval of such provisions).

with a supplemental revision May 9, 2013. The SIP submissions became complete as a matter of law on September 19, 2013. EPA has reviewed Kansas' infrastructure SIP submissions and the applicable statutory and regulatory authorities and provisions referenced in those submissions or referenced in Kansas' SIP. Below is EPA's evaluation of how the state addressed the relevant elements of section 110(a)(2) for the 2010 NO_2 NAAQS.

(A) Emission limits and other control measures: Section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance and other related matters as needed to implement, maintain and enforce each NAAQS.[14]

The State of Kansas' statutes and regulations authorize the Kansas Department of Health and Environment (KDHE) to regulate air quality and implement air quality control regulations. KDHE's statutory authority can be found in chapter 65, article 30 of the Kansas Statutes Annotated (KSA), otherwise known as the Kansas Air Quality Act. KSA section 65–3003 places the responsibility for air quality conservation and control of air pollution with the Secretary of Health and Environment (''Secretary''). The Secretary in turn administers the Kansas Air Quality Act through the Division of Environment within KDHE. Air pollution is defined in KSA section 65–3002(c) as the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is, or tends significantly to be, injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property, or would contribute to the formation of regional haze.

KSA section 65–3005(a)(1) provides authority to the Secretary to adopt, amend and repeal rules and regulations implementing the Kansas Air Quality Act. It also gives the Secretary the authority to establish ambient air quality standards for the State of Kansas as a whole or for any part thereof. KSA section 65–3005(a)(12). The Secretary has the authority to promulgate rules and regulations to ensure that Kansas is in compliance with the provisions of the Act, in furtherance of a policy to implement laws and regulations consistent with those of the Federal government. KSA section 65–3005(b). The Secretary also has the authority to establish emission control requirements as appropriate to facilitate the accomplishment of the purposes of the Kansas Air Quality Act. KSA section 65–3010(a).

Based upon review of the state's infrastructure SIP submissions for the 2010 NO_2 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submissions or referenced in Kansas' SIP, EPA believes that the Kansas SIP adequately addresses the requirements of section 110(a)(2)(A) for the 2010 NO_2 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, SIP submissions.

(B) Ambient air quality monitoring/data system: Section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collection and analysis of ambient air quality data, and making these data available to EPA upon request.

To address this element, KSA section 65–3007 provides the enabling authority necessary for Kansas to fulfill the requirements of section 110(a)(2)(B). This provision gives the Secretary the authority to classify air contaminant sources which, in his or her judgment, may cause or contribute to air pollution. Furthermore, the Secretary has the authority to require such air contaminant sources to monitor emissions, operating parameters, ambient impacts of any source emissions, and any other parameters deemed necessary. The Secretary can also require these sources to keep records and make reports consistent with the Kansas Air Quality Act. KSA section 65–3007(b).

Kansas has an air quality monitoring network operated by KDHE and local air quality agencies that collects air quality data that are compiled, analyzed, and reported to EPA. KDHE's Web site contains up-to-date information about air quality monitoring, including a description of the network and information about the monitoring of NO_2. *See, generally, http://www.kdheks.gov/bar/air-monitor/indexMon.html.* KDHE also conducts five-year monitoring network assessments, including the NO_2 monitoring network, as required by 40 CFR 58.10(d). On December 3, 2013, EPA approved Kansas' 2013–2014 Ambient Air Monitoring Network Plan. This plan includes, among other things, the location for the NO_2 monitoring network in Kansas. Specifically, KDHE operates four nitrogen dioxide monitors in the state in accordance with the source-oriented nitrogen dioxide monitoring requirements of 40 CFR part 58, appendix D, paragraph 4.3. Data gathered by the monitors is submitted to EPA's Air Quality System, which in turn determines if the network site monitors are in compliance with the NAAQS.

Within KDHE, the Bureau of Air implements these requirements. Along with its other duties, the Monitoring and Planning Section collects air monitoring data, quality assures the results, and reports the data. The data is then used to develop the appropriate regulatory or outreach strategies to reduce air pollution.

Based upon review of the state's infrastructure SIP submissions for the 2010 NO_2 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submissions or referenced in Kansas' SIP, EPA believes that the Kansas SIP adequately addresses the requirements of section 110(a)(2)(B) for the 2010 NO_2 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, SIP submissions.

(C) Program for enforcement of control measures (PSD, New Source Review for nonattainment areas, and construction and modification of all stationary sources): Section 110(a)(2)(C) requires states to include the following three elements in the SIP: (1) A program providing for enforcement of all SIP measures described in section 110(a)(2)(A); (2) a program for the regulation of the modification and construction of stationary sources as necessary to protect the applicable NAAQS (i.e., state-wide permitting of minor sources); and (3) a permit program to meet the major source permitting requirements of the CAA (for areas designated as attainment or unclassifiable for the NAAQS in question).[15]

(1) *Enforcement of SIP Measures.* With respect to enforcement of requirements of the SIP, KSA section 65–3005(a)(3) gives the Secretary the authority to issue orders, permits and approvals as may be necessary to

[14] The specific nonattainment area plan requirements of section 110(a)(2)(I) are subject to the timing requirements of section 172, not the timing requirement of section 110(a)(1). Thus, section 110(a)(2)(A) does not require that states submit regulations or emissions limits specifically for attaining the 2010 NO_2 NAAQS. Those SIP provisions are due as part of each state's attainment plan, and will be addressed separately from the requirements of section 110(a)(2)(A). In the context of an infrastructure SIP, EPA is not evaluating the existing SIP provisions for this purpose. Instead, EPA is only evaluating whether the state's SIP has basic structural provisions for the implementation of the NAAQS.

[15] As discussed in further detail below, this infrastructure SIP rulemaking will not address the Kansas program for nonattainment area related provisions, since EPA considers evaluation of these provisions to be outside the scope of infrastructure SIP actions.

effectuate the purposes of the Kansas Air Quality Act and enforce the Act by all appropriate administrative and judicial proceedings. Pursuant to KSA section 65–3006, the Secretary also has the authority to enforce rules, regulations and standards to implement the Kansas Air Quality Act and to employ the professional, technical and other staff to effectuate the provisions of the Act. In addition, if the Secretary or the director of the Division of Environment finds that any person has violated any provision of any approval, permit or compliance plan or any provision of the Kansas Air Quality Act or any rule or regulation promulgated thereunder, he or she may issue an order directing the person to take such action as necessary to correct the violation. KSA section 65–3011.

KSA section 65–3018 gives the Secretary or the Director of the Division of Environment the authority to impose a monetary penalty against any person who, among other things, either violates any order or permit issued under the Kansas Air Quality Act, or violates any provision of the Act or rule or regulation promulgated thereunder. Section 65–3028 provides for criminal penalties for knowing violations.

(2) *Minor New Source Review.* Section 110(a)(2)(C) also requires that the SIP include measures to regulate construction and modification of stationary sources to protect the NAAQS. With respect to smaller sources that meet the criteria listed in KAR 28–19–300(b) ''Construction Permits and Approvals,'' Kansas has a SIP-approved permitting program. Any person proposing to conduct a construction or modification at such a source must obtain approval from KDHE prior to commencing construction or modification. If KDHE determines that air contaminant emissions from a source will interfere with attainment or maintenance of the NAAQS, it cannot issue an approval to construct or modify that source (KAR 28–19–301(d) ''Construction Permits and Approvals; Application and Issuance'').

In this action, EPA is proposing to approve Kansas' infrastructure SIP for the 2010 NO_2 standard with respect to the general requirement in section 110(a)(2)(C) to include a program in the SIP that regulates the modification and construction of any stationary source as necessary to assure that the NAAQS are achieved. In this action, EPA is not proposing to approve or disapprove the state's existing minor NSR program to the extent that it is inconsistent with EPA's regulations governing this program. EPA has maintained that the CAA does not require that new infrastructure SIP submissions correct any defects in existing EPA-approved provisions of minor NSR programs in order for EPA to approve the infrastructure SIP for element (C) (*e.g.,* 76 FR 41076–41079).

(3) *Prevention of Significant Deterioration (PSD) permit program.* Kansas also has a program approved by EPA as meeting the requirements of part C, relating to prevention of significant deterioration of air quality. In order to demonstrate that Kansas has met this sub-element, this PSD program must cover requirements not just for the 2010 NO_2 NAAQS, but for all other regulated NSR pollutants as well.

In a previous action on June 20, 2013, EPA determined that Kansas has a program in place that meets all the PSD requirements related to all other required pollutants (78 FR 37126). Therefore, Kansas has adopted all necessary provisions to ensure that its PSD program covers the requirements for the NO_2 NAAQS and all other regulated NSR pollutants.

Based upon review of the state's infrastructure SIP submissions for the 2010 NO_2 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submissions or referenced in Kansas' SIP, EPA believes that the Kansas SIP adequately addresses the requirements of section 110(a)(2)(C) for the 2010 NO_2 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, SIP submissions.

(D) Interstate and international transport: Section 110(a)(2)(D)(i) includes four requirements referred to as prongs 1 through 4. Prongs 1 and 2 are provided at section 110(a)(2)(D)(i)(I); Prongs 3 and 4 are provided at section 110(a)(2)(D)(i)(II). Section 110(a)(2)(D)(i)(I) requires SIPs to include adequate provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment, or interfering with maintenance, of any NAAQS in another state. Section 110(a)(2)(D)(i)(II) requires SIPs to include adequate provisions prohibiting any source or other type of emissions activity in one state from interfering with measures required of any other state to prevent significant deterioration of air quality or to protect visibility.

With respect to section 110(a)(2)(D)(i)(I)—prongs 1 and 2, Kansas' SIP contain provisions to address these requirements. Kansas' submissions provide an analysis that demonstrates the declining contribution of the State's NO_2 emissions. The submissions also analyze monitored occurrences of NO_2 emissions in the states surrounding Kansas and concluded based on modeling and prevailing wind patterns that those occurrences did not originate from Kansas, or were very unlikely to originate from Kansas. See Kansas' submission, at pgs. 8–10. Based on that, Kansas believes that emissions of NO_2 from Kansas sources are not significantly contributing to nonattainment or interfering with maintenance in a downwind state.

On February 17, 2012 (77 FR 9532), EPA promulgated a rule that established air quality designations for all areas in the country for the 2010 NO_2 NAAQS based on air quality monitoring data for the period 2008–2010. Based upon that data, EPA determined that no area of the country is violating the 2010 NO_2 NAAQS. Furthermore, the current network of monitors in Kansas indicates that NO_2 design values are below the standard.

With respect to the PSD requirements of section 110(a)(2)(D)(i)(II)—prong 3, EPA notes that Kansas' satisfaction of the applicable infrastructure SIP PSD requirements for attainment/unclassifiable areas of the 2010 NO_2 NAAQS have been detailed in the section addressing section 110(a)(2)(C). EPA also notes that the proposed action in that section related to PSD is consistent with the proposed approval related to PSD for section 110(a)(2)(D)(i)(II).

With regard to the applicable requirements for visibility protection of section 110(a)(2)(D)(i)(II)—prong 4, states are subject to visibility and regional haze program requirements under part C of the CAA (which includes sections 169A and 169B). The 2013 Guidance states that these requirements can be satisfied by an approved SIP addressing reasonably attributable visibility impairment, if required, and an approved SIP addressing regional haze.

Kansas meets this requirement through EPA's final approval of Kansas' regional haze plan on December 27, 2011 (76 FR 80754). In this final approval, EPA determined that the Kansas SIP met requirements of the CAA, for states to prevent any future and remedy any existing anthropogenic impairment of visibility in Class I areas caused by emissions of air pollutants located over a wide geographic area. Therefore, EPA is proposing to fully approve this aspect of the submission.

Section 110(a)(2)(D)(ii) also requires that the SIP insure compliance with the applicable requirements of sections 126 and 115 of the CAA, relating to interstate and international pollution abatement, respectively.

Section 126(a) of the CAA requires new or modified sources to notify neighboring states of potential impacts from sources within the state. The Kansas regulations address abatement of the effects of interstate pollution. For example, KAR 28–19–350(k)(2) ''Prevention of Significant Deterioration (PSD) of Air Quality'' requires KDHE, prior to issuing any construction permit for a proposed new major source or major modification, to notify EPA, as well as: Any state or local air pollution control agency having jurisdiction in the air quality control region in which the new or modified installation will be located; the chief executives of the city and county where the source will be located; any comprehensive regional land use planning agency having jurisdiction where the source will be located; and any state, Federal land manager, or Indian governing body whose lands will be affected by emissions from the new source or modification.[16] *See also* KAR 28–19–204 ''General Provisions; Permit Issuance and Modification; Public Participation'' for additional public participation requirements. In addition, no Kansas source or sources have been identified by EPA as having any interstate impacts under section 126 in any pending actions relating to any air pollutant.

Section 115 of the CAA authorizes EPA to require a state to revise its SIP under certain conditions to alleviate international transport into another country. There are no final findings under section 115 of the CAA against Kansas with respect to any air pollutant. Thus, the state's SIP does not need to include any provisions to meet the requirements of section 115.

Based upon review of the state's infrastructure SIP submissions for the 2010 NO_2 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submissions or referenced in Kansas' SIP, EPA believes that Kansas has the adequate infrastructure needed to address section 110(a)(2)(D) for the 2010 NO_2 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, submissions.

(E) Adequate authority, resources, implementation, and oversight: Section 110(a)(2)(E) requires that SIPs provide for the following: (1) Necessary assurances that the state (and other entities within the state responsible for implementing the SIP) will have adequate personnel, funding, and authority under state or local law to implement the SIP, and that there are no legal impediments to such implementation; (2) requirements that the state comply with the requirements relating to state boards, pursuant to section 128 of the CAA; and (3) necessary assurances that the state has responsibility for ensuring adequate implementation of any plan provision for which it relies on local governments or other entities to carry out that portion of the plan.

(1) Section 110(a)(2)(E)(i) requires states to establish that they have adequate personnel, funding and authority. With respect to adequate authority, we have previously discussed Kansas' statutory and regulatory authority to implement the 2010 NO_2 NAAQS, primarily in the discussion of section 110(a)(2)(A) above. Neither Kansas nor EPA has identified any legal impediments in the state's SIP to implementation of the NAAQS.

With respect to adequate resources, KDHE asserts that it has adequate personnel to implement the SIP. The Kansas statutes provide the Secretary the authority to employ technical, professional and other staff to effectuate the purposes of the Kansas Air Quality Act from funds appropriated and available for these purposes. *See* KSA section 65–3006(b). Within KDHE, the Bureau of Air implements the Kansas Air Quality Act. This Bureau is further divided into the Air Compliance and Enforcement Section, Air Permit Section; the Monitoring and Planning Section; and the Radiation and Asbestos Control Section.

With respect to funding, the Kansas Legislature annually approves funding and personnel resources for KDHE to implement the air program. The annual budget process provides a periodic update that enables KDHE and the local agencies to adjust funding and personnel needs. In addition, the Kansas statutes grant the Secretary authority to establish various fees for sources, to cover any and all parts of administering the provisions of the Kansas Air Quality Act. For example, KSA section 65–3008(f) grants the Secretary authority to fix, charge, and collect fees for construction approvals and permits (and the renewals thereof). KSA section 65–3024 grants the Secretary the authority to establish annual emissions fees. These emission fees, along with any moneys recovered by the state under the provisions of the Kansas Air Quality Act, are deposited into an air quality fee fund in the state treasury. Moneys in the air quality fee fund can only be used for the purpose of administering the Kansas Air Quality Act.

Kansas also uses funds in the non-Title V subaccounts, along with General Revenue funds and EPA grants under, for example, sections 103 and 105 of the Act, to fund the programs. EPA conducts periodic program reviews to ensure that the state has adequate resources and funding to, among other things, implement the SIP.

(2) Conflict of interest provisions—section 128. Section 110(a)(2)(E)(ii) requires that each state SIP meet the requirements of section 128, relating to representation on state boards and conflicts of interest by members of such boards. Section 128(a)(1) requires that any board or body which approves permits or enforcement orders under the CAA must have at least a majority of members who represent the public interest and do not derive any ''significant portion'' of their income from persons subject to permits and enforcement orders under the CAA. Section 128(a)(2) requires that members of such a board or body, or the head of an agency with similar powers, adequately disclose any potential conflicts of interest.

On June 20, 2013, EPA approved Kansas' SIP revision addressing the section 128 requirements (78 FR 37126). For a detailed discussion on EPA's analysis of how Kansas meets the section 128 requirements, see EPA's April 17, 2013, proposed approval of Kansas' 1997 and 2006 $PM_{2.5}$ infrastructure SIP (78 FR 22827).

(3) With respect to assurances that the state has responsibility to implement the SIP adequately when it authorizes local or other agencies to carry out portions of the plan, KSA section 65–3005(a)(8) grants the Secretary authority to encourage local units of government to handle air pollution problems within their own jurisdictions and to provide technical and consultative assistance therefor. The Secretary may also enter into agreements with local units of government to administer all or part of the provisions of the Kansas Air Quality Act in the units' respective jurisdictions. In fact, KSA section 65–3016 allows for cities and/or counties (or combinations thereof) to form local air quality conservation authorities. These authorities will then have the authority to enforce air quality rules and regulations adopted by the Secretary and adopt any additional rules, regulations and standards as needed to maintain satisfactory air quality within their jurisdictions.

At the same time, the Kansas statutes also retain authority in the Secretary to carry out the provisions of the state air pollution control law. KSA section 65–3003 specifically places responsibility

[16] KAR 28–19–16k(b) provides similar requirements for construction permits issued in nonattainment areas.

for air quality conservation and control of air pollution with the Secretary. The Secretary shall then administer the Kansas Air Quality Act through the Division of Environment. As an example of this retention of authority, KSA section 65–3016 only allows for the formation of local air quality conservation authorities with the approval of the Secretary. In addition, although these authorities can adopt additional air quality rules, regulations and standards, they may only do so if those rules, regulations and standards are in compliance with those set by the Secretary for that area. Currently, KDHE oversees the following local agencies that implement that Kansas Air Quality Act: The City of Wichita Office of Environmental Health, Johnson County Department of Health and Environment, and Unified Government of Wyandotte County-Kansas City, Kansas Public Health Department.

Based upon review of the state's infrastructure SIP submissions for the 2010 NO_2 NAAQS and relevant statutory and regulatory authorities and provisions referenced in the submissions or referenced in Kansas' SIP, EPA believes that Kansas has the adequate infrastructure needed to address section 110(a)(2)(E) for the 2010 NO_2 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, submissions.

(F) Stationary source monitoring system: Section 110(a)(2)(F) requires states to establish a system to monitor emissions from stationary sources and to submit periodic emission reports. Each SIP shall require the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources, to monitor emissions from such sources. The SIP shall also require periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and requires that the state correlate the source reports with emission limitations or standards established under the CAA. These reports must be made available for public inspection at reasonable times.

To address this element, KSA section 65–3007 gives the Secretary the authority to classify air contaminant sources which, in his or her judgment, may cause or contribute to air pollution. The Secretary shall require air contaminant emission sources to monitor emissions, operating parameters, ambient impact of any source emissions, and any other parameters deemed necessary. Furthermore, the Secretary may require these emissions sources to keep records and make reports consistent with the purposes of the Kansas Air Quality Act.

In addition, KAR 28–19–12(A) ''Measurement of Emissions'' states that KDHE may require any person responsible for the operation of an emissions source to make or have tests made to determine the rate of contaminant emissions from the source whenever it has reason to believe that existing emissions exceed limitations specified in the Kansas air quality regulations. At the same time, KDHE may also conduct its own tests of emissions from any source. KAR 28–19–12(B). The Kansas regulations also require that all Class I operating permits include requirements for monitoring of emissions (KAR 28–19–512(a)(9) ''Class I Operating Permits; Permit Content'').

Kansas makes all monitoring reports (as well as compliance plans and compliance certifications) submitted as part of a construction permit or Class I or Class II permit application publicly available. *See* KSA section 65–3015(a); KAR 28–19–204(c)(6) ''General Provisions; Permit Issuance and Modification; Public Participation.'' KDHE uses this information to track progress towards maintaining the NAAQS, developing control and maintenance strategies, identifying sources and general emission levels, and determining compliance with emission regulations and additional EPA requirements. Although the Kansas statutes allow a person to request that records or information reported to KDHE be regarded and treated as confidential on the grounds that it constitutes trade secrets, emission data is specifically excluded from this protection. *See* KSA section 65–3015(b).

Based upon review of the state's infrastructure SIP submissions for the 2010 NO_2 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submissions or referenced in Kansas' SIP, EPA believes that Kansas has the adequate infrastructure needed to address section 110(a)(2)(F) for the 2010 NO_2 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, submissions.

(G) Emergency authority: Section 110(a)(2)(G) requires SIPs to provide for authority to address activities causing imminent and substantial endangerment to public health or welfare or the environment (comparable to the authorities provided in section 303 of the CAA), and to include contingency plans to implement such authorities as necessary.

KSA section 65–3012(a) states that whenever the Secretary receives evidence that emissions from an air pollution source or combination of sources presents an imminent and substantial endangerment to public health or welfare or to the environment, he or she may issue a temporary order directing the owner or operator, or both, to take such steps as necessary to prevent the act or eliminate the practice. Upon issuance of this temporary order, the Secretary may then commence an action in the district court to enjoin these acts or practices.

KAR 28–19–56 ''Episode Criteria'' allows the Secretary to proclaim an air pollution alert, air pollution warning, or air pollution emergency whenever he or she determines that the accumulation of air contaminants at any sampling location has attained levels which could, if such levels are sustained or exceeded, threaten the public health. KAR 28–19–57 ''Emission Reduction Requirements'' imposes restrictions on emission sources in the event one of these three air pollution episode statuses is declared.

Based upon review of the state's infrastructure SIP submissions for the 2010 NO_2 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in those submissions or referenced in Kansas' SIP, EPA believes that the Kansas SIP adequately addresses section 110(a)(2)(G) for the 2010 NO_2 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, submissions.

(H) Future SIP revisions: Section 110(a)(2)(H) requires states to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate to attain the NAAQS.

KSA section 65–3005(b) specifically states that it is the policy of the state of Kansas to regulate the air quality of the state and implement laws and regulations that are applied equally and uniformly throughout the state and consistent with that of the Federal government. Therefore, the Secretary has the authority to promulgate rules and regulations to ensure that Kansas is in compliance with the provisions of the Federal CAA. KSA 65–3005(b)(1).

As discussed previously, KSA section 65–3005(a)(1) provides authority to the Secretary to adopt, amend and repeal rules and regulations implementing and consistent with the Kansas Air Quality Act. The Secretary also has the authority to establish ambient air quality standards for the state of Kansas or any part thereof. KSA section 65–3005(a)(12). Therefore, as a whole, the Secretary has the authority to revise

rules as necessary to respond to any necessary changes in the NAAQS.

Based upon review of the state's infrastructure SIP submissions for the 2010 NO_2 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submissions or referenced in Kansas' SIP, EPA believes that Kansas has adequate authority to address section 110(a)(2)(H) for the 2010 NO_2 NAAQS and is proposing to approve this element of the March 19, 2013, and May 19, 2013, submissions.

(I) Nonattainment areas: Section 110(a)(2)(I) requires that in the case of a plan or plan revision for areas designated as nonattainment areas, states must meet applicable requirements of part D of the CAA, relating to SIP requirements for designated nonattainment areas.

As noted earlier, EPA does not expect infrastructure SIP submissions to address subsection (I). The specific SIP submissions for designated nonattainment areas, as required under CAA title I, part D, are subject to different submission schedules than those for section 110 infrastructure elements. Instead, EPA will take action on part D attainment plan SIP submissions through a separate rulemaking governed by the requirements for nonattainment areas, as described in part D.

(J) Consultation with government officials, public notification, PSD and visibility protection: Section 110(a)(2)(J) requires SIPs to meet the applicable requirements of the following CAA provisions: (1) Section 121, relating to interagency consultation regarding certain CAA requirements; (2) section 127, relating to public notification of NAAQS exceedances and related issues; and (3) part C of the CAA, relating to prevention of significant deterioration of air quality and visibility protection.

(1) With respect to interagency consultation, the SIP should provide a process for consultation with general-purpose local governments, designated organizations of elected officials of local governments, and any Federal Land Manager having authority over Federal land to which the SIP applies. KSA section 65–3005(a)(14) grants the Secretary the authority to advise, consult and cooperate with other agencies of the state, local governments, other states, interstate and interlocal agencies, and the Federal government. Furthermore, as noted earlier in the discussion on section 110(a)(2)(D), Kansas' regulations require that whenever it receives a construction permit application for a new source or a modification, KDHE must notify state and local air pollution control agencies, as well as regional land use planning agencies and any state, Federal land manager, or Indian governing body whose lands will be affected by emissions from the new source or modification. *See* KAR 28–19–350(k)(2) ''Prevention of Significant Deterioration (PSD) of Air Quality.''

(2) With respect to the requirements for public notification in section 127, the infrastructure SIP should provide citations to regulations in the SIP requiring the air agency to regularly notify the public of instances or areas in which any NAAQS are exceeded; advise the public of the health hazard associated with such exceedances; and enhance public awareness of measures that can prevent such exceedances and of ways in which the public can participate in the regulatory and other efforts to improve air quality.

As discussed previously with element (G), KAR 28–19–56 ''Episode Critera'' contains provisions that allow the Secretary to proclaim an air pollution alert, air pollution warning, or air pollution emergency status whenever he or she determines that the accumulation of air contaminants at any sampling location has attained levels which could, if such levels are sustained or exceeded, threaten the public health. Any of these emergency situations can also be declared by the Secretary even in the absence of issuance of a high air pollution potential advisory or equivalent advisory from a local weather bureau meteorologist, if deemed necessary to protect the public health. In the event of such an emergency situation, public notification will occur through local weather bureaus.

In addition, information regarding air pollution and related issues is provided on a KDHE Web site, *http://www.kdheks.gov/bar/*. This information includes air quality data, information regarding the NAAQS, health effects of poor air quality, and links to the Kansas Air Quality Monitoring Network. KDHE also has an ''Outreach and Education'' Web page (*http://www.kdheks.gov/bar/air_outreach/air_quality_edu.htm*) with information on how individuals can take measures to reduce emissions and improve air quality in daily activities.

(3) With respect to the applicable requirements of part C of the CAA, relating to PSD of air quality and visibility protection, as noted in above under element (C), the Kansas SIP meets the PSD requirements, incorporating the Federal rule by reference. With respect to the visibility component of section 110(a)(2)(J), EPA recognizes that states are subject to visibility and regional haze program requirements under part C of the CAA. However, when EPA establishes or revises a NAAQS, these visibility and regional haze requirements under part C do not change. EPA believes that there are no new visibility protection requirements under part C as a result of a revised NAAQS. Therefore, there are no newly applicable visibility protection obligations pursuant to element J after the promulgation of a new or revised NAAQS.

Nevertheless, as noted above in section D, EPA has already approved Kansas' Regional Haze Plan and determined that it met the CAA requirements for preventing future and remedying existing impairment of visibility caused by air pollutants.

Based upon review of the state's infrastructure SIP submissions for the 2010 NO_2 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submissions or referenced in Kansas' SIP, EPA believes that Kansas has met the applicable requirements of section 110(a)(2)(J) for the 2010 NO_2 NAAQS in the state and is therefore proposing to approve this element of the March 19, 2013, and May 9, 2013, submissions.

(K) Air quality and modeling/data: Section 110(a)(2)(K) requires that SIPs provide for performing air quality modeling, as prescribed by EPA, to predict the effects on ambient air quality of any emissions of any NAAQS pollutant, and for submission of such data to EPA upon request.

Kansas has authority to conduct air quality modeling and report the results of such modeling to EPA. KSA section 65–3005(a)(9) gives the Secretary the authority to encourage and conduct studies, investigations and research relating to air contamination and air pollution and their causes, effects, prevention, abatement and control. As an example of regulatory authority to perform modeling for purposes of determining NAAQS compliance, the regulations at KAR 28–19–350 ''Prevention of Significant Deterioration (PSD) of Air Quality'' incorporate EPA modeling guidance in 40 CFR part 51, appendix W for the purposes of demonstrating compliance or non-compliance with a NAAQS.

The Kansas statutes and regulations also give KDHE the authority to require that modeling data be submitted for analysis. KSA section 65–3007(b) grants the Secretary the authority to require air contaminant emission sources to monitor emissions, operating parameters, ambient impact of any source emissions or any other parameters deemed necessary. The

Secretary may also require these sources to keep records and make reports consistent with the purposes of the Kansas Air Quality Act. These reports could include information as may be required by the Secretary concerning the location, size, and height of contaminant outlets, processes employed, fuels used, and the nature and time periods or duration of emissions, and such information as is relevant to air pollution and available or reasonably capable of being assembled. KSA section 65–3007(c).

Based upon review of the state's infrastructure SIP submissions for the 2010 NO_2 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submissions or referenced in Kansas' SIP, EPA believes that Kansas has the adequate infrastructure needed to address section 110(a)(2)(K) for the 2010 NO_2 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, submissions.

(L) Permitting Fees: Section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to the permitting authority, as a condition of any permit required under the CAA, to cover the cost of reviewing and acting upon any application for such a permit, and, if the permit is issued, the costs of implementing and enforcing the terms of the permit. The fee requirement applies until a fee program established by the state pursuant to Title V of the CAA, relating to operating permits, is approved by EPA.

KSA section 65–3008(f) allows the Secretary to fix, charge, and collect fees for approvals and permits (and the renewals thereof). KSA section 65–3024 grants the Secretary the authority to establish annual emissions fees. Fees from the construction permits and approvals are deposited into the Kansas state treasury and credited to the state general fund. Emissions fees are deposited into an air quality fee fund in the Kansas state treasury. Moneys in the air quality fee fund can only be used for the purpose of administering the Kansas Air Quality Act.

Kansas' Title V program, found at KAR 28–19–500 to 28–19–564, was approved by EPA on January 30, 1996 (61 FR 2938). EPA reviews the Kansas Title V program, including Title V fee structure, separately from this proposed action. Because the Title V program and associated fees legally are not part of the SIP, the infrastructure SIP action we are proposing today does not preclude EPA from taking future action regarding Kansas' Title V program.

Based upon review of the state's infrastructure SIP submissions for the 2010 NO_2 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submissions or referenced in Kansas' SIP, EPA believes that the requirements of section 110(a)(2)(L) for the 2010 NO_2 NAAQS are met and is proposing to approve this element of the March 13, 2013, and May 9, 2013, submissions.

(M) Consultation/participation by affected local entities: Section 110(a)(2)(M) requires SIPs to provide for consultation and participation by local political subdivisions affected by the SIP.

KSA section 65–3005(a)(8)(A) gives the Secretary the authority to encourage local units of government to handle air pollution problems within their respective jurisdictions and on a cooperative basis and to provide technical and consultative assistance therefor. The Secretary may also enter into agreements with local units of government to administer all or part of the provisions on the Kansas Air Quality Act in the units' respective jurisdiction. The Secretary also has the authority to advise, consult, and cooperate with local governments. KSA section 65–3005(a)(14). He or she may enter into contracts and agreements with local governments as is necessary to accomplish the goals of the Kansas Air Quality Act. KSA section 65–3005(a)(16).

Currently, KDHE's Bureau of Air has signed state and/or local agreements with the Department of Air Quality from the Unified Government of Wyandotte County—Kansas City, Kansas; the Wichita Office of Environmental Health; the Johnson County Department of Health and Environment; and the Mid-America Regional Council. These agreements establish formal partnerships between the Bureau of Air and these local agencies to work together to develop and annually update strategic goals, objectives and strategies for reducing emissions and improving air quality.

In addition, as previously noted in the discussion about section 110(a)(2)(J), Kansas' statutes and regulations require that KDHE consult with local political subdivisions for the purposes of carrying out its air pollution control responsibilities.

Based upon review of the state's infrastructure SIP submissions for the 2010 NO_2 NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submissions or referenced in Kansas' SIP, EPA believes that Kansas has the adequate infrastructure needed to address section 110(a)(2)(M) for the 2010 NO_2 NAAQS and is proposing to approve this element of the March 19, 2013, and May 9, 2013, submissions.

V. What action is EPA proposing?

EPA is proposing to approve the infrastructure SIP submissions from Kansas which addresses the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2010 NO_2 NAAQS. Specifically, EPA is proposing to approve the following infrastructure elements, or portions thereof: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M). As discussed in each applicable section of this rulemaking, EPA is not proposing action on section 110(a)(2)(I)—Nonattainment Area Plan or Plan Revisions Under Part D and on the visibility protection portion of section 110(a)(2)(J).

Based upon review of the state's infrastructure SIP submissions and relevant statutory and regulatory authorities and provisions referenced in those submissions or referenced in Kansas' SIP, EPA believes that Kansas has the infrastructure to address all applicable required elements of sections 110(a)(1) and (2) (except otherwise noted) to ensure that the 2010 NO_2 NAAQS are implemented in the state.

We are hereby soliciting comment on this proposed action. Final rulemaking will occur after consideration of any comments.

VI. Statutory and Executive Order Review

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 proposed action:

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

Statutory Authority

The statutory authority for this action is provided by section 110 of the CAA, as amended (42 U.S.C. 7410).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen Dioxide, Reporting and recordkeeping requirements.

Dated: August 15, 2014.

Karl Brooks,

Regional Administrator, Region 7.

[FR Doc. 2014–20513 Filed 8–27–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0417 FRL–9913–14–Region 9]

Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District and Shasta County Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Imperial County Air Pollution Control District (ICAPCD) and the Shasta County Air Quality Management District (SHAQMD) portion of the California State Implementation Plan (SIP). We are proposing to approve local rules regarding enhanced monitoring under the Clean Air Act (CAA or the Act).

DATES: Any comments on this proposal must arrive by *September 29, 2014.*

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2014–0417, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.
2. *Email: steckel.andrew@epa.gov.*
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

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

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

FOR FURTHER INFORMATION CONTACT: Vanessa Graham, EPA Region IX, (415) 947–4120, *graham.vanessa@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposal addresses local rules for ICAPCD Rule 910, Enhanced Monitoring and SHAQMD Rule 3:8, Enhanced Monitoring and Compliance Certification for Major Sources as Defined by Title V. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

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

Dated: May 23, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2014–20505 Filed 8–27–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2014–0283; FRL 9915–08–OAR]

RIN 2060–AS19

Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to Maine's Southern Counties

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to extend the Clean Air Act's (CAA) prohibition against the sale of conventional gasoline in reformulated gasoline (RFG) areas to the southern Maine counties of York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox, and Lincoln. This proposal is based on a request from the Governor of the State of Maine for areas within the ozone transport region established under the CAA. The CAA does not give the EPA discretion to deny a Governor's request on this matter. The scope of the EPA's discretion is limited to establishing the date that the prohibition commences. Consistent with the Governor's request, the EPA proposes that this prohibition commence on May 1, 2015 for all refiners, importers, and distributors in the Maine counties referenced in the Governor's request, and on June 1, 2015 for all retailers and wholesale purchaser-consumers in those counties. The EPA is also adding in its RFG opt-out rules a provision to reflect that there is a four-year minimum opt-in period for areas that opt into the RFG program on the basis of their location within the ozone transport region. This clarification will align the federal regulation for RFG opt-out requirements with the CAA.

DATES: Comments must be received on or before September 29, 2014 unless a public hearing is requested by September 12, 2014. If the EPA receives such a request, we will publish information related to the timing and location of the hearing and a new deadline for public comment.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2014–0283, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: a-and-r-Docket@epa.gov.*
- *Mail:* Air Docket, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–OAR–2014–0283. Please include a total of two copies.
- *Hand Delivery:* Air and Radiation Docket, EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004. Attention Docket ID No. EPA–HQ–OAR–2014–0283. Please include two copies. Such deliveries are accepted only during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2014–0283. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes 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 *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means that 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 the EPA without going through *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, the 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 the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the 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 information about the EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Patty Klavon, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, Michigan 48105; telephone number: (734) 214–4476; fax number: (734) 214–4052; email address: *klavon.patty@epa.gov.*

SUPPLEMENTARY INFORMATION: The contents of this preamble are listed in the following outline:

I. General Information
II. Public Participation
III. Background and Proposal
IV. Environmental Impact
V. Statutory and Executive Order Reviews

I. General Information

A. Does this action apply to me?

Entities potentially affected by this rule are fuel producers and distributors who do business in Maine.

Examples of potentially regulated entities	NAICS [1] codes
Petroleum refineries	324110
Gasoline Marketers and Distributors	424710
	424720
Gasoline Retail Stations	447110
Gasoline Transporters	484220
	484230

[1] North American Industry Classification System.

The above table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. The table lists the types of entities of which the EPA is aware that potentially could be affected by this rule. Other types of entities not listed on the table could also be affected by this rule. To determine whether your organization could be affected by this rule, you should carefully examine the regulations in 40 CFR 80.70. If you have questions regarding the applicability of this action to a particular entity, call the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

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

1. Submitting CBI

Do not submit CBI to the EPA through *www.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 the 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:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- 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.
- Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

3. Docket Copying Costs

You may be required to pay a reasonable fee for copying docket materials.

II. Public Participation

A. Public Comments

Clean Air Act (CAA) section 211(k)(6)(B) states that, ''[o]n application of the Governor of a State in the ozone transport region established by [section 184(a) of the CAA], the Administrator . . . shall apply the prohibition'' against the sale of conventional gasoline to any area of the State other than an area classified as a marginal, moderate, serious, or severe ozone nonattainment area. CAA section 211(k)(6)(B) provides the EPA limited discretion to establish the date that this prohibition commences based on consideration of whether there is sufficient capacity to supply RFG to the area. However, the CAA does not give the EPA discretion to deny a Governor's request for an RFG opt-in for a qualifying area.

The EPA is acting on a request made by the Governor of the State of Maine to extend the CAA prohibition against the sale of conventional gasoline in RFG areas to the southern Maine counties of York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox, and Lincoln (the ''Southern Maine Counties'') which are part of the ozone transport region established by CAA Section 184(a). The State of Maine requested that the prohibition commence on June 1, 2015. Therefore, the scope of today's action is limited to proposing the date on which the prohibition commences for the Southern Maine Counties' opt-in to the federal RFG program, and not whether those counties should opt in to the federal RFG program. Thus, the EPA is not soliciting comments that support or oppose participation by the Southern Maine Counties in the federal RFG program. The EPA is, however, requesting comment regarding whether there will be a sufficient capacity to supply RFG to these seven counties beginning May 1, 2015 for refiners, importers, and distributors, and on June 1, 2015 for retailers and purchaser-consumers.

Additionally, the EPA is adding in its opt-out regulations at 40 CFR 80.72 a provision to reflect that there is a four-year minimum opt-in period for areas that opt into the RFG program on the basis of their location within the ozone transport region. This clarification will align the federal regulation for RFG opt-out requirements with CAA section 211(k)(6)(B)(ii)(II).

B. Public Hearing

The EPA will not hold a public hearing on this matter unless a request is received by the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble by September 12, 2014. If the EPA receives such a request, we will publish information related to the timing and location of the hearing and a new deadline for public comment.

III. Background and Proposal

A. Background on the Federal Reformulated Gasoline Program

The purpose of the federal RFG program is to improve air quality in certain areas through the use of gasoline that is reformulated to reduce motor vehicle emissions of tropospheric ozone-forming compounds, as set forth in CAA section 211(k)(1). The EPA first published regulations for the federal RFG program on February 16, 1994. (59 FR 7716). RFG makes up over 30 percent of the volume of motor vehicle gasoline consumed in the United States [2] and is used in 17 states and the District of Columbia.[3]

CAA section 211(k)(5) prohibits the sale of conventional gasoline (i.e., gasoline that the EPA has not certified as reformulated) in certain ozone nonattainment areas beginning January 1, 1995. CAA section 211(k)(10)(D) defines the areas initially covered by the federal RFG program as ozone nonattainment areas having a 1980 population in excess of 250,000 and having the highest ozone design values during the period 1987 through 1989.[4] In addition, under CAA section 211(k)(10)(D), any area reclassified as a severe ozone nonattainment area under CAA section 181(b) is also included in the federal RFG program. Finally, CAA sections 211(k)(6)(A) and (B) allow areas classified as Marginal, Moderate, Serious, or Severe ozone nonattainment

[2] See the U.S. Energy Information Administration statistics on consumption and sales of petroleum and other liquids at: *http://www.eia.gov/petroleum/reports.cfm?t=164.*

[3] For a map showing current RFG areas, please visit the EPA's Web site at: *http://www.epa.gov/otaq/fuels/gasolinefuels/rfg/areas.htm.*

[4] Applying these criteria, the EPA has determined the nine covered areas to be the metropolitan areas including Los Angeles, Houston, New York City, Baltimore, Chicago, San Diego, Philadelphia, Hartford, and Milwaukee.

areas, or areas within the ozone transport region established under CAA section 184, to opt into the RFG program at the request of the Governor of the State in which the area is located.

Maine is in the ozone transport region established under CAA section 184, and its request to opt into the RFG program was made pursuant to CAA section 211(k)(6)(B). That provision specifies that upon petition of the Governor of a State in the ozone transport region in which the area is located, the EPA is to apply the prohibition against selling or dispensing of conventional gas in RFG covered areas in any area in the State other than an area classified as marginal, moderate, serious, or severe ozone nonattainment area under subpart 2 of part D of subchapter 1 of the Clean Air Act. This prohibition is to ''commence as soon as practicable but not later than 2 years after the date of approval by the Administrator of the application of the Governor of the State.'' CAA section 211(k)(6)(B)(ii)(I). However, if the EPA determines that there is insufficient capacity to supply RFG, the EPA may extend the commencement date by no more than a year, and may renew that extension for two additional one-year periods. CAA section 211(k)(6)(B)(iii). The area may not opt out of the federal RFG program earlier than 4 years after the RFG commencement date. CAA section 211(k)(6)(B)(ii)(II).

B. Request From the State of Maine

In 2013, the State of Maine enacted Public Law 2013 c.221 calling for the use of RFG in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox, and Lincoln counties beginning May 1, 2014. On July 23, 2013, the Governor of Maine formally requested, pursuant to CAA section 211(k)(6)(B), that the EPA extend the requirement for the sale of RFG to these counties beginning on May 1, 2014.

The Maine legislature subsequently enacted an emergency law, Public Law 2013 c.453, effective March 6, 2014, to postpone the requirement for the sale of RFG in these counties until June 1, 2015. Pursuant to that legislation, the Commissioner for the State of Maine's Department of Environmental Protection (DEP) submitted a request to the EPA dated March 10, 2014, modifying Maine's request for the implementation date for the sale of RFG in the Southern Maine Counties to coincide with June 1, 2015.[5]

Copies of the Commissioner's letter, the letter from the Governor of the State of Maine dated July 23, 2013, and the Maine legislation establishing the use of RFG in the Southern Maine Counties are available in the docket at EPA–HQ–OAR–2014–0283.

C. Proposed Date for the Commencement of a Prohibition on the Sale of Conventional Gasoline in the Southern Maine Counties

Based on our evaluation of the appropriate lead time and start dates, and pursuant to Maine's request for a June 1, 2015 implementation date and the provisions of CAA section 211(k)(6), the EPA is proposing to extend the CAA section 211(k)(5) prohibition against the sale of conventional (i.e., non-reformulated) gasoline in RFG covered areas to the Southern Maine Counties. The Southern Maine Counties are part of the ozone transport region as defined in CAA section 184. They are not currently classified under subpart 2 of Part D of CAA subchapter I as Marginal, Moderate, Serious, or Severe ozone nonattainment areas. Based on Maine's request for a June 1, 2015 implementation date, the EPA is proposing that a prohibition on the sale of conventional gasoline in the Southern Maine Counties commence as of May 1, 2015 for all regulated entities in these counties other than retailers and wholesale purchaser-consumers (i.e., refiners, importers, and distributors), and as of June 1, 2015 for retailers and wholesale purchaser-consumers. Thus, if this action is finalized as proposed, conventional gasoline could not be sold to consumers in the Southern Maine Counties as of June 1, 2015. Only RFG could be sold to consumers in these counties as of June 1, 2015.

Further, under CAA section 211(k)(6)(B)(ii)(II) the State of Maine would be prohibited from opting out of the federal RFG program for the Southern Maine Counties for four years after the commencement of the area's opt-in. Thus, if this action is finalized as proposed, the State of Maine may not opt out of the federal RFG program for the Southern Maine Counties before May 1, 2019 for all regulated entities other than retailers and purchaser-consumers, and not before June 1, 2019 for retailers and purchaser-consumers, respectively. The EPA is also adding in its RFG opt-out regulation at 40 CFR 80.72 a provision to reflect that there is a four-year minimum opt-in period for areas that opt into the RFG program on the basis of their location within the ozone transport region. This clarification will align the federal regulation for RFG opt-out requirements with CAA section 211(k)(6)(B)(ii)(II).

The EPA believes the dates proposed in today's action would provide a reasonable balance by achieving air quality benefits in southern Maine by the start of the 2015 peak ozone season and providing adequate lead time for industry to prepare for program implementation. The proposed dates are consistent with the State's request that the EPA require RFG to be sold in the Southern Maine Counties to coincide with the beginning of the high ozone season, which begins June 1 of each year. Thus, the dates would provide environmental benefits by allowing southern Maine to achieve volatile organic compound (VOC) reduction benefits for the 2015 VOC control season. The proposed dates are also consistent with the statutory requirement that the EPA set the date for commencement of the prohibition within two years of the EPA's approval of the application by the Governor. The EPA's approval of the Governor's request will occur in the final rule establishing an implementation date.

The EPA is seeking comment on whether the refining and distribution industry has the capacity to supply exclusively federal RFG to the Southern Maine Counties as of May 1, 2015 as proposed in this notice. The EPA also seeks comment on whether the dates for commencement of the prohibition proposed today would provide adequate lead time for industry to ensure supply of RFG to retail outlets, and for retail outlets to plan for, and accomplish, a transition from the sale of conventional gasoline to RFG. The EPA requests that, to the extent possible, commenters provide documentation supporting their comments. Comments supported by documentation will be most valuable to the EPA in making a final decision on the commencement date for the prohibition on the sale of conventional gasoline in the Southern Maine Counties.

As noted above in Section II.A. of today's action, CAA section 211(k)(6)(B) directs the EPA to apply RFG requirements in areas subject to a Governor's petition ''as soon as practical'' within a two-year period following the EPA's approval of a Governor's petition, and may further extend the date RFG requirements commence based on a determination that there is insufficient capacity to supply RFG. However, the EPA does not have discretion to deny a Governor's request for an opt-in for qualifying

[5] The EPA has determined that the original petition from the Governor of Maine, together with the revised Maine legislation and the Commissioner's letter, serve as a petition from the Governor under CAA section 211(k)(6)(B) seeking commencement of the prohibition in CAA 211(k)(5) in the Southern Maine Counties on June 1, 2015.

areas. Therefore, the scope of this action is limited to setting a date for commencement of opt-in of the Southern Maine Counties to the federal RFG program; it is not to decide whether the Southern Maine Counties may opt into the federal RFG program. The EPA is requesting comment on the proposed commencement dates and whether there will be a sufficient capacity to supply RFG available to these seven counties as of May 1, 2015 for regulated entities such as refiners, importers, and distributors, and as of June 1, 2015 for retailers and purchaser-consumers.

This proposed action would have no effect on the approved Maine State Implementation Plan (SIP). We understand that if today's action is finalized as proposed, the State of Maine intends to submit a proposed SIP revision requesting the removal of the existing 7.8 Reid Vapor Pressure fuel requirements for the Southern Maine Counties. The EPA will consider Maine's request when it is received.

IV. Environmental Impact

The federal RFG program is designed to lead to reductions in ozone-forming emissions. Reductions in ozone precursors are environmentally significant because they lead to reductions in ozone formation, with the associated improvements in human health and welfare. Exposure to ground-level ozone (or smog) can cause respiratory problems, chest pain, and coughing and may worsen bronchitis, emphysema, and asthma. Animal studies suggest that long-term exposure (months to years) to ozone can damage lung tissue and may lead to chronic respiratory illness. The Maine DEP analyzed the emissions benefits which could be achieved by switching from 7.8 RVP fuel to RFG.[6] The Maine DEP used the EPA's motor vehicle emission factor model, MOVES2010, to estimate, for informational purposes, that motor vehicle VOC emissions could be reduced by 123 tons, or by 6 percent and NOx by 28 tons, or by 1 percent.[7]

[6] RFG primarily reduces emissions of VOCs. The RFG regulations at 40 CFR 80.41 establish a performance standard that must be met in order for gasoline to meet RFG requirements. Generally, based on survey data, RFG sold in the northeastern states has an RVP of between 6.8 and 7.0 psi. The lower RVP will result in reduction in VOC emissions. The survey data is available at: *http://www.epa.gov/otaq/fuels/rfgsurvey.htm*

[7] The Governor of Maine submitted this analysis for calendar year 2014 projected emission reductions with his July 23, 2013 letter requesting a May 1, 2014 effective date. However, Maine is not claiming, and the EPA is not proposing to approve in today's action, any specific amount of emission reductions for the RFG program at this time.

V. Statutory and Executive Order Reviews

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

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

B. Paperwork Reduction Act

This action does not impose any new information collection burden under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3. The OMB has approved the information collection requirements that apply to the RFG program (see 59 FR 7716, February 16, 1994), and has assigned OMB control number 2060–0277 (EPA ICR No. 1591.25).

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's proposed rule on small entities, small entity is defined as: (1) Defined by the Small Business Administration's (SBA) regulations a 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule on small entities, I certify that this action would not have a significant adverse impact on a substantial number of small entities. In promulgating the RFG regulations for conventional gasoline, the EPA analyzed the impact of the regulations on small entities. The EPA concluded that the regulations may possibly have some economic effect on a substantial number of small refiners, but that the regulations may not significantly affect other small entities, such as gasoline blenders, terminal operators, service stations and ethanol blenders. See 59 FR 7810–7811 (February 16, 1994). As stated in the preamble to the final RFG rule, exempting small refiners from the RFG regulations would not meet CAA requirements. 59 FR 7810. However, since most small refiners are located in the mountain states or in California, which has its own RFG program, the vast majority of small refiners are unaffected by the federal RFG requirements (although all refiners of conventional gasoline are subject to the RFG requirements). Moreover, all businesses, large and small, maintain the option to produce conventional gasoline to be sold in areas not obligated by the CAA to receive RFG or those areas which have not chosen to opt into the federal RFG program. A complete analysis of the effect of the RFG regulations on small businesses is contained in the Regulatory Flexibility Analysis which was prepared for the RFG rulemaking, and can be found in the docket for that rulemaking. The docket number is: EPA Air Docket A–92–12.

Today's proposed rule would affect only those refiners, importers or blenders of gasoline that choose to produce or import RFG for sale in the Southern Maine Counties, and gasoline distributors and retail stations in those areas. As discussed above, the EPA determined that, because of their location, the vast majority of small refiners would be unaffected by the RFG requirements. For the same reason, most small refiners would be unaffected by today's action. Other small entities, such as gasoline distributors and retail stations located in the Southern Maine Counties, which would become a covered area if today's proposed rule is finalized as proposed, would be subject to the same requirements as those small entities which are located in current RFG covered areas. The EPA did not find the previous RFG regulations to significantly affect these entities.

We welcome comments on the potential impacts of the proposed rule on small entities. Since the EPA's discretion in this rulemaking is limited to establishment of the date for the application of RFG in the Southern Maine Counties, any comments related to impacts on small entities should be focused on the impact of alternative, and legally permissible, compliance dates.

D. Unfunded Mandates Reform Act (UMRA)

This proposed rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, this proposed rule is not subject to the requirements of sections 202 and 205 of the UMRA. Although the EPA does not believe that UMRA imposes requirements for this rulemaking, the EPA notes that the environmental and economic impacts of the federal RFG program were assessed in the EPA's Regulatory Impact Analysis for the 1994 RFG regulations.

This proposed rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132 (Federalism)

This action does not have federalism implications. It would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The proposed rule would impose requirements only on certain refiners and other entities in the gasoline distribution system, and not on States. The requirements of the proposed rule would be enforced by the federal government at the national level. Thus, Executive Order 13132 does not apply to this proposed rule.

F. Executive Order 13175

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). Today's proposed rule would affect only those refiners, importers or blenders of gasoline that choose to produce or import RFG for sale in the Southern Maine Counties, and gasoline distributors and retail stations in those areas. Thus, Executive Order 13175 does not apply to this action.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not economically significant as defined in Executive Order 12866, and because the Agency does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

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

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

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking does not involve technical standards. Therefore, the EPA is not considering the use of any voluntary consensus standards.

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

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

The EPA has determined that this proposed rule would not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population.

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, Motor vehicle pollution.

Dated: August 18, 2014.

Gina McCarthy,

Administrator.

For the reasons discussed in the preamble, the Environmental Protection Agency proposes to amend 40 CFR part 80 as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

■ 1. The authority citation for part 80 continues to read as follows:

Authority 42 U.S.C. 7414, 7521, 7542, 7545, and 7601(a).

■ 2. Section 80.70 is amended by adding paragraph (n) to read as follows:

§ 80.70 Covered areas.

* * * * *

(n) The areas included in paragraph (n) of this section are located within the ozone transport region established under Clean Air Act section 184(a), are not classified as a marginal, moderate, serious, or severe ozone nonattainment area, and have opted into the reformulated gasoline program. They are covered areas for the purposes of subparts D, E, and F of this part.

(1) The southern Maine counties of York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox, and Lincoln are a covered area beginning June 1, 2015. The prohibitions of Clean Air Act section 211(k)(5) apply to all persons other than retailers and wholesale purchaser-consumers in these counties beginning May 1, 2015. The prohibitions of section 211(k)(5) of the Clean Air Act apply to retailers and wholesale purchaser-consumers in these counties beginning on June 1, 2015.

(2) [Reserved]

■ 3. Section 80.72 is amended by adding paragraph (c)(8) to read as follows:

§ 80.72 Procedures for opting out of the covered areas.

* * * * *

(c) * * *

(8) Notwithstanding any other provision of paragraph (c) of this section, for an area that opted in pursuant to Clean Air Act section 211(k)(6)(B), the Administrator shall not set the effective date for removal of the area earlier than four years after the commencement date of opt-in.

* * * * *

[FR Doc. 2014–20177 Filed 8–27–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 252

RIN 0750–AI25

Defense Federal Acquisition Regulation Supplement: Electronic Submission of Technical Reports (DFARS Case 2014–D001)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to require scientific and technical reports be submitted in electronic format.

DATES: *Comment date:* Comments on the proposed rule should be submitted in writing to the address shown below on or before October 27, 2014, to be considered in the formation of a final rule.

ADDRESSES: Submit comments identified by DFARS Case 2014–D001, using any of the following methods:

○ *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''DFARS Case 2014–D001'' under the heading ''Enter keyword or ID'' and selecting ''Search.'' Select the link ''Submit a Comment'' that corresponds with ''DFARS Case 2014–D001.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''DFARS Case 2014–D001'' on your attached document.

○ *Email: osd.dfars@osd.mil.* Include DFARS Case 2014–D001 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Veronica Fallon, OUSD (AT&L) DPAP/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Veronica Fallon, Defense Acquisition Regulations System, OUSD (AT&L) DPAP/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6098.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is proposing to revise the DFARS to implement a policy that requires submission of scientific and technical reports in electronic media. Reports would be submitted online to the Defense Technical Information Center.

II. Discussion and Analysis

This proposed rule will revise DFARS clause 252.235–7011, Final Scientific or Technical Report, by requiring the contractor to submit an electronic copy of the approved final scientific or technical report. This change will lend efficiency to the submission process by no longer requiring the electronically initiated report to be printed for submission. It will also allow the report to be submitted in the same format as it was created.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

DoD does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule is merely updating the means of submitting an existing requirement to the Government. However, an initial regulatory flexibility analysis has been performed and is summarized as follows:

This proposed rule is being issued to require the submission of final scientific or technical reports by electronic means in lieu of paper documents. Electronic submission of the report is required by DoD Instruction 3200.12, DoD Scientific and Technical Information Program. The proposed rule will revise DFARS 252.235–7011, Final Scientific or Technical Report, by requiring the contractor to submit an electronic copy of the approved final scientific or technical report. This change will lend efficiency to the submission process by no longer requiring the electronically initiated report to be printed for submission. It will also allow the report to be submitted in the same format as it was created, thereby streamlining and modernizing the report submission process.

According to the Federal Procurement Data System (FPDS), in Fiscal Year 2013 DoD made approximately 469,593 contract awards (excluding modifications) to small businesses, of which approximately 4,143 (less than 1%) (excluding modifications), were awarded as Research, Development, Test and Evaluation (RDT&E) contracts. It is unknown as to how many of these RDT&E contracts required the submission of scientific or technical reports, since that level of detail is not contained in the FPDS data. However, DoD does not expect this proposed rule to have a significant economic impact on a substantial number of small entities because it is not revising any report submission requirements, it is only modernizing the submission process.

This rule does not duplicate, overlap, or conflict with any other Federal rules.

DoD did not identify any alternatives to this rule that would reduce burdens on small entities and meet the objective of the rule. This rule does not impose any new burdens on small entities, and since the rule only changes the mode of submission of the reports from paper to electronic means, this change is expected to have only a negligible impact. DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2014–D001), in correspondence.

V. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C chapter 35) does apply; however, these changes to the DFARS do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Number 0704–0188, entitled ASSIST Database, which expires on August 31, 2016.

List of Subjects in 48 CFR Part 252

Government procurement.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR part 252 is proposed to be amended as follows:

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for 48 CFR part 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

■ 2. Section 252.235.7011 is revised to read as follows:

252.235–7011 Final Scientific or Technical Report.

As prescribed in 235.072(d), use the following clause:

Final Scientific or Technical Report (Date)

The Contractor shall—

(a) Submit an electronic copy of the approved final scientific or technical report, not a summary, delivered under this contract to the Defense Technical Information Center (DTIC) through the web-based input system at *http://www.dtic.mil/dtic/submit/* as required under DoD Instruction 3200.12. Include a completed Standard Form 298, Report Documentation Page, in the document, or complete the web based SF 298.

(b) For instructions on submitting multi-media reports, follow the instructions at *http://www.dtic.mil/dtic/submit.*

(c) Email classified reports (up to Secret) to *TR@DTIC.SMIL.MIL.* If a SIPRNET email capability is not available, follow the classified submission instructions at *http://www.dtic.mil/dtic/submit/.*

(End of clause)

[FR Doc. 2014–20526 Filed 8–27–14; 8:45 am]

BILLING CODE 5001–06–P

Notices

Federal Register

Vol. 79, No. 167

Thursday, August 28, 2014

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 22, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 29, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681.

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

National Agricultural Statistics Service

Title: Livestock Slaughter.

OMB Control Number: 0535–0005.

Summary of Collection: The primary functions of the National Agricultural Statistics Service (NASS) are to prepare and issue current official State and national estimates of crop and livestock production, disposition and prices and to collect information on related environmental and economic factors. General authority for data collection activities is granted under U.S. Code Title 7, Section 2204. This statute specifies the ''The Secretary of Agriculture shall procure and preserve all information concerning agriculture which he can obtain . . . by the collection of statistics . . . and shall distribute them among agriculturists''. Information from federally and non-federally inspected slaughter plants are used to estimate total red meat production. NASS will use a Federally and non-Federally-inspected livestock slaughter survey to collect data.

Need and Use of the Information: NASS will combine information collected from both types of plants to estimate total red meat production, consisting of the number of head slaughtered plus live and dressed weights of cattle, calves, hogs and sheep. Accurate and timely livestock estimates provide USDA and the livestock industry with basic data to project future meat supplies and producer prices. Agricultural economists in both the public and private sectors use this information in economic analysis and research.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 1,300.

Frequency of Responses: Reporting: Weekly, Monthly, Quarterly and Annually.

Total Burden Hours: 2,504.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–20430 Filed 8–27–14; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Office of the Chief Financial Officer

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: National Finance Center (NFC), United States Department of Agriculture (USDA).

ACTION: 60-day notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the USDA, NFC's intention to request a review of a currently approved information collection for the Direct Premium Remittance System (DPRS), Form DPRS–2809 Request to Change FEHB Enrollment.

DATES: Comments on this notice must be received by October 27, 2014 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting Adrianne F. Riviere, Chief, Government Insurance Services Branch, USDA, NFC, DPRS Billing Unit, P.O. Box 61760, New Orleans, LA 70161–1760; telephone: 504–426–1311; telefax 303–205–3172; or email to *nfc.dprs@nfc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: DPRS–2809, Request to Change FEHB Enrollment.

OMB Number: 0505–0024.

Expiration Date of Approval: October 31, 2014.

Type of Request: Extension of a currently approved information collection.

Abstract: The DPRS–2809, Request to Change FEHB Enrollment, is for Spouse Equity Act/Temporary Continuation of Coverage (TCC) enrollees and direct pay annuitants who are eligible to elect, cancel, or change health benefits enrollment during the open season each year.

Estimated Time per Respondent: Public reporting burden for this collection of information is estimated to average 45 minutes per response.

Respondents: Individuals who are under the Spouse Equity Act/TCC and direct pay annuitants who are eligible to make Federal Employees Health Benefits plan changes during open season.

Estimated Number of Respondents: 25,000.

Estimated Number of Responses per Respondent: 1 (one).

Estimated Total Annual Burden on Respondents: 18,750.

Request for Comments: Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (2) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Interested persons are invited to submit written comments on the proposed information collection. Comments may be sent to DPRS via email to *nfc.dprs@nfc.usda.gov.* All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for the Office Management and Budget's approval. All comments will become a matter of public record.

John S. White,

Director, National Finance Center.

[FR Doc. 2014–20217 Filed 8–27–14; 8:45 am]

BILLING CODE 3410–KS–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0069]

Notice of Request for Extension of Approval of an Information Collection; Importation of Gypsy Moth Host Material From Canada

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 to prevent the introduction of gypsy moth from Canada into noninfested areas of the United States.

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-2014-0069.*
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2014–0069, 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-2014-0069* 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 importation of gypsy moth host material from Canada, contact Mr. David Lamb, Senior Regulatory Policy Specialist, RCC, RPM, PHP, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737; (301) 851–2103. 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 Gypsy Moth Host Material From Canada.

OMB Control Number: 0579–0142.

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 prohibit or restrict the importation, entry, exportation, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS), which administers regulations to implement the PPA. Regulations governing the importation of gypsy moth host material into the United States from Canada are contained in 7 CFR 319.77–1 through 319.77–5.

The regulations are intended to prevent the introduction of gypsy moth into noninfested areas of the United States by placing certain inspection and documentation requirements on gypsy moth host material (i.e., regulated articles) imported from Canada. These regulated articles are: Certain trees with and without roots (e.g., Christmas trees) and shrubs with roots and persistent woody stems, logs and pulpwood with bark attached, bark and bark products, outdoor household articles, and mobile homes and their associated equipment. Under the regulations, depending on the place of origin of the regulated articles and their destination in the United States, certain information collection activities are required, including a phytosanitary certificate, certificate of origin, compliance agreement, or signed homeowner statement.

In the previous request for extension of approval of this information collection, the number of individuals (private citizens) was counted under the estimated annual number of responses per respondent rather than the estimated annual number of respondents. This notice reflects the corrected estimates.

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 0.055 hours per response.

Respondents: Canadian plant health authorities; growers, exporters, or shippers of Christmas trees, shrubs,

logs, pulpwood, and other articles from gypsy moth-infested provinces in Canada; and private individuals entering the United States with mobile homes or outdoor household articles.

Estimated annual number of respondents: 2,131.

Estimated annual number of responses per respondent: 1.090.

Estimated annual number of responses: 2,325.

Estimated total annual burden on respondents: 128 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 22nd day of August 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–20492 Filed 8–27–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0055]

Monsanto Company; Availability of Preliminary Finding of No Significant Impact and Preliminary Decision for an Extension of a Determination of Nonregulated Status of Soybean Genetically Engineered for Resistance to Lepidopteran Insects

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has reached a preliminary decision to extend our determination of nonregulated status of soybean event MON 87701 to soybean event MON 87751 in response to a request from the Monsanto Company. Soybean event MON 87751 has been genetically engineered for resistance to lepidopteran insects, including resistance to fall armyworm beyond that provided to soybean event MON 87701. We are making available for public comment our preliminary finding of no significant impact for the proposed determination of nonregulated status.

DATES: We will consider all comments that we receive on or before September 29, 2014.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0055.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0055, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

The Monsanto Company extension request, our finding of no significant impact, our preliminary determination, and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0055* 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.

Supporting documents and any comments we received regarding our determination of nonregulated status of the antecedent organism, MON 87701 soybean, can be found at *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0038.* Supporting documents and any comments we received regarding our determination of nonregulated status of MON 89034 corn, a referenced organism for this action, can be found at *http://www.regulations.gov/#!docketDetail;D=APHIS-2007-0030.* Combined supporting documents regarding our determination of nonregulated status for the referenced organism MON 15985 cotton can be found on the APHIS Web site at *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml* under APHIS Petition Number 00–342–01p. Supporting documents may also be found on the APHIS Web site for MON 87751 soybean (the organism under evaluation) under APHIS Petition Number 13–337–01p, MON 87701 soybean (the antecedent organism) under APHIS Petition Number 09–082–01p, and MON 89034 corn (a referenced organism) under APHIS Petition Number 06–298–01p.

FOR FURTHER INFORMATION CONTACT: Dr. John Turner, Director, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147 Riverdale, MD 20737–1236; (301) 851–3954, email: *john.t.turner@aphis.usda.gov.* To obtain copies of the supporting documents, contact Ms. Cindy Eck at (301) 851–3885, email: *cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of the plant pest provisions of the Plant Protection Act (PPA) (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms (GE) and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Further, the regulations in § 340.6(e)(2) provide that a person may request that APHIS extend a determination of nonregulated status to other organisms. Such a request must include information to establish the similarity of the antecedent organism and the regulated article in question.

In a notice [1] published in the **Federal Register** on October 12, 2011 (76 FR 63279–63280, Docket No. APHIS–2011–0038), APHIS announced our determination of nonregulated status of soybean (*Glycine max*) designated as event MON 87701, which was genetically engineered for lepidopteran resistance. APHIS has received a request for an extension of a determination of nonregulated status of soybean event MON 87701 (APHIS Petition Number 09–082–01p) to soybean designated as event MON 87751 (APHIS Petition Number 13–337–01p) from the Monsanto Company (Monsanto) of St. Louis, MO. MON 87751 soybean expresses resistance to lepidopteran pests similar to that of MON 87701 soybean, with the exception of increased resistance to fall armyworm (*Spodoptera frugiperda*). In its request, Monsanto stated that this soybean is similar to lepidopteran-resistant soybean event MON 88701 and, based on the similarity to the antecedent organism, is unlikely to pose a plant pest risk and, therefore, should not be

[1] To view the notice, our determination, supporting documents, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS–2011–0038.*

a regulated article under APHIS' regulations in 7 CFR part 340.

As described in the extension request, soybean event MON 87751 soybean has been genetically engineered to express two *Bacillus thuringiensis* proteins (Cry1A.105 and Cry2Ab2) that confer resistance to certain lepidopteran pests of soybeans. The antecedent organism, MON 87701 soybean, was similarly genetically engineered to express the *B. thuringiensis* Cry1Ac insecticidal protein. The Cry1A.105 and Cry2Ab2 expressed in MON 87751 soybean are both similar to the Cry1Ac protein expressed in MON 87701 soybean. Based on the information in the request, we have concluded that soybean designated as event MON 88751 is similar to soybean designated as event MON 88701. Soybean event MON 87751 is currently regulated under 7 CFR part 340.

As part of our decisionmaking process regarding a GE organism's regulatory status, APHIS evaluates the plant pest risk of the article. In section 403 of the PPA, ''plant pest'' is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing.

APHIS completed a plant pest risk assessment (PPRA) on the antecedent organism, MON 87701 soybean, in which we concluded that MON 87701 soybean is unlikely to present a plant pest risk. MON 87751 soybean differs from MON 87701 soybean in the proteins expressed, specifically, Cry1A.105 and Cry2Ab2 are expressed in MON 87751 while only Cry1Ac is expressed in MON 87701. However, the activity spectra are quite similar. APHIS has evaluated Cry1A.105 and Cry2Ab2 when expressed in corn and cotton (MON 89034 and MON 15985, respectively). In the PPRAs that APHIS completed for MON 89034 corn and MON 15985 cotton, we concluded that the organisms did not pose a plant pest risk. As mentioned previously, the Cry1A.105 and Cry2Ab2 expressed in MON 87751 soybean are together similar to the Cry1Ac protein expressed in MON 87701 soybean, and APHIS has concluded that the increased activity toward fall armyworm from the proteins expressed in MON 87751 soybean is unlikely to affect the plant pest risk of MON 87751 soybean. Furthermore, the Environmental Protection Agency reviewed the safety of Cry1A.105 and Cry2Ab2 in corn and concluded that adverse effects will not occur to nontarget organisms. Therefore, based on our PPRAs for MON 87701 soybean, MON 89034 corn, and MON 15985 cotton, the similarity between MON 87751 soybean and MON 87701 soybean, the limited difference in activity spectra between MON 87751 soybean and MON 87701 soybean, and other information, APHIS has concluded that Cry1A.105 and Cry2Ab2 in MON 87751 soybean are unlikely to pose a plant pest risk and that MON 87751 soybean is unlikely to pose a different plant pest risk than MON 87701.

APHIS also prepared an environmental assessment (EA) for the antecedent organism MON 87701 soybean based on our analysis of data submitted by Monsanto, a review of other scientific data, and field tests conducted under APHIS oversight. The EA was prepared to provide the APHIS decisionmaker with a review and analysis of any potential environmental impacts associated with the determination of nonregulated status soybean event MON 87701. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR part 1b); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

APHIS has carefully examined the existing NEPA documentation completed for MON 87701 soybean and has concluded that Monsanto's request to extend a determination of nonregulated status to MON 87751 soybean encompasses the same scope of environmental analysis as MON 87701 soybean. Therefore, based on the similarity of MON 87751 soybean to MON 87701 soybean, APHIS has prepared a preliminary finding of no significant impact (FONSI) on MON 87751 soybean using the EA prepared for MON 87701 soybean. APHIS is considering the following alternatives: (1) Take no action, i.e., APHIS would not change the regulatory status of soybean event MON 87751 and it would continue to be a regulated article, or (2) make a determination of nonregulated status of soybean event MON 87751 soybean. APHIS' preferred alternative is to make a determination of nonregulated status of soybean event MON 87751.

APHIS has analyzed information submitted by Monsanto, references provided in the extension request, peer-reviewed publications, and information in the EA of the antecedent organism MON 87701 soybean. APHIS has also analyzed information in the PPRA for the antecedent organism MON 87701 soybean, information in the PPRAs for MON 89034 corn and MON 15985 cotton, the limited difference in activity spectra between MON 87751 soybean and the antecedent organism MON 87701 soybean, and other information. Based on APHIS' analysis of this information, the similarity of MON 87751 soybean to the antecedent organism MON 87701 soybean, our conclusion that the Cry1A.105 and Cry2Ab2 in MON 87751 soybean are unlikely to pose a plant pest risk, and our conclusion that MON 87751 is unlikely to pose a different plant pest risk than MON 87701, APHIS has determined that soybean event MON 87751 is unlikely to pose a plant pest risk. We have therefore reached a preliminary decision to approve the request to extend the determination of nonregulated status of soybean event MON 87701 to soybean event MON 87751, whereby soybean event MON 87751 would no longer be subject to our regulations governing the introduction of certain genetically engineered organisms.

Paragraph (e) of § 340.6 provides that APHIS will publish a notice in the **Federal Register** announcing all preliminary decisions to extend determinations of nonregulated status for 30 days before the decisions become final and effective. In accordance with § 340.6(e) of the regulations, we are publishing this notice to inform the public of our preliminary decision to extend the determination of nonregulated status of soybean event MON 87701 to soybean event MON 87751.

APHIS will accept written comments on the FONSI regarding a determination of nonregulated status of soybean event MON 87751 for a period of 30 days from the date this notice is published in the **Federal Register**. The FONSI, as well as the extension request, supporting documents, and our preliminary determination for soybean event MON 87751, are available for public review as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above. Copies of these documents may also be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

After the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. All comments will be available for public review. After reviewing and evaluating the comments, if APHIS determines that

no substantive information has been received that would warrant APHIS altering its preliminary regulatory determination or FONSI, our preliminary regulatory determination will become final and effective upon notification of the public through an announcement on our Web site at *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml.* APHIS will also furnish a response to the petitioner regarding our final regulatory determination. No further *Federal Register* notice will be published announcing the final regulatory determination regarding soybean event MON 87751.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 22nd day of August 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–20495 Filed 8–27–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0056]

Availability of an Environmental Assessment for the Field Release of Genetically Engineered Diamondback Moths

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service is making available for public comment our environmental assessment for the field release of diamondback moths which have been genetically engineered for repressible female lethality and to express red fluorescence as a marker. The purpose of the field release is to assess the feasibility and efficacy of these moths in reducing populations of non-genetically engineered diamondback moths.

DATES: We will consider all comments that we receive on or before September 29, 2014.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0056.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0056, 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-2014-0056* 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: Ms. Cindy Eck, Document Control Officer/Team Leader, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 851–3892, email: *cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms and products are considered ''regulated articles.'' A permit must be obtained or a notification acknowledged before a regulated article may be released into the environment. The regulations set forth the permit application requirements and the notification procedures for the importation, interstate movement, or release into the environment of a regulated article.

On October 24, 2013, the Animal and Plant Health Inspection Service (APHIS) received a permit application from Cornell University (APHIS Permit Number 13–297–102r) seeking the permitted field release of three strains of GE diamondback moth (DBM), *Plutella xylostella,* strains designated as OX4319L-Pxy, OX4319N-Pxy, and OX4767A-Pxy. The GE DBM have been genetically engineered to exhibit red fluorescence (DsRed2) as a marker and repressible female lethality, also known as female autocide. The GE DBMs are considered a regulated article under the regulations in 7 CFR part 340 because the recipient organism is or may be a plant pest. APHIS has previously issued Cornell University a permit authorizing the importation of GE DBM strains OX4319L-Pxy, OX4319N-Pxy, and OX4767A-Pxy from the United Kingdom to the Cornell University New York State Agricultural Experiment Station (NYSAES, APHIS Permit Number 12–227–102m) in Geneva, NY.

The purpose of the requested field release is to assess the efficacy of GE DBM strains OX4319L-Pxy, OX4319N-Pxy, and OX4767A-Pxy in reducing pest populations of non-GE DBM. The female autocidal trait permits the selection of DBM males during rearing. When released, it is likely that any female progeny produced from GE DBM males and non-GE DBM females will die.

The proposed release would be at NYSAES and would not exceed 3 years. The release would be limited to 6 sites not exceeding 10 acres per site, surrounded by other agricultural fields within NYSAES' 870 total acres. The release of 20,000 GE DBMs per release per site would be allowed, with up to 5 releases per week per site. Post-experiment monitoring of DBM with traps would continue for 2 weeks after the conclusion of each release to assess field longevity of GE DBM. The red fluorescent marker will allow the GE DBMs to be positively identified.

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts associated with the proposed release of the GE DBM, an environmental assessment (EA) has been prepared. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). APHIS will accept written comments on our EA regarding the proposed release of the GE DBM from interested or affected persons for a period of 30 days from the date of this notice. Copies of the EA are available as indicated in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections of this notice.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 22nd day of August 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–20496 Filed 8–27–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2014–0013]

Codex Alimentarius Commission: Meeting of the Codex Committee on Food Labeling

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA) are sponsoring a public meeting on September 23, 2014. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 42nd Session of the Codex Committee on Food Labeling in Foods (CCFL) of the Codex Alimentarius Commission (Codex), taking place in Santiago, Chile October 21–24, 2014. The Under Secretary for Food Safety and FDA recognize the importance of providing interested parties the opportunity to obtain background information on the 42nd Session of CCFL, and to address items on the agenda.

DATES: The public meeting is scheduled for Tuesday, September 23, 2014 from 1:00–4:00 p.m.

ADDRESSES: The public meeting will take place at the Jamie L. Whitten Building, United States Department of Agriculture (USDA), 1400 Independence Avenue SW., Room 107–A, Washington, DC 20250.

Documents related to the 42nd Session of CCFL will be accessible via the World Wide Web at the following address: *http://www.codexalimentarius.org/meetings-reports/en/.*

Felicia Billingslea, U.S. Delegate to the 42nd Session of the CCFL, invites U.S. interested parties to submit their comments electronically to the following email address: *ccfl@fda.hhs.gov.*

Call in Number:

If you wish to participate in the public meeting for the 42nd Session of the CCFL by conference call, please use the call in number and participant code listed below:

Call in Number: 1–888–844–9904.

The participant code will be posted on the following link: *http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/us-codex-alimentarius/public-meetings.*

FOR FURTHER INFORMATION ABOUT THE 42ND SESSION OF THE CCFL CONTACT: Office of Nutrition, Labeling, and Dietary Supplements, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Parkway (HFS–800), College Park, MD 20740, Email: *ccfl@fda.hhs.gov.*

FOR FURTHER INFORMATION ABOUT THE PUBLIC MEETING CONTACT: Barbara McNiff, U.S. Codex Office, 1400 Independence Ave. SW., Room 4861, Washington, DC 20250, Phone: (202) 690–4719, Fax: (202) 720–3157, Email: *Barbara.McNiff@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The CCFL is responsible for:

(a) Drafting provisions on labeling applicable to all foods;

(b) Considering, amending if necessary, and endorsing draft specific provisions on labeling prepared by the Codex Committees drafting standards, codes of practice and guidelines;

(c) Studying specific labeling problems assigned to it by the Commission; and

(d) Studying problems associated with the advertisement of food with particular reference to claims and misleading descriptions. The Committee is hosted by Canada.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 42nd Session of the CCFL will be discussed during the public meeting:

- Matters referred to the Committee
- Organic Aquaculture
- General Standard for the Labelling of Prepackaged Foods to address the issue of date marking
- Other Business and Future Work

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat prior to the Committee meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the September 23, 2014, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 42nd Session of the CCFL, Felicia Billingslea (see **ADDRESSES**). Written comments should state that they relate to activities of the 42nd Session of the CCFL.

Additional Public Notification

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

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

USDA Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact

USDA's Target Center at 202–720–2600 (voice and TTY).

To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410 or call 202–720–5964 (voice and TTY). USDA is an equal opportunity provider and employer.

Done at Washington, DC, on August 22, 2014.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2014–20417 Filed 8–27–14; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Pike & San Isabel Resource Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The Pike & San Isabel Resource Advisory Committee will meet in Pueblo, Colorado. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose of the meetings is for project discussion and recommendation to the Designated Federal Official.

DATES: The meetings will be held on September 16, 2014 and September 22, 2014 and will begin at 9:30 a.m.

ADDRESSES: The meetings will be held at the Supervisor's Office of the Pike & San Isabel National Forests, Cimarron and Comanche National Grasslands (PSICC) at 2840 Kachina Dr., Pueblo, Colorado. Written comments should be sent to Barbara Timock, PSICC, 2840 Kachina Dr., Pueblo, CO 81008. Comments may also be sent via email to *btimock@fs.fed.us,* or via facsimile to 719–553–1416.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at PSICC, 2840 Kachina Dr., Pueblo, CO 81008. Visitors are encouraged to call ahead to 719–553–1415 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Barbara Timock, RAC coordinator, USDA, Pike & San Isabel National Forests, 2840 Kachina Dr., Pueblo, CO 81008; (719) 553–1415; Email *btimock@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 September 16 and September 22 meetings are open to the public. The following business will be conducted: (1) Review project proposals (2) Vote and recommend projectes to DFO, (3) Public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by September 12, 2014 will have the opportunity to address the Committee at those sessions.

Dated: August 21, 2014.

Diana M. Trujillo,

Designated Federal Official.

[FR Doc. 2014–20486 Filed 8–27–14; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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

Agency: International Trade Administration (ITA).

Title: SABIT Program: Applications and Questionnaires.

OMB Control Number: 0625–0225.

Form Number(s): ITA–4143P.

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

Number of Respondents: 2,000.

Average Hours per Response: 3 hours for application; 2 hours for program exit questionnaire; 1 hour for alumni success story form.

Burden Hours: 4,400.

Needs and Uses: The information collected by the Special American Business Internship Training (SABIT) application for participation in the SABIT Group Program will be used by ITA staff to determine the quality of applicants for SABIT's programs and create delegations of professionals from Eurasia and other regions. The program exit questionnaire will be used to improve the program by determining what worked and what did not work well. The alumni success form will be used to track SABIT alumni to determine how well the program is meeting its foreign policy objectives.

Affected Public: International individuals or households; International businesses or other for-profit organizations.

Frequency: Annually.

Respondent's Obligation: Voluntary.

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

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

Dated: August 22, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–20439 Filed 8–27–14; 8:45 am]

BILLING CODE 3510–HE–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Manufacturers' Shipments, Inventories, and Orders (M3) Survey

AGENCY: U.S. Census Bureau, 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: To ensure consideration, 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(s) and instructions should be directed to Mary Catherine Potter, U.S. Census Bureau, Manufacturing and Construction Division, 4600 Silver Hill

Rd., Room 7K157, Washington, DC 20233–6913, (301) 763–4207 or via the Internet at *mary.catherine.potter@census.gov.*

SUPPLEMENTARY INFORMATION

I. Abstract

The U.S. Census Bureau plans to request an extension of the current Office of Management and Budget (OMB) clearance of the Manufacturers' Shipments, Inventories and Orders (M3) survey. The Manufacturers' Shipments, Inventories, and Orders (M3) survey requests data from domestic manufacturers on form M–3 (SD), which will be mailed at the end of each month. Data requested are shipments, new orders, unfilled orders, total inventory, materials and supplies, work-in-process, and finished goods. It is currently the only survey that provides broad-based monthly statistical data on the economic conditions in the domestic manufacturing sector.

The M3 survey is designed to measure current industrial activity and to provide an indication of future production commitments. The value of shipments measures the value of goods delivered during the month by domestic manufacturers. Estimates of new orders serve as an indicator of future production commitments and represent the current sales value of new orders received during the month, net of cancellations. Substantial accumulation or depletion of unfilled orders measures excess or deficient demand for manufactured products. The level of inventories, especially in relation to shipments, is frequently used to monitor the business cycle.

We do not plan any changes to the M–3 (SD) form. The estimated total annual burden hours will remain 17,200.

II. Method of Collection

Respondents submit data on form M–3 (SD) via mail, or via the Internet. Analysts call respondents who usually report, to obtain data in time for preparing the monthly estimates.

III. Data

OMB Control Number: 0607–0008.

Form Number(s): M–3 (SD).

Type of Review: Regular submission.

Affected Public: Businesses, large and small, or other for profit.

Estimated Number of Respondents: 4,300.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 17,200.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. 131 and 182.

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 22, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–20440 Filed 8–27–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Federal Statistical System Public Opinion Survey

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, 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(s) and instructions should be directed to Jennifer Hunter Childs, *Jennifer.hunter.childs@census.gov* 202–603–4827, U.S. Census Bureau, Center for Survey Measurement, 4600 Silver Hill Road, Washington, DC 20233.

SUPPLEMENTARY INFORMATION:

I. Abstract

From December 2009 through April 2010, the Census Bureau contracted the Gallup Organization to conduct a nightly poll of the public's opinion toward the 2010 Census, public awareness of Census promotional efforts, and intent to mail back their Census forms. The nationally representative, probability-based, sample of 200 respondents per night, sampled from RDD and cell frames, estimates, based on aggregating these data over week-long time periods provided nearly immediate feedback on public reaction to national events that could possibly influence response to the 2010 Census, and on the success or failure of our communications campaign messaging.

The Census Bureau used this feedback to make communication campaign decisions during data collection that contributed to achieving a mail-back participation rate of 74%, despite increased vacancy rates due to the economic downturn, increased public skepticism about the role of the Federal Government, and a general decline in survey response rates during the decade that crossed both public and private sector surveys.

From February 2012 through March 2014, the Gallup Organization conducted the Federal Statistical System (FSS) Public Opinion Survey conducted under a contract with the U.S. Census Bureau. The mission critical objective was to track public opinion toward statistics produced by the Federal Government. During this time, we saw a relatively stable level of trust in Federal statistics until several events became headlines in the news, including scandals involving the IRS and NSA and then the Government shutdown of 2013. As these events progressed, we saw a downturn in trust in Federal statistics, which also happened to correlate with a decrease in response rates to several Census Bureau surveys. Without being able to determine causal factors, we are interested in pursuing further data collection to try to understand these possible causal relationships. To date, the data have been gathered nightly from small (n = 200) independent cross-

section samples of individuals participating in a general multi-topic Random Digit Dial (RDD) telephone survey. We collected 200 cases per night, leading up to 1,400 cases per week and 6,000 cases per month, etc. The nightly sample data was aggregated over weeks or months to examine trends in attitudes towards the FSS. The cross-sectional design offered the opportunity to examine large marginal shifts in attitudes on a daily basis. The cross-sectional design precluded examination of small daily marginal changes in attitudes, as well as any change at the individual level. The design also limited our ability to relate events in the news, such as the IRS and NSA stories, to shifts in opinion toward Federal statistics.

The objective of the planned study is to conduct a nationally representative sample survey of public opinion, primarily on attitudes toward the FSS and the use of Federal statistics. The collected data will be used to track changes in attitudes towards the FSS and in data use. The data will also enable the Census Bureau to assess how news events related to the statistical system or government and public perceptions of these events affects usage of and attitudes towards Federal statistics. The methodology for the planned survey is very similar to the recently conducted FSS Public Opinion Survey, however with a smaller weekly sample with additional questions that will allow us to examine possible causal factors over time. The smaller sample size makes this data collection cheaper, and thus possible to continue this survey for a longer period of time.

II. Method of Collection

The Census Bureau plans to add a minimum of 7 and up to 25 questions at a time to a sample of cases in the Gallup Daily Tracking, which is an ongoing daily survey asking U.S. adults about various political, economic, and well-being topics. The initial 7 questions will allow us to continue the time series began under the previous study and to add open-ended questions which will allow us to measure change in the basis of attitudes. The additional questions will allow us to investigate other issues that could be related to trust and other perceptions of the FSS.

The survey methodology for the planned collection is the same as the past collection. It includes sample coverage in Alaska and Hawaii, and relies on a three-call design to reach respondents not contacted on the initial attempt. The survey methods for the Gallup Daily Tracking rely on live interviews, dual-frame sampling (which includes listed landline interviewing as well as cell phone sampling to reach those in cell phone-only households, cell phone-mostly households, and unlisted landline-only households), and a random selection method for choosing respondents within the household. The Census Bureau will ask questions of 850 respondents a week who participate in the Gallup Daily Tracking from March 1, 2015 through October 31, 2019.

III. Data

OMB Control Number: 0607–0969.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals.

Estimated Number of Respondents: 44,200.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 7,367.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Chapter 5.

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 22, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–20418 Filed 8–27–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Public Employment and Payroll Forms

AGENCY: U.S. Census Bureau, 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: To ensure consideration, 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(s) and instructions should be directed to Paul W. Villena, Acting Chief, Employment and Benefit Statistics Branch, Governments Division, U.S. Census Bureau, Washington, DC 20233–6800 (301–763–7286 or *Paul.W.Villena@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request clearance for the forms necessary to conduct the public employment and payroll program, which consists of an annual collection of information and a quinquennial collection in a census environment in years ending in ''2'' or ''7''. During the upcoming three years, we intend to conduct the 2015 Annual Survey of Public Employment & Payroll, the 2016 Annual Survey of Public Employment & Payroll, and the 2017 Census of Governments: Employment.

Under Title 13, Section 161, of the United States Code, the Secretary of Commerce is authorized to conduct the public employment and payroll program, which collects and disseminates data by function for full-time and part-time employees, payroll, and number of part-time hours worked. The number and content of the data items collected are the same in the annual and census cycles.

The burden hours we will request are based on the expected 2015 and 2016 Annual Survey of Public Employment & Payroll mail out of 16,432 forms for each survey year, and the expected 2017 Census of Governments: Employment mail-out of 99,726 forms. In addition, burden hours include data received via data arrangements, which are explained in further detail within the method of collection section.

The state and local government statistics produced cover national, state, and local aggregates on various functions with comparative detail for individual governments for the pay period that includes March 12. The public employment and payroll program provides the only comprehensive count of employees and payrolls of state and local governments.

The Census Bureau provides this employment data to the Bureau of Economic Analysis for constructing the functional payrolls in the public sector of the Gross Domestic Product; payroll being the single largest component of current operations. The public employment and payroll program has increasingly been used as the base for reimbursable programs conducted by the Census Bureau for other Federal agencies such as: (1) The government portion of the Medical Expenditure Panel Survey commissioned by the Agency for Healthcare Research and Quality to provide timely, comprehensive information about health care use and costs in the United States, and (2) the Criminal Justice Expenditure and Employment Survey, sponsored by the Bureau of Justice Statistics (BJS), which provides criminal justice expenditure and employment data on spending and personnel levels.

Statistics are produced as data files in electronic formats. The program has disseminated comprehensive and comparable governmental statistics since 1940.

The users of the public employment and payroll program data include Federal agencies, state and local governments and related organizations, public interest groups, and many business, market, and private research organizations.

II. Method of Collection

An estimated 21,000 state agencies, county governments, consolidated city-county governments, independent cities, towns, townships, special district governments, and public school systems designated for the 2015 or 2016 Annual Survey of Public Employment & Payroll will be sent an appropriate form or their data will be collected through a data sharing arrangement between the Census Bureau and the governmental unit. Approximately 104,000 governmental units designated for the 2017 Census of Governments: Employment will either be sent an appropriate form or their data will be collected through a data sharing arrangement between the Census Bureau and the governmental unit.

The Census Bureau developed central collection arrangements with state and large local government officials to collect the data from their dependent agencies and report to us as a central respondent. Based on the 2012 Census of Governments: Employment, these arrangements eliminate the need for a mail canvass of approximately 3,777 state agencies and 616 school systems. The arrangements reduce burden by greatly reducing the number of people who have to complete a form as the data are acquired from a centralized source instead of from multiple sources. Currently, the Census Bureau has central collection arrangements with forty-six states and four local school district governments. The Census Bureau continues to expand the conversion of paper submissions into electronic formats, for both individual units and central collection units.

All form types can be completed on the Internet. For the 2013 Annual Survey of Public Employment & Payroll, approximately 73.1 percent of the governmental units that completed the questionnaire used the Census Bureau's Web site.

III. Data

OMB Control Number: 0607–0452.

Form Number(s): E–1, E–2, E–3, E–4, E–5, E–6, E–7, E–8, E–9, E–10.

Type of Review: Regular submission.

Affected Public: State and local governments.

Estimated Number of Respondents: 44,197.

Estimated Time per Response: The average for all forms is 50 minutes.

Estimated Total Annual Burden Hours: 36,831.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Section 161.

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 22, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–20426 Filed 8–27–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Technical Advisory Committee will meet on September 11, 2014, 10:00 a.m., Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials and related technology.

Agenda

Open Session

1. Opening Remarks and Introductions.
2. Remarks from Bureau of Industry and Security senior management.
3. Presentation on recycling composites.
4. Presentation on Department of Homeland Security outreach to industry.
5. Report from working groups: Public Domain Issues, Composite Working Group; Biological Working Group; and the Pump/Valves Working Group.
6. Report on regime-based activities.
7. Public Comments and New Business.

Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on

a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than September 4, 2014.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the materials should be forwarded prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 11, 2014, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 § § 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: August 22, 2014.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2014–20458 Filed 8–27–14; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet September 16, 2014, 9:00 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

Public Session

1. Opening remarks by the Chairman.
2. Opening remarks by Bureau of Industry and Security.
3. Presentation of papers or comments by the Public.
4. Export Enforcement update.
5. Regulations update.
6. Working group reports.
7. Automated Export System update.

Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 25 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than September 9, 2014.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on April 14, 2014, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § (10)(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: August 22, 2014.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2014–20454 Filed 8–27–14; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–014]

53-Foot Domestic Dry Containers From the People's Republic of China: Postponement of Preliminary Determination of Antidumping Duty Investigation

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

DATES: *Effective Date:* August 28, 2014.

FOR FURTHER INFORMATION CONTACT: Angelica Mendoza, John Drury or Brian Davis, Office VI, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–3019, (202) 482–0195 or (202) 482–7924, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 19, 2014, the Department of Commerce (the Department) published in the **Federal Register** the initiation of the antidumping duty investigation of 53-foot domestic dry containers from the People's Republic of China (PRC).[1] The current deadline for the preliminary determination of this investigation is September 30, 2014.

Period of Investigation

The period of investigation is October 1, 2013, through March 31, 2014.

Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination no later than 140 days after the initiation of the antidumping duty investigation. On July 25, 2014, Stoughton Trailers LLC (Petitioner) made a timely request pursuant to section 733(c)(1)(A) and 19 CFR 351.205(e) for a postponement of the preliminary determination because the Department is still gathering questionnaire responses from the mandatory respondents and publicly-available information necessary to value respondents' factors of production.[2]

For the reasons stated above and because there are no compelling reasons

[1] *See 53-Foot Domestic Dry Containers From the People's Republic of China: Initiation of Antidumping Duty Investigation,* 79 FR 28674 (May 19, 2014) (*Notice of Initiation*).

[2] *See* Letter from Petitioner to the Department, dated July 25, 2014.

to deny the request, the Department is postponing by 50 days, to November 19, 2014, the deadline for its preliminary determination of this investigation pursuant to section 733(c)(1)(A) of the Act and 19 CFR 351.205(e) and (f). In accordance with section 735(a)(1) of the Act, the deadline for the final determination of this antidumping duty investigation will continue to be 75 days after the date of the preliminary determination, unless extended.

This notice is issued and published in accordance with section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: August 21, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–20520 Filed 8–27–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–822]

Certain Frozen Warmwater Shrimp From Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013

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

SUMMARY: On March 24, 2014, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain frozen warmwater shrimp from Thailand.[1] The period of review (POR) is February 1, 2012, through January 31, 2013. Based on our analysis of the comments received, we made certain changes in the margin calculations. Therefore, the final results differ from the preliminary results. For the final results, we continue to find that all companies involved in this review sold subject merchandise at less than normal value. Finally, we find that 12 companies had no shipments of subject merchandise during the POR.

DATES: *Effective Date:* August 28, 2014.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or Blaine Wiltse, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5973 or (202) 482–6345 respectively.

SUPPLEMENTARY INFORMATION:

Background

This review covers 159 producers/exporters. The respondents which the Department selected for individual examination are Thai Union Frozen Products Public Co., Ltd. and Thai Union Seafood Co., Ltd. (collectively, Thai Union) and the Pakfood Group.[2] On July 26, 2013, we collapsed Thai Union and Pakfood into a single entity, hereinafter referred to as ''Thai Union/Pakfood'').[3] The respondents which were not selected for individual examination are listed in the ''Final Results of the Review'' section of this notice.

On March 24, 2014, the Department published the *Preliminary Results.* On March 25, 2014, we issued a memorandum stating our intention to rescind the review for two companies that the Department found not to be producers or exporters of subject merchandise, as defined in 19 CFR 351.213(b) and 351.102(b)(29)(i).[4]

In May 2014, we received case briefs from the American Shrimp Processors Association and Thai Union/Pakfood, and we received rebuttal briefs from the above-mentioned interested parties and the the Ad Hoc Shrimp Trade Action Committee. Also on May 15, 2014, the Department held a public hearing at the request of the respondents.

Scope of the Order

The merchandise subject to the order is certain frozen warmwater shrimp.[5] The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.

Analysis of Comments Received

All issues raised in the case briefs by parties are addressed in the Issues and Decision Memo. A list of the issues which parties raised and to which we respond in the Issues and Decision Memo is attached to this notice as Appendix I. The Issues and Decision Memo is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memo can be accessed directly on the Internet at *http://www.trade.gov/ia/.* The signed and electronic versions of the Issues and Decision Memo are identical in content.

Changes Since the Preliminary Results

Based on comments received from interested parties regarding our *Preliminary Results,* we made one change to Thai Union/Pakfood's margin calculations.

Period of Review

The POR is February 1, 2012, through January 31, 2013.

Determination of No Shipments

As noted in the *Preliminary Results,* we received properly-filed no shipment claims from 13 companies named in the *Initiation Notice.*[6] However, as noted in the ''Rescission in Part'' section of this notice, below, we subsequently determined that one of these companies is not an exporter or producer of shrimp and thus we are rescinding the review with regard to this company.

Regarding the remaining 12 companies, we confirmed the claims of these companies with U.S. Customs and Border Protection (CBP). We received no comments from interested parties with

[1] *See Certain Frozen Warmwater Shrimp From Thailand; Preliminary Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 15951 (March 24, 2014) (*Preliminary Results*).

[2] The Pakfood Group includes the following companies: Pakfood Public Company Limited, Okeanos Co. Ltd., Okeanos Food Co., Ltd., Asia Pacific (Thailand) Co., Ltd., Chaophraya Cold Storage Co. Ltd., and Takzin Samut Co. Ltd. (collectively, Pakfood).

[3] In this review, the Department determined to treat the Pakfood Group as a collapsed entity with Thai Union, effective as of April 23, 2012. *See Preliminary Results.*

[4] *See* memorandum from Dennis McClure, Senior Analyst, Office II, to James Maeder, Director, Office II, entitled ''Frozen Warmwater Shrimp from Thailand: Preliminary Intent to Rescind Review for GSE Lining Technology Co., Ltd. and Recission of Review for Kosamut Frozen Foods Co., Ltd.,'' dated March 25, 2014.

[5] For a complete description of the Scope of the Order, see the memorandum from Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, entitled, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Certain Frozen Warmwater Shrimp from Thailand,'' (dated concurrently with these results) (Issues and Decision Memo), which is hereby adopted by this notice.

[6] *See Certain Frozen Warmwater Shrimp From India and Thailand: Notice of Initiation of Antidumping Duty Administrative Reviews,* 78 FR 19639 (April 2, 2013) (*Initiation Notice*).

respect to these claims. Therefore, because we find that the record indicates that the 12 companies listed below did not export subject merchandise to the United States during the POR, we continue to find that they had no reviewable transactions during the POR. These companies are:

(1) Anglo-Siam Seafoods Co., Ltd.;
(2) Daedong (Thailand) Co. Ltd.;
(3) Grobest Frozen Foods Co., Ltd.;
(4) Leo Global Logistics Co., Ltd;
(5) Leo Transports;
(6) Lucky Union Foods Co., Ltd.;
(7) Namprick Maesri Ltd. Part.;
(8) S.K. Foods (Thailand) Public Co. Limited;
(9) Shing-Fu Seaproducts Development Co., Ltd.;
(10) Surapon Nichirei Foods Co., Ltd.;
(11) Thai Union Manufacturing; and
(12) V. Thai Food Product Co., Ltd.

Rescission, in Part

The Department initiated this administrative review for 161 companies, including companies named GSE Lining Technology Co., Ltd. (GSE) and Kosamut Frozen Foods Co., Ltd. (Kosamut).[7] In the *Preliminary Results,* we made a determination that GSE did not ship subject merchandise to the United States during the period of review, based on its certified statement of no shipments;[8] and we assigned Kosamut a preliminary dumping margin as a non-selected respondent.[9]

After issuing the preliminary results, it came to our attention that neither GSE nor Kosamut is a producer or exporter of subject merchandise, as defined in 19 CFR 351.213(b), and thus we issued a memorandum stating that the Department intended to rescind the review for both of these companies in the final results. Specifically, in its April 2013 statement of no shipments, GSE certified that it is a manufacturer of geosynthetic liners and that it is not, and has never been, involved in the sale of shrimp or other seafood. Moreover, in *Shrimp AR7 Final Results,*[10] the Department determined that Kosamut is neither an exporter nor a manufacturer of subject merchandise, and accordingly, we rescinded the review with respect to this entity; there is no evidence on the record of this segment of the proceeding contradicting our finding with respect to Kosamut.

Because no party has commented on this preliminary decision, we continue to find that GSE and Kosamut are not exporters or producers, as defined in 19 CFR 351.213(b), and, accordingly, the Department is rescinding the review with respect to GSE and Kosamut, pursuant to 19 CFR 351.213(d)(3).

Final Results of the Review

We are assigning the following dumping margins to the firms listed below as follows:

Manufacturer/exporter	Percent margin
Thai Union Frozen Products Public Co., Ltd./	[11] 1.10
Thai Union Seafood Co., Ltd./	.....
Pakfood Public Company Limited/	.....
Okeanos Food Co., Ltd./	.....
Okeanos Co. Ltd./	.....
Asia Pacific (Thailand) Co., Ltd.,/ Chaophraya Cold Storage Co. Ltd./	.....
Takzin Samut Co. Ltd.	.....

Review-Specific Average Rate Applicable to the Following Companies:

Manufacturer/exporter	Percent margin
A Foods 1991 Co., Limited	1.10
A. Wattanachai Frozen Products Co., Ltd	1.10
A.S. Intermarine Foods Co., Ltd	1.10
ACU Transport Co., Ltd	1.10
Anglo-Siam Seafoods Co., Ltd	*
Apex Maritime (Thailand) Co., Ltd.	1.10
Apitoon Enterprise Industry Co., Ltd.	1.10
Applied DB	1.10
Asian Seafood Coldstorage (Sriracha)	1.10
Asian Seafoods Coldstorage Public Co., Ltd./Asian Seafoods Coldstorage (Suratthani) Co./ STC Foodpak Ltd	1.10
Assoc. Commercial Systems	1.10
B.S.A. Food Products Co., Ltd	1.10
Bangkok Dehydrated Marine Product Co., Ltd	1.10
C Y Frozen Food Co., Ltd	1.10
CP Retailing and Marketing Co., Ltd	1.10
C.P. Intertrade Co. Ltd	1.10
Calsonic Kansei (Thailand) Co., Ltd	1.10
Century Industries Co., Ltd	1.10
Chaivaree Marine Products Co., Ltd	1.10
Chaiwarut Co., Ltd	1.10
Charoen Pokphand Foods Public Co., Ltd	1.10
Chonburi LC	1.10
Chue Eie Mong Eak Ltd. Part	1.10
Commonwealth Trading Co., Ltd	1.10
Core Seafood Processing Co., Ltd	1.10
CP Merchandising Co., Ltd[3]	1.10
C.P. Mdse	1.10
Crystal Frozen Foods Co., Ltd. and/or Crystal Seafood	1.10
Daedong (Thailand) Co. Ltd.*.	
Daiei Taigen (Thailand) Co., Ltd	1.10
Daiho (Thailand) Co., Ltd	1.10
Dynamic Intertransport Co., Ltd	1.10
Earth Food Manufacturing Co., Ltd	1.10
F.A.I.T. Corporation Limited	1.10
Far East Cold Storage Co., Ltd	1.10
Findus (Thailand) Ltd	1.10
Fortune Frozen Foods (Thailand) Co., Ltd	1.10
Frozen Marine Products Co., Ltd	1.10
Gallant Ocean (Thailand) Co., Ltd	1.10
Gallant Seafoods Corporation	1.10
Global Frozen Food (Thailand) Co.	1.10
Global Maharaja Co., Ltd	1.10
Golden Sea Frozen Foods Co., Ltd	1.10
Golden Seafood International Co., Ltd	1.10
Golden Thai Imp. & Exp. Co., Ltd	1.10
Good Fortune Cold Storage Co. Ltd	1.10
Good Luck Product Co., Ltd	1.10
Grobest Frozen Foods Co., Ltd	*
Gulf Coast Crab Intl.	1.10
H.A.M. International Co., Ltd	1.10
Haitai Seafood Co., Ltd	1.10
Handy International (Thailand) Co., Ltd	1.10
Heng Seafood Limited Partnership	1.10
Heritrade Co., Ltd	1.10
HIC (Thailand) Co., Ltd	1.10
High Way International Co., Ltd	1.10
I.T. Foods Industries Co., Ltd	1.10
Inter-Oceanic Resources Co., Ltd	1.10
Inter-Pacific Marine Products Co., Ltd	1.10
K & U Enterprise Co., Ltd	1.10
K Fresh	1.10
K. D. Trading Co., Ltd	1.10
K.L. Cold Storage Co., Ltd	1.10
KF Foods Limited	1.10
Kiang Huat Sea Gull Trading Frozen Food Public Co., Ltd	1.10
Kibun Trdg	1.10
Kingfisher Holdings Ltd	1.10
Kitchens of the Oceans (Thailand) Company, Ltd	1.10
Klang Co., Ltd	1.10
Kongphop Frozen Foods Co., Ltd	1.10
Leo Global Logistics Co., Ltd	*
Lee Heng Seafood Co., Ltd	1.10
Leo Transports	*
Li-Thai Frozen Foods Co., Ltd	1.10
Lucky Union Foods Co., Ltd	*
Maersk Line	1.10

[7] *See Certain Frozen Warmwater Shrimp From India and Thailand: Notice of Initiation of Antidumping Duty Administrative Reviews,* 78 FR 19639 (April 2, 2013).

[8] *See* the letter from GSE to the Department dated April 16, 2013.

[9] *See Preliminary Results,* 79 FR at 15953.

[10] *See Certain Frozen Warmwater Shrimp From Thailand: Final Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Revocation of Order (in Part); 2011–2012,* 78 FR 42497, 42499 (July 16, 2013) (*Shrimp AR7 Final Results*).

[11] This cash deposit rate is based on the combined sales of Thai Union and Pakfood after the companies were collapsed (*i.e.,* sales made during the period April 23, 2012, through January 31, 2013). The rates calculated for Thai Union and Pakfood for the period February 1, 2012, through April 22, 2012, are zero percent and 2.09 percent, respectively. The calculations for the period February 1, 2012, through April 22, 2012, will be used for assessment purposes only, as noted in the ''Collapsing of Thai Union and Pakfood'' section of the Preliminary Decision Memorandum.

Manufacturer/exporter	Percent margin
Magnate & Syndicate Co., Ltd	1.10
Mahachai Food Processing Co., Ltd	1.10
Merit Asia Foodstuff Co., Ltd	1.10
Merkur Co., Ltd	1.10
Ming Chao Ind Thailand	1.10
N&N Foods Co., Ltd	1.10
NR Instant Produce Co., Ltd	1.10
Namprik Maesri Ltd Part.	*
Narong Seafood Co., Ltd	1.10
Nha Trang Seaproducts Company ("Nha Trang") and/or Nha Trang Seaproduct Company ("NHA TRANG SEAFOODS")	1.10
Nongmon SMJ Products	1.10
Ongkorn Cold Storage Co., Ltd/Thai-Ger Marine Co., Ltd	1.10
Pacific Queen Co., Ltd	1.10
Penta Impex Co., Ltd	1.10
Pinwood Nineteen Ninety Nine	1.10
Piti Seafood Co., Ltd	1.10
Premier Frozen Products Co., Ltd	1.10
Preserved Food Specialty Co., Ltd	1.10
Queen Marine Food Co., Ltd	1.10
Rayong Coldstorage (1987) Co., Ltd	1.10
S&D Marine Products Co., Ltd	1.10
S&P Aquarium	1.10
S&P Syndicate Public Company Ltd	1.10
S. Chaivaree Cold Storage Co., Ltd	1.10
S. Khonkaen Food Industry Public Co., Ltd and/or S. Khonkaen Food Ind. Public	1.10
S.K. Foods (Thailand) Public Co. Limited	*
Samui Foods Company Limited	1.10
SB Inter Food Co., Ltd	1.10
SCT Co., Ltd	1.10
Sea Bonanza Food Co., Ltd	1.10
SEA NT'L CO., LTD.	1.10
Seafoods Enterprise Co., Ltd	1.10
Seafresh Fisheries/Seafresh Industry Public Co., Ltd	1.10
Search and Serve	1.10
Shianlin Bangkok Co., Ltd	1.10
Shing Fu Seaproducts Development Co.	*
Siam Food Supply Co., Ltd	1.10
Siam Intersea Co., Ltd	1.10
Siam Marine Products Co. Ltd	1.10
Siam Ocean Frozen Foods Co. Ltd	1.10
Siamchai International Food Co., Ltd	1.10
Smile Heart Foods	1.10
SMP Products, Co., Ltd	1.10
Southport Seafood Co., Ltd	1.10
Stapimex	1.10
Star Frozen Foods Co., Ltd	1.10
Starfoods Industries Co., Ltd	1.10
Suntechthai Intertrading Co., Ltd	1.10
Surapon Foods Public Co., Ltd/Surat Seafoods Public Co., Ltd	1.10
Surapon Nichirei Foods Co., Ltd	*
Suratthani Marine Products Co., Ltd	1.10
Suree Interfoods Co., Ltd	1.10
T.S.F. Seafood Co., Ltd	1.10
Tep Kinsho Foods Co., Ltd	1.10
Teppitak Seafood Co., Ltd	1.10
Tey Seng Cold Storage Co., Ltd	1.10
Thai Agri Foods Public Co., Ltd	1.10
Thai Mahachai Seafood Products Co., Ltd	1.10
Thai Ocean Venture Co., Ltd	1.10
Thai Patana Frozen	1.10
Thai Prawn Culture Center Co., Ltd	1.10
Thai Royal Frozen Food Co., Ltd	1.10
Thai Spring Fish Co., Ltd	1.10
Thai Union Manufacturing Company Limited	*
Thai World Imports and Exports Co., Ltd	1.10
Thai Yoo Ltd, Part.	1.10
The Siam Union Frozen Foods Co., Ltd	1.10
The Union Frozen Products Co., Ltd/Bright Sea Co., Ltd	1.10
Trang Seafood Products Public Co., Ltd	1.10
Transamut Food Co., Ltd	1.10
Tung Lieng Tradg	1.10
United Cold Storage Co., Ltd	1.10
UTXI Aquatic Products Processing Company	1.10
V. Thai Food Product Co., Ltd	*
Xian-Ning Seafood Co., Ltd	1.10
Yeenin Frozen Foods Co., Ltd	1.10
YHS Singapore Pte	1.10
ZAFCO TRDG	1.10

*No shipments or sales subject to this review.

Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. Pursuant to 19 CFR 351.212(b)(1), for entries of Thai Union/Pakfood's subject merchandise made from April 23, 2012, through January 31, 2013, we have calculated importer-specific ad valorem duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the sales. With respect to entries of subject merchandise by Thai Union and Pakfood prior to April 23, 2012, we have calculated importer-specific ad valorem duty assessment rates using the individual company information based on the same method noted above. To determine whether the duty assessment rates are *de minimis,* in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we have calculated importer-specific *ad valorem* ratios based on the entered value. For the companies which were not selected for individual examination, we have used as the assessment rate the cash deposit rate assigned to Thai Union/Pakfood, in accordance with our practice.[12] The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates shown above, except if the rate is less than 0.50 percent (*de minimis* within the meaning of 19 CFR 351.106(c)(1)) the cash deposit will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 5.34 percent, the all-others rate made effective by the *Section 129 Determination.*[13] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as the only reminder to importers of their responsibility, under 19 CFR 351.402(f)(2), to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information

[12] *See Shrimp AR7 Final Results,* 78 FR at 42500.

[13] Effective January 16, 2009, there is no longer a cash deposit requirement for certain producers/exporters in accordance with the *Implementation of the Findings of the WTO Panel in United States Antidumping Measure on Shrimp from Thailand: Notice of Determination under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order on Frozen Warmwater Shrimp from Thailand,* 74 FR 5638 (January 30, 2009) (*Section 129 Determination*).

disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4) and 19 CFR 351.221(b)(5).

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

Summary
Background
Margin Calculations
Scope of the Order
Discussion of the Issues
- Comment 1: Legal Authority to Consider an Alternative Comparison Method in an Administrative Review
- Comment 2: Differential Pricing Analysis: Relevance of Thresholds and the Administrative Procedures Act (APA)
- Comment 3: Differential Pricing Analysis: Statistical Significance of Sample Size
- Comment 4: Differential Pricing Analysis: Application of the A-to-T Method for Thai Union's U.S. Sales
- Comment 5: Denial of Offsets for Non-Dumped Sales When Using the Average-to-Transaction Method
- Comment 6: Comparison of Sales Between Collapsed and Uncollapsed Parties
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- Comment 9: Calculation of the Assessment Rate for Shrimp Imported in Rings with Sauce
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[FR Doc. 2014–20524 Filed 8–27–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–840]

Certain Frozen Warmwater Shrimp From India: Final Results of Antidumping Duty Administrative Review; 2012–2013

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

SUMMARY: On March 25, 2014, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain frozen warmwater shrimp from India.[1] The period of review (POR) is February 1, 2012, through January 31, 2013. For the final results, we continue to find that all companies involved in this review sold subject merchandise at less than normal value.

DATES: *Effective Date:* August 28, 2014.

FOR FURTHER INFORMATION CONTACT: David Crespo or Stephen Banea, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3693 or (202) 482–0656, respectively.

SUPPLEMENTARY INFORMATION:

Background

This review covers 205 producers/exporters. The respondents which the Department selected for individual examination are Devi Fisheries Limited (Devi Fisheries) and Falcon Marine Exports Limited/K.R. Enterprises (Falcon). The respondents which were not selected for individual examination are listed in the ''Final Results of the Review'' section of this notice.

On March 25, 2014, the Department published the *Preliminary Results.* In May 2014, we received case briefs from the American Shrimp Processors Association; and Devi Fisheries, Falcon, and 16 additional producers/exporters of the subject merchandise (collectively, the respondents); we also received rebuttal briefs from the above-mentioned interested parties and the Ad Hoc Shrimp Trade Action Committee. In June 2014, the Department held a public hearing at the request of the respondents.

Scope of the Order

The merchandise subject to the order is certain frozen warmwater shrimp.[2] The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.

Analysis of Comments Received

All issues raised in the case briefs by parties are addressed in the Issues and Decision Memo. A list of the issues which parties raised and to which we respond in the Issues and Decision Memo is attached to this notice as Appendix I. The Issues and Decision Memo is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memo can be accessed directly on the Internet at *http://www.trade.gov/ia/.* The signed and electronic versions of the Issues and Decision Memo are identical in content.

Changes Since the Preliminary Results

Based on a review of the record and comments receive from interested parties regarding our *Preliminary Results,* we have made no changes to Devi Fisheries' or Falcon's margin calculations.

Period of Review

The POR is February 1, 2012, through January 31, 2013.

Final Results of the Review

We are assigning the following dumping margins to the firms listed below as follows:

Manufacturer/Exporter	Percent margin
Devi Fisheries Limited	1.97
Falcon Marine Exports Limited/K.R. Enterprises	3.01

Review-Specific Average Rate Applicable to the Following Companies: [3]

[1] *See Certain Frozen Warmwater Shrimp From India; Preliminary Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 16285 (Mar. 25, 2014) (*Preliminary Results*).

[2] For a complete description of the Scope of the Order, see the memorandum from Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, entitled, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Certain Frozen Warmwater Shrimp from India,'' (dated concurrently with these results) (Issues and Decision Memo), which is hereby adopted by this notice.

[3] This rate is based on the simple average of the margins calculated for those companies selected for individual review. Because we cannot apply our normal methodology of calculating a weighted-average margin without revealing business proprietary information to the companies selected for individual review, we find this rate to be the

Continued

Manufacturer/Exporter	Percent margin
Abad Fisheries	2.49
Accelerated Freeze-Drying Co.	2.49
Adilakshmi Enterprises	2.49
Allana Frozen Foods Pvt. Ltd	2.49
Allanasons Ltd	2.49
AMI Enterprises	2.49
Amulya Seafoods	2.49
Anand Aqua Exports	2.49
Ananda Aqua Applications/Ananda Aqua Exports (P) Limited/Ananda Foods	2.49
Andaman Sea Foods Pvt. Ltd	2.49
Angelique Intl	2.49
Anjaneya Seafoods	2.49
Apex Frozen Foods Private Limited	2.49
Arvi Import & Export	2.49
Asvini Exports	2.49
Asvini Fisheries Private Limited	2.49
Avanti Feeds Limited	2.49
Ayshwarya Seafood Private Limited	2.49
Baby Marine Exports	2.49
Baby Marine International	2.49
Baby Marine Sarass	2.49
Balasore Marine Exports Private Limited	2.49
Bhatsons Aquatic Products	2.49
Bhavani Seafoods	2.49
Bijaya Marine Products	2.49
Blue Fin Frozen Foods Pvt. Ltd	2.49
Blue Water Foods & Exports P. Ltd	2.49
Bluefin Enterprises	2.49
Bluepark Seafoods Private Ltd	2.49
BMR Exports	2.49
Britto Exports	2.49
C P Aquaculture (India) Ltd	2.49
Calcutta Seafoods Pvt. Ltd	2.49
Canaan Marine Products	2.49
Capithan Exporting Co.	2.49
Castlerock Fisheries Ltd	2.49
Chemmeens (Regd)	2.49
Cherukattu Industries (Marine Div.)	2.49
Choice Canning Company	2.49
Choice Trading Corporation Private Limited	2.49
Coastal Aqua	2.49
Coastal Corporation Ltd	2.49
Cochin Frozen Food Exports Pvt. Ltd	2.49
Coreline Exports	2.49
Corlim Marine Exports Pvt. Ltd	2.49
D2 D Logistics Private Limited	2.49
Damco India Private	2.49
Delsea Exports Pvt. Ltd	2.49
Devi Marine Food Exports Private Ltd/Kader Exports Private Limited/Kader Investment and Trading Company Private Limited/Liberty Frozen Foods Pvt. Ltd/Liberty Oil Mills Ltd/Premier Marine Products/Universal Cold Storage Private Limited	2.49
Devi Sea Foods Limited [4]	2.49
Diamond Seafood Exports/Edhayam Frozen Foods Pvt. Ltd/Kadalkanny Frozen Foods/Theva & Company	2.49
Digha Seafood Exports	2.49
Esmario Export Enterprises	2.49
Exporter Coreline Exports	2.49
Five Star Marine Exports Private Limited	2.49
Forstar Frozen Foods Pvt. Ltd	2.49
Frontline Exports Pvt. Ltd	2.49
G A Randerian Ltd	2.49
Gadre Marine Exports	2.49
Galaxy Maritech Exports P. Ltd	2.49
Gayatri Seafoods	2.49
Geo Aquatic Products (P) Ltd	2.49
Geo Seafoods	2.49
Goodwill Enterprises	2.49
Grandtrust Overseas (P) Ltd	2.49
GVR Exports Pvt. Ltd	2.49
Haripriya Marine Export Pvt. Ltd	2.49
Harmony Spices Pvt. Ltd	2.49
HIC ABF Special Foods Pvt. Ltd	2.49
Hindustan Lever, Ltd	2.49
Hiravata Ice & Cold Storage	2.49
Hiravati Exports Pvt. Ltd	2.49
Hiravati International Pvt. Ltd (located at APM—Mafco Yard, Sector—18, Vashi, Navi, Mumbai—400 705, India)	2.49
Hiravati International Pvt. Ltd (located at Jawar Naka, Porbandar, Gujarat, 360 575, India)	2.49
Hiravati Marine Products Private Limited	2.49
IFB Agro Industries Ltd	2.49
Indian Aquatic Products	2.49
Indo Aquatics	2.49
Innovative Foods Limited	2.49
International Freezefish Exports	2.49
Interseas	2.49
ITC Limited, International Business	2.49
ITC Ltd	2.49
Jagadeesh Marine Exports	2.49
Jaya Satya Marine Exports	2.49
Jaya Satya Marine Exports Pvt. Ltd	2.49
Jayalakshmi Sea Foods Private Limited	2.49
Jinny Marine Traders	2.49
Jiya Packagings	2.49
K R M Marine Exports Ltd	2.49
K V Marine Exports	2.49
Kalyan Aqua & Marine Exp. India Pvt. Ltd	2.49
Kalyanee Marine	2.49
Kanch Ghar	2.49
Kay Kay Exports	2.49
Kings Marine Products	2.49
Koluthara Exports Ltd	2.49
Konark Aquatics & Exports Pvt. Ltd	2.49
Landauer Ltd	2.49
LCL Logistix (India) Private Limited	2.49
Libran Cold Storages (P) Ltd	2.49
Lighthouse Trade Links Pvt. Ltd	2.49
Magnum Estates Limited	2.49
Magnum Export	2.49
Magnum Sea Foods Limited	2.49
Malabar Arabian Fisheries	2.49
Malnad Exports Pvt. Ltd	2.49
Mangala Marine Exim India Pvt. Ltd	2.49
Mangala Sea Products	2.49
Meenaxi Fisheries Pvt. Ltd	2.49
MSC Marine Exporters	2.49
MSRDR Exports	2.49
MTR Foods	2.49
N.C. John & Sons (P) Ltd	2.49
Naga Hanuman Fish Packers	2.49
Naik Frozen Foods	2.49
Naik Seafoods Ltd	2.49
Navayuga Exports	2.49
Nekkanti Sea Foods Limited	2.49
Nezami Rekha Sea Food Private Limited	2.49
NGR Aqua International	2.49
Nila Sea Foods Pvt. Ltd	2.49
Nine Up Frozen Foods	2.49
Overseas Marine Export	2.49
Paragon Sea Foods Pvt. Ltd	2.49
Parayil Food Products Pvt., Ltd	2.49
Penver Products Pvt. Ltd	2.49
Pesca Marine Products Pvt., Ltd	2.49
Pijikay International Exports P Ltd	2.49
Pisces Seafood International	2.49
Premier Exports International	2.49
Premier Marine Foods	2.49
Premier Seafoods Exim (P) Ltd	2.49
R V R Marine Products Limited	2.49
Raa Systems Pvt. Ltd	2.49
Raju Exports	2.49
Ram's Assorted Cold Storage Ltd	2.49
Raunaq Ice & Cold Storage	2.49
Raysons Aquatics Pvt. Ltd	2.49
Razban Seafoods Ltd	2.49
RBT Exports	2.49
RDR Exports	2.49
Riviera Exports Pvt. Ltd	2.49
Rohi Marine Private Ltd	2.49
S & S Seafoods	2.49
S. A. Exports	2.49
S Chanchala Combines	2.49
Safa Enterprises	2.49
Sagar Foods	2.49
Sagar Grandhi Exports Pvt. Ltd	2.49
Sagar Samrat Seafoods	2.49
Sagarvihar Fisheries Pvt. Ltd	2.49
SAI Marine Exports Pvt. Ltd	2.49
SAI Sea Foods	2.49
Sanchita Marine Products P Limited	2.49
Sandhya Aqua Exports	2.49
Sandhya Aqua Exports Pvt. Ltd	2.49
Sandhya Marines Limited	2.49
Santhi Fisheries & Exports Ltd	2.49
Sarveshwari Exp	2.49
Sarveshwari Ice & Cold Storage Pvt. Ltd	2.49
Sawant Food Products	2.49
Seagold Overseas Pvt. Ltd	2.49
Selvam Exports Private Limited	2.49
Sharat Industries Ltd	2.49
Shimpo Exports Pvt. Ltd	2.49

best proxy of the actual weighted-average margin determined for the mandatory respondents. *See Ball Bearings and Parts Thereof From France, et al.: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53663 (Sept. 1, 2010); *see also* the memorandum from David Crespo, International Trade Compliance Analyst, to the File, entitled, ''Calculation of the Review-Specific Average Rate in the 2012–2013 Administrative Review of Certain Frozen Warmwater Shrimp from India,'' dated March 18, 2014.

Manufacturer/Exporter	Percent margin
Shippers Exports	2.49
Shiva Frozen Food Exp. Pvt. Ltd	2.49
Shree Datt Aquaculture Farms Pvt. Ltd	2.49
Shroff Processed Food & Cold Storage P Ltd	2.49
Silver Seafood	2.49
Sita Marine Exports	2.49
Sowmya Agri Marine Exports	2.49
Sprint Exports Pvt. Ltd	2.49
Sri Chandrakantha Marine Exports	2.49
Sri Sakkthi Cold Storage	2.49
Sri Sakthi Marine Products P Ltd	2.49
Sri Satya Marine Exports	2.49
Sri Venkata Padmavathi Marine Foods Pvt. Ltd	2.49
Srikanth International	2.49
SSF Ltd	2.49
Star Agro Marine Exports Private Limited	2.49
Star Organic Foods Incorporated	2.49
Sun-Bio Technology Ltd	2.49
Suryamitra Exim Pvt. Ltd	2.49
Suvarna Rekha Exports Private Limited	2.49
Suvarna Rekha Marines P Ltd	2.49
TBR Exports Pvt Ltd	2.49
Teekay Marine P. Ltd	2.49
Tejaswani Enterprises	2.49
The Waterbase Ltd	2.49
Triveni Fisheries P Ltd	2.49
Uniroyal Marine Exports Ltd	2.49
Unitriveni Overseas	2.49
V.S Exim Pvt Ltd	2.49
Vasista Marine	2.49
Veejay Impex	2.49
Victoria Marine & Agro Exports Ltd	2.49
Vinner Marine	2.49
Vishal Exports	2.49
Wellcome Fisheries Limited	2.49
West Coast Frozen Foods Private Limited	2.49
Z A Sea Foods Pvt. Ltd	2.49

Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries.

Pursuant to 19 CFR 351.212(b)(1), because Devi Fisheries and Falcon reported the entered value for all of their U.S. sales, we have calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the sales for which entered value was reported. To determine whether the duty assessment rates are *de minimis,* in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we have calculated importer-specific *ad valorem* ratios based on the entered value.

For the companies which were not selected for individual examination, we have used as the assessment rate the cash deposit rate assigned to these exporters, in accordance with our practice. *See, e.g., Certain Frozen Warmwater Shrimp From India: Final Results of Antidumping Duty Administrative Review and Final No Shipment Determination,* 77 FR 40848, 40853 (July 11, 2012).

The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates shown above, except if the rate is less than 0.50 percent (*de minimis* within the meaning of 19 CFR 351.106(c)(1)), the cash deposit will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 10.17 percent, the all-others rate established in the LTFV investigation.[5] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as the only reminder to importers of their responsibility, under 19 CFR 351.402(f)(2), to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended, and 19 CFR 351.221(b)(5).

Dated: August 20, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Issues and Decision Memorandum

Issues

1. Legal Authority to Consider an Alternative Comparison Method in an Administrative Review
2. Withdrawal of the Regulatory Provisions Governing Targeted Dumping in LTFV Investigations
3. Differential Pricing Analysis and the Administrative Procedures Act
4. Differential Pricing Analysis: Identification of a Pattern of Prices that Differ Significantly and Whether the Average-to-Average (A-to-A) Method Can Account for Such Differences
5. Differential Pricing Analysis: Use of the Cohen's *d* Test
6. Combining the Results of the A-to-A Comparisons and the Average to Transaction (A-to-T) Comparisons to Calculate a Weighted-Average Dumping Margin
7. Differential Pricing Analysis: Application of the A-to-T Method for Falcon's U.S. Sales
8. Rejection of New Factual Information

[FR Doc. 2014–20401 Filed 8–27–14; 8:45 am]

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[4] Shrimp produced and exported by Devi Sea Foods (Devi) was excluded from this order effective February 1, 2009. *See Certain Frozen Warmwater Shrimp From India: Final Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Notice of Revocation of Order in Part,* 75 FR 41813, 41814 (July 19, 2010). However, shrimp produced by other Indian producers and exported by Devi remain subject to the order. Thus, this administrative review with respect to Devi covers only shrimp which was produced in India by other companies and exported by Devi.

[5] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from India,* 70 FR 5147, 5148 (Feb. 1, 2005).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–839]

Certain Polyester Staple Fiber From the Republic of Korea: Rescission of Antidumping Duty Administrative Review; 2013–2014

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

SUMMARY: The Department of Commerce (the Department) is rescinding the administrative review of the antidumping duty order on certain polyester staple fiber (PSF) from the Republic of Korea (Korea) for the period of review May 1, 2013, through April 30, 2014, based on the withdrawal of requests for review.

DATES: *Effective Date:* August 28, 2014.

FOR FURTHER INFORMATION CONTACT: Mary Kolberg, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1785.

SUPPLEMENTARY INFORMATION:

Background

On May 1, 2014, the Department published the notice of opportunity to request an administrative review of the order on PSF from Korea for the period of review May 1, 2013, through April 30, 2014.[1] On May 29, 2014, DAK Americas LLC and Auriga Polymers, Inc., the successor to Invista, S.a.r.L (collectively, Petitioners) requested that the Department conduct an administrative review of Huvis Corporation (Huvis) and Woongjin Chemical Company, Ltd. (Woongjin).[2] On May 30, 2014, Huvis requested an administrative review of its period of review sales.[3] Pursuant to these requests, and in accordance with 19 CFR 351.221(c)(1)(i), the Department published a notice initiating an administrative review of Huvis and Woongjin.[4] Petitioners withdrew their request for an administrative review of Huvis on July 8, 2014.[5] On July 10, 2014, Huvis withdrew its request for an administrative review.[6] On July 29, 2014, Petitioners withdrew their request for an administrative review of Woongjin.[7]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. As noted above, Petitioners withdrew their requests for review of Huvis and Woongjin within 90 days of the publication date of the notice of initiation. In addition, Huvis also timely withdrew its request for an administrative review. No other parties requested an administrative review of the order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review in its entirety.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of PSF from Korea. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice of rescission of administrative review.

Notifications

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: August 20, 2014.

Gary Taverman,

Senior Advisor for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–20522 Filed 8–27–14; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 79 FR 24670, 24671 (May 1, 2014).

[2] *See* Letter from Petitioners to the Department, dated May 29, 2014, at 2.

[3] *See* Letter from Huvis to the Department, dated May 30, 2014, at 1–2.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 36462, 36464 (June 27, 2014).

[5] *See* Letter from Petitioners, dated July 8, 2014, at 2.

[6] *See* Letter from Huvis, dated July 10, 2014, at 1.

[7] *See* Letter from Petitioners, dated July 29, 2014, at 1–2.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD047

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Generic Accountability Measure and Dolphin Allocation Amendment

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

ACTION: Notice announcing the preparation of an environmental assessment (EA).

SUMMARY: NMFS, Southeast Region, in collaboration with the South Atlantic Fishery Management Council (Council), is preparing an EA for the Generic Accountability Measure (AM) and Dolphin Allocation Amendment. This notice is intended to inform the public of the change from the preparation of a draft environmental impact statement (DEIS) to an EA for this amendment. The Generic AM and Dolphin Allocation Amendment would amend the Fishery Management Plans (FMPs) for the Dolphin and Wahoo Fishery of the Atlantic, the Snapper-Grouper Fishery of the South Atlantic Region, and the Golden Crab Fishery of the South Atlantic Region. The Generic AM and Dolphin Allocation Amendment will consider alternative AMs for snapper-grouper species and golden crab, as well as alternatives to modify existing commercial and recreational sector allocations for dolphin.

FOR FURTHER INFORMATION CONTACT: Kate Michie, Southeast Regional Office, telephone: 727–824–5305, or email: *kate.michie@noaa.gov.*

SUPPLEMENTARY INFORMATION: A NOI to prepare a DEIS for the Generic AM and Dolphin Allocation Amendment was

published on January 31, 2014 (79 FR 5379). The NOI indicated the amendment would be supported by an environmental impact statement, which was the preliminary determination at the time the original purpose and need of the amendment was drafted. When the Council first requested development of this amendment the allocation applied to dolphin and snapper-grouper species.

The Council subsequently removed snapper-grouper species from the allocation action, which left only dolphin allocations and AM modifications for snapper-grouper species and golden crab as amendment actions. A reassessment of the actions in the amendment relative to the National Environmental Policy Act indicates an EA is appropriate. Therefore, a DEIS will not be prepared for the Generic AM and Dolphin Allocation Amendment at this time.

The EA for the Generic AM and Dolphin Allocation Amendment would consider alternatives to modify existing AMs for snapper-grouper species and golden crab to provide consistency among species, and ensure overfishing does not occur. The EA would also consider alternatives to modify existing sector allocations for dolphin.

The Council held public hearings in August 2014 to discuss the actions included in the Generic AM and Dolphin Allocation Amendment.

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

Dated: August 22, 2014.

Alan D. Risenhoover,

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

[FR Doc. 2014–20437 Filed 8–27–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Program and National Estuarine Research Reserves

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Office of Ocean and Coastal Resource Management, National Ocean Service, Commerce.

ACTION: Notice of Intent to Evaluate: Correction.

SUMMARY: The NOAA Office of Ocean and Coastal Resource Management (OCRM) published a notice in the **Federal Register** on 25 July 2014 announcing its intent to evaluate the Chesapeake Bay National Estuarine Research Reserve in Virginia, Waquoit Bay National Estuarine Research Reserve, and Indiana Coastal Management Program. This document contains corrections to that notice, regarding the date of the public meeting for the Chesapeake Bay National Estuarine Research Reserve in Virginia and the dates for which written comments will be accepted for the Chesapeake Bay National Estuarine Research Reserve in Virginia, Waquoit Bay National Estuarine Research, and Indiana Coastal Management Program.

DATES: *Date and Time:* The public meeting for the Chesapeake Bay National Estuarine Research Reserve in Virginia will be held Thursday, September 18, at 5:00 p.m. local time at the Wilson House at 7581 Spencer Road, Glouster Point, VA 23062.

ADDRESSES: Written comments from interested parties are encouraged and will be accepted until September 12, 2014 for the Indiana Coastal Management Program and Waquoit Bay National Estuarine Research Reserve and will be accepted until September 19, 2014 for the Chesapeake Bay National Estuarine Research Reserve in Virginia. Please direct all written comments to Carrie Hall, Evaluator, National Policy and Evaluation Division Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, (301) 563–1135, or *Carrie.Hall@noaa.gov.* All other portions of the 25 July notice remain unchanged.

FOR FURTHER INFORMATION CONTACT: Carrie Hall, Evaluator, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, (301) 563–1135, or *Carrie.Hall@noaa.gov.*

Federal Domestic Assistance Catalog 11.419.

Dated: August 22, 2014.

Coastal Zone Management Program Administration.

Donna Rivelli,

Deputy Associate Assistant Administrator for Management and CFO/CAO, Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.

[FR Doc. 2014–20488 Filed 8–27–14; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648- XD224

Marine Mammals; File No. 18537

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to the Alaska Department of Fish and Game (ADF&G), Division of Wildlife Conservation, Juneau, AK, (Principal Investigator: Michael Rehberg), to conduct research on Steller sea lions (*Eumetopias jubatus*), within incidental disturbance of several pinniped species.

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

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

SUPPLEMENTARY INFORMATION: On April 9, 2014 notice was published in the **Federal Register** (79 FR 19578) that a request for a permit to conduct research on the species identified above had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Permit No. 18537 supports continuation of ADF&G's long-term Steller sea lion (SSL) research program. It authorizes takes during research activities that incorporate improved methodology based on previous work authorized under permit No. 14325 and subsequent modifications, including: Incidental disturbance during aerial, skiff- and ground-based count and brand resight surveys; captures supporting marking, external instrument attachment, and physiology, toxicology, feeding ecology and health sampling;

and permanent marking of pups and older age classes for describing vital rates and intra-/inter-Discrete Population Segment (DPS) movement. The permit authorizes takes by incidental disturbance of northern fur seals (*Callorhinus ursinus*), California sea lions (*Zalophus californianus*), and harbor (*Phoca vitulina*), spotted (*Phoca largha*), ribbon (*Histriophoca fasciata*), ringed (*Pusa hispida*) and bearded seals (*Erignathus barbatus*) due to the proximity of isolated individuals to the study area. See tables in permit for numbers of takes by species, stock and activity. Annual unintentional mortality of 5 SSL from the Western DPS and 10 SSL from the Eastern DPS is authorized. The permit is valid through August 31, 2019.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), NMFS has determined that the activities proposed are consistent with the Preferred Alternative in the Final Programmatic Environmental Impact Statement for Steller Sea Lion and Northern Fur Seal Research (NMFS 2007), and that issuance of the permit would not have a significant adverse impact on the human environment. An additional environmental assessment (EA) analyzing the effects of sUAS, which were not considered in the initial PEIS, on the human environment was prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Based on the analyses in the EA for Issuance of Permits to take Steller Sea Lions by Harassment During Surveys Using Unmanned Aerial Systems, NMFS determined that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on June 17, 2014.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: August 25, 2014.

Julia Harrison,

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

[FR Doc. 2014–20490 Filed 8–27–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV92

Marine Mammals; File No. 14610

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that a major amendment to Permit No. 14610–02 has been issued to the Alaska Department of Fish and Game (ADFG), Division of Wildlife Conservation, Juneau, AK (Principal Investigator: Lori Quakenbush).

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

FOR FURTHER INFORMATION CONTACT: Courtney Smith or Carrie Hubard, (301) 427–8401.

SUPPLEMENTARY INFORMATION: On April 9, 2014, notice was published in the **Federal Register** (79 FR19579) that a request for an amendment to Permit No. 14610–02 to conduct research on beluga whales (*Delphinapterus leucas*), endangered bowhead whales (*Balaena mysticetus*), gray whales (*Eschrictius robustus*), and endangered humpback whales (*Megaptera novaeangliae*) had been submitted by the above-named applicant. The requested permit amendment has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The previous permit (No. 14610–02) authorized vessel and aerial surveys, remote biopsy and instrument attachment for the above listed cetacean species. Amended Permit No. 14610–03 now authorizes take for vessel surveys and photo-identification to determine stock or feeding group affiliation of gray whales encountered in Alaskan waters (Chukchi and western Beaufort seas). Additional gray whale takes by harassment during photo-identification efforts (300 annually), and tagging and biopsy activities (50 annually) are now authorized. The amendment also authorizes tag attachment methods to be altered to allow for the attachment of tags using a two-anchor system on bowhead whales. The amended permit is valid through the expiration date of the original permit, May 31, 2015.

A supplement environmental assessment (SEA) analyzing the effects of the permitted activities on the human environment was prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Based on the analyses in the SEA, NMFS determined that issuance of the permit amendment would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact, signed on August 8, 2014.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: August 25, 2014.

Julia Harrison,

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

[FR Doc. 2014–20491 Filed 8–27–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD131

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Construction of the Block Island Transmission System

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with regulations implementing the Marine Mammal Protection Act (MMPA), notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to Deepwater Wind Block Island Transmission, LLC

(DWBIT) to take marine mammals, by harassment, incidental to construction of the Block Island Transmission System.

DATES: Effective November 1, 2014, through October 31, 2015.

ADDRESSES: A copy of the IHA and application are available by writing to Jolie Harrison, Supervisor, Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

An electronic copy of the application and a list of references used in this document may be obtained by visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications.* NMFS prepared an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) in August 2014, which are available at the same internet address. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: John Fiorentino, Office of Protected Resources, NMFS, (301) 427–8477.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On March 11, 2013, NMFS received an application from DWBIT for the taking of marine mammals incidental to construction of the Block Island Transmission System (BITS). The application went through a series of revisions and the final version was submitted on November 26, 2013. NMFS determined that the application was adequate and complete on December 2, 2013.

DWBIT plans to develop the BITS, a bi-directional submarine transmission cable, over a 1-year period. The planned activity could begin in late 2014 and last through late 2015; however, portions of the project will only occur for short, sporadic periods of time over the 1-year period. The following specific aspects of the planned activities are likely to result in the take of marine mammals: Vibratory pile driving and the use of dynamically positioned (DP) vessel thrusters. Take, by Level B Harassment only, of individuals of nine species is anticipated to result from the specified activity.

Description of the Specified Activity

Overview

DWBIT plans to construct a bi-directional submarine transmission cable that will run from Block Island to the Rhode Island mainland. Construction of the marine portion of the BITS will involve three activities: Cable landfall construction on Block Island using a short-distance horizontal directional drill (HDD) from a temporary excavated trench box on Crescent Beach; cable landfall construction on Scarborough State Beach in Narragansett, Rhode Island using a long-distance HDD from a temporary offshore cofferdam; and installation of the submarine BITS cable. Cable landfall construction may require the installation and removal of a temporary offshore cofferdam, which will involve vibratory pile driving. The generation of underwater noise from vibratory pile driving and the DP vessel thruster may result in the incidental take of marine mammals.

The BITS will interconnect Block Island to the existing Narragansett Electric Company National Grid distribution system on the Rhode Island mainland. In connection with the BITS, Deepwater Wind Block Island, LLC (DWBI—a different applicant) proposes to develop the Block Island Wind Farm, a 30-megawatt offshore wind farm. Incidental take of marine mammals resulting from construction of the Block Island Wind Farm project will be assessed separately.

Dates and Duration

Construction activities could begin in late 2014 and are scheduled to be complete by late 2015. The anticipated project work windows are provided in Table 1.

TABLE 1—ANTICIPATED PROJECT WORK WINDOWS

Activity	Anticipated work window
Contracting, mobilization, and verification	January 2014–December 2014.
Onshore short-distance HDD installation	December 2014–June 2015.
Onshore/offshore long-distance HDD installation	January 2015–June 2015.
Onshore cable installation	October 2014–May 2015.
Substation construction	October 2014–May 2015.
Offshore cable installation	April 2015–August 2015.
Landfall demobilization and remediation	May 2015–June 2015.

NMFS is issuing an IHA effective November 1, 2014, through October 31, 2015, based on the anticipated work windows for in-water construction that could result in the incidental take of marine mammals. While project

activities may occur for 1 year, in-water vibratory pile driving is only expected to occur for up to 4 days (2 days each for construction of the cofferdam and 2 days each for removal of the cofferdam). Use of the DP vessel thruster during cable installation activities is expected to occur for 4 to 6 weeks (42 days maximum). Vibratory pile driving will occur during daylight hours only, starting approximately 30 minutes after dawn and ending 30 minutes prior to dusk. Cable installation (and subsequent use of the DP vessel thruster) will be conducted 24 hours per day.

Specified Geographic Region

The BITS cable will originate from a manhole on Block Island and traverse federal and state submerged lands in Rhode Island Sound from Block Island to Narragansett for a total distance of 19.8 miles with water depths reaching up to 39 meters (m). Figure 1.2–1 of DWBIT's application shows the project location in detail (see **ADDRESSES**). Vibratory pile driving for temporary offshore cofferdam will occur at a site located off of Scarborough State Beach. The temporary offshore cofferdam will be located between 685.8 m and 1,112.5 m from shore. Terrestrial cables and other terrestrial facilities associated with the BITS will be located in the towns of New Shoreham (Block Island) and Narragansett in Washington County, Rhode Island. Construction staging and laydown for offshore components of the project will occur at the Quonset Point port facility in North Kingstown, also in Washington County, Rhode Island.

Detailed Description of Activities

The following sections provide additional details associated with each portion of the BITS marine construction activities.

1. Landfall Construction

On Block Island, DWBIT plans to bring the BITS cable ashore via a short-distance HDD. DWBIT will use the short-distance HDD to install either a steel or high density polyethylene conduit for the cable from the parking lot under Crescent Beach to a temporary excavated trench beginning at about mean high water. The excavated trench on Crescent Beach will be approximately 2 to 3 m wide, 4 m deep, and 11 m long. Spoils from the trench excavation will be stored on the respective beach and returned to the trench after cable installation. To support the short-distance HDD on Crescent Beach, DWBIT will install steel sheet piling to stabilize the excavated trench, possibly using a vibratory pile driver. The HDD will enter through the shore side of the excavated trench and the cable conduit will be installed between the trench and the manhole. The BITS cable will then be pulled from the excavated trench into the respective manhole through the newly installed conduit. Sheet piling installations will occur at low tide.

The coupling of land-based vibrations and nearshore sounds into the underwater acoustic field is not well understood and cannot be accurately predicted using current models. However, because the excavation for the cable trench and the HDD installation on the beach will occur onshore and because sand is generally a very poor conductor of vibrations, NMFS considers it unlikely that the underwater noise generated from either of these installations will result in harassment of marine mammals.

DWBIT is proposing to conduct the cable landfall on Scarborough State Beach using a long-distance HDD from the manhole located within the Rhode Island Department of Environmental Management parking lot to a temporary offshore cofferdam located between 685.8 m and 1,112.5 m from shore. From this location, a jet plow, supported by a DP cable installation barge, will be used to install the BITS cable below the seabed. Construction of the temporary cofferdam will consist of the installation of steel sheet piles to create an enclosed area approximately 15.2 by 6.1 m. The steel sheet piles will be installed and later removed using a vibratory hammer supported by a spud barge. DWBIT expects the cofferdam to be in place between January and the end of May.

Vibratory pile driving will be required to install the temporary cofferdam off of Scarborough State Beach. DWBIT assumes a 1,800 kilo Newton vibratory force for estimating source levels and frequency spectra. DWBIT modeled vibratory hammering at a source level of 194 decibels (dB) re 1 micro Pascal, using adjusted 1/3-octave band source levels from measurements of a similar offshore construction, and adjusted to account for the estimated force necessary for driving of the BITS cofferdam sheet piles. Detailed information on the acoustic modeling for this source is provided in Appendix A of DWBIT's application (see **ADDRESSES**).

2. Offshore Cable Installation

DWBIT will use a jet plow, supported by a DP cable installation barge, to install the BITS cable below the seabed. The jet plow will be positioned over the trench and pulled from shore by the cable installation vessel. The jet plow will likely be a rubber-tired or skid-mounted plow with a maximum width of about 4.6 m, and pulled along the seafloor behind the cable-laying barge with assistance of a non-DP material barge. High-pressure water from vessel-mounted pumps will be injected into the sediments through nozzles situated along the plow, causing the sediments to temporarily fluidize and create a liquefied trench. DWBIT anticipates a temporary trench width of up to 1.5 m. As the plow is pulled along the route behind the barge, the cable will be laid into the temporary, liquefied trench through the back of the plow. The trench will be backfilled by the water current and the natural settlement of the suspended material. Umbilical cords will connect the submerged jet plow to control equipment on the vessel to allow the operators to monitor and control the installation process and make adjustments to the speed and alignment as the installation proceeds across the water.

The BITS cable will be buried to a target depth of 1.8 m beneath the seafloor. The actual burial depth depends on substrate encountered along the route and could vary from 1.2 to 2.4 m. Where the BITS crosses two existing submarine cables on the outer continental shelf, the cable will be installed directly on the seafloor and protected from external aggression using a combination of sand bags and concrete mattresses. Anchored vessels will be used to install both the BITS and the associated cable armoring at these locations.

DP systems maintain their precise coordinates in waters through the use of automatic controls. These control systems use variable levels of power to counter forces from current and wind. During cable-lay activities, DWBIT expects that a reduced 50 percent power level will be used by DP vessels. DWBIT modeled scenarios using a source level of 180 dB re 1 micro Pascal for the DP vessel thruster, assuming water depths of 7, 10, 20, and 40 m, and thruster power of 50 percent. Detailed information on the acoustic modeling for this source is provided in Appendix A of DWBIT's application (see **ADDRESSES**).

Comments and Responses

A proposed IHA and request for public comments was published in the **Federal Register** on March 20, 2014 (78 FR 15573). During the 30-day public comment period, NMFS only received comments from the Marine Mammal Commission (Commission). The Commission's comments are summarized and addressed below. All comments have been compiled and

posted at *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications.*

Comment 1: The Commission recommended that NMFS require DWBIT to provide information regarding the data and assumptions used to derive cetacean density estimates.

Response: As stated in section 6 of their application (see **ADDRESSES**), DWBIT used sightings per unit effort (SPUE) reported in Kenney and Vigness-Raposa (2009) to derive density estimates for cetacean species in the project area. SPUE is derived by using a measure of survey effort and number of individual cetaceans sighted. SPUE allows for comparison between discrete units of time (i.e., seasons) and space within a project area. SPUE calculated by Kenney and Vigness-Raposa (2009) was derived from a number of sources, all of which are referenced in the application.

Comment 2: The Commission recommended that NMFS require DWBIT to address apparent inconsistencies in the density estimates for fin whales for this project with those for the BIWF (the wind farm) project.

Response: The proposed activity for installation of the BITS could begin in late 2014 and last through late 2015; however, portions of the project will only occur for short, sporadic periods of times over the 1-year period. Therefore the estimates of take of marine mammals were calculated based on density estimates during the predicted seasons within which the specific BITS activity was likely to occur. The estimates of take for the BIWF were also based on the density estimates during the predicted season of the proposed activity. In addition, the location of activities for the BIWF are further offshore and to the south of activities as described for the BITS. Density estimates, as reported by Kenney and Vigness-Raposa (2009), are temporally and spatially variable. Therefore, the maximum seasonal densities within the project areas differ given the specific location and time of year of the activity described.

Comment 3: The Commission recommended that NMFS include in each **Federal Register** notice for proposed incidental harassment authorizations a sufficiently detailed description of the status and distribution of the species of marine mammals likely to be affected by the proposed activities to allow the public to review and comment on the proposed authorization as a stand-alone document.

Response: As required by regulation, section 4 of DWBIT's application included a detailed description of the status, distribution, and seasonal distribution of the affected species or stocks of marine animals likely to be affected by such activities (see **ADDRESSES**). As such, the DWBIT application was referenced accordingly in the FR notice for the proposed IHA and request for public comments (78 FR 15573, March 20, 2014). Further, the internet Web site for the NMFS Marine Mammal Stock Assessment Reports, which contain information on the biology and local distribution of species potentially affected by this project, was provided in the FR notice for the proposed IHA.

Comment 4: The Commission recommended that NMFS require DWBIT to provide estimated source levels associated with HDD and jet plowing activities, and to provide take estimates associated with those activities.

Response: Neither HDD nor jet plow noise were modelled for harassment because all the noise associated with these activities will be in-air. More specifically, the HDD rig will be located on land at Scarborough and Crescent Beaches. As discussed in the FR notice for the proposed IHA and request for public comments (78 FR 15573, March 20, 2014), the coupling of land-based vibrations and nearshore sounds into the underwater acoustic field is not well understood and cannot be accurately predicted using current models. However, because the HDD installation on the beach will occur onshore and because sand is generally a very poor conductor of vibrations, NMFS considers it unlikely that the underwater noise generated from the HDD installation will result in harassment of marine mammals. Regarding jet plow noise, all compressors will be located on the vessel itself and will not affect the surrounding underwater environment. Therefore, noise associated with jet plow activities was also discounted by NMFS as a potential source of harassment.

Comment 5: To reduce the potential for vessel strikes with endangered North Atlantic right whales, the Commission recommended that NMFS require DWBIT vessels to reduce speeds to 10 knots or less from November 1 to April 30 in all areas of operation.

Response: In 2008, NMFS promulgated a regulation implementing a mandatory 10-knot speed limit for vessels 65 feet or greater in length in designated seasonal management areas (SMAs) to reduce the threat of ship collisions with right whales (see 50 CFR 224.105). The SMAs were established to provide protection for right whales, and the timing, duration, and geographic extent of the speed restrictions were specifically designed to reflect right whale movement, distribution, and aggregation patterns. The vessel speed restriction is in effect in the mid-Atlantic SMA from November 1 through April 30 to reduce the threat of collisions between ships and right whales around their migratory route and calving grounds.

Right whales have been observed in or near Rhode Island during all four seasons; however, they are most common in the spring when they are migrating and in the fall during their southbound migration (Kenney and Vigness-Raposa 2009). The BITS project area is located outside of the Mid-Atlantic SMA; however, to minimize the potential for vessel collision with right whales and other marine mammal species all DWBIT vessels associated with the BITS construction, regardless of their length, will operate at speeds of 10 knots or less from the November 1 to April 30 time period, regardless of whether they are inside or outside of the designated SMA. In addition, all DWBIT vessels associated with the BITS construction will adhere to NMFS guidelines for marine mammal ship striking avoidance (available online at: *http://www.nmfs.noaa.gov/pr/pdfs/education/viewing_northeast.pdf*), including maintaining a distance of at least 1,500 feet from right whales and having dedicated protected species observers who will communicate with the captain to ensure that all measures to avoid whales are taken. NMFS believes that the size of right whales, their slow movements, and the amount of time they spend at the surface will make them extremely likely to be spotted by protected species observers during construction activities within the BITS project area. NMFS does not anticipate any marine mammals to be impacted by vessel movement because only a limited number of vessels will be involved in construction activities and they will move at slow speeds throughout construction.

Comment 6: The Commission recommended that NMFS require DWBIT to include additional visual or acoustic monitoring measures as part of its monitoring plan to ensure that the entire Level B harassment zone for the DP vessel thruster is monitored and a significant portion of the Level B harassment zone for vibratory pile driving is also monitored.

Response: Exclusion zones (often defined as the Level A harassment zone of influence [ZOI] out to the 180 dB isopleth) and monitoring zones (often

defined as the Level B harassment ZOI out to the 120 dB isopleth for continuous noise) are typically established to minimize impacts to marine mammals and monitor take of marine mammals (and sea turtles). However, noise analysis has indicated that both vibratory pile driving and DP vessel thruster use will not produce sound levels at 180 dB at any appreciable distance. In addition, NOAA has concluded that the modeled monitoring zones established out to the 120 dB isopleth will result in zones too large to effectively monitor (approximately 89.9 km for vibratory pile driving and up to 4.75 km for DP vessel thruster use). Therefore, NMFS has instead required that DWBIT monitor a zone equivalent to the size of the predicted 160 dB isopleth for DP vessel thruster use and vibratory pile driving activities, as follows: A preliminary monitoring zone of 200 m at the Scarborough State Beach cofferdam based on the modeled critical distance to the 160 dB isopleth will be established and monitored during all vibratory pile driving activities; and a preliminary monitoring zone of 5 m from the DP vessel based on the modeled distance to the 160 dB isopleth will be established and monitored during all cable installation activities. These monitoring zones will also serve as mitigation zones (see Mitigation below).

These preliminary monitoring zones will be field verified, adjusted as necessary, and monitored for individual take during installation and removal of the cofferdam and during the installation of the BITS cable. This monitoring zone represents the minimum area of coverage for Level B harassment. All marine mammal sightings which are visually feasible, including those beyond the 160 dB isopleth will be recorded and potential takes will be noted.

Description of Marine Mammals in the Area of the Specified Activity

There are 34 marine mammal species with possible or confirmed occurrence in the area of the specified activity (Table 2).

TABLE 2—MARINE MAMMAL SPECIES WITH POSSIBLE OR CONFIRMED OCCURRENCE IN PROJECT AREA

Common name	Scientific name	Status	Occurrence	Seasonality	Range	Abundance
Toothed whales (Odontocetes).						
Atlantic white-sided dolphin	*Lagenorhynchus acutus*		Confirmed	Year-round	North Carolina to Canada.	23,390
Atlantic spotted dolphin	*Stenella frontalis*					50,978
Bottlenose dolphin	*Tursiops truncatus*	Strategic (northern coastal stock).				9,604
Short-beaked common dolphin.	*Delphinus delphis*		Common	Year-round	North Carolina to Canada.	120,743
Harbor porpoise	*Phocoena phocoena*	Strategic	Common	Year-round	North Carolina to Greenland.	89,054
Killer whale	*Orcinus orca*					(1)
False killer whale	*Pseudorca crassidens*					(1)
Long-finned pilot whale	*Globicephala malaena*					12,619
Short-finned pilot whale	*Globicephala macrohynchus.*					24,674
Risso's dolphin	*Grampus griseus*					20,479
Striped dolphin	*Stenella coeruleoalba*					94,462
White-beaked dolphin	*Lagenorhynchus albirostris*					2,003
Sperm whale	*Physeter macrocephalus*	Endangered				4,804
Pygmy sperm whale	*Kogia breviceps*	Strategic				395
Dwarf sperm whale	*Kogia sima*					395
Cuvier's beaked whale	*Ziphius cavirostris*	Strategic				3,513
Blainville's beaked whale	*Mesoplodon densirostris*					3,513
Gervais' beaked whale	*Mesoplodon europaeus*	Strategic				3,513
True's beaked whale	*Mesoplodon mirus*	Strategic				3,513
Bryde's whale	*Balaenoptera edeni*					
Northern bottlenose whale	*Hyperoodon ampullatus*					
Baleen whales (Mysticetes) Minke whale.	*Balaenoptera acutorostrata*		Common (spring and summer).	Spring, summer, fall.	Caribbean to Greenland.	8,987
Blue whale	*Balaenoptera musculus*	Endangered				(1)
Fin whale	*Balaenoptera physalus*	Endangered	Common	Year-round	Caribbean to Greenland.	3,985
Humpback whale	*Megaptera novaeangliae*	Endangered	Confirmed	Year-round	Caribbean to Greenland.	11,570
North Atlantic right whale	*Eubalaena glacialis*	Endangered	Confirmed	Year-round	Southeastern U.S. to Canada.	444
Sei whale	*Balaenoptera borealis*	Endangered				(1)
Pinnipeds Gray seals	*Halichoerus grypus*		Confirmed	Year-round	New England to Canada.	348,900
Harbor seals	*Phoca vitulina*		Common	Spring, summer, winter.	Florida to Canada.	99,340
Hooded seals	*Cystophora cristata*					(1)
Harp seal	*Phoca groenlandica*					(1)

TABLE 2—MARINE MAMMAL SPECIES WITH POSSIBLE OR CONFIRMED OCCURRENCE IN PROJECT AREA—Continued

Common name	Scientific name	Status	Occurrence	Seasonality	Range	Abundance
West Indian manatee	*Trichechus manatus*	Endangered	.....	.....	.....	3,802

(1) Unknown.

The highlighted species in Table 2 are pelagic and/or northern species, or are so rarely sighted that their presence in the project area, and therefore take, is unlikely. These species are not considered further in this IHA notice. The West Indian manatee is managed by the U.S. Fish and Wildlife Service and is also not considered further in this IHA notice. Further information on the biology and local distribution of these species can be found in section 4 of DWBIT's application (see **ADDRESSES**), and the NMFS Marine Mammal Stock Assessment Reports, which are available online at: *http://www.nmfs.noaa.gov/pr/species/.*

Potential Effects of the Specified Activity on Marine Mammals

The proposed IHA (78 FR 15573, March 20, 2014) included a summary and discussion of the ways that the types of stressors associated with the specified activity (i.e., vibratory pile driving and use of the DP vessel thrusters) have been observed to impact marine mammals. The ''Estimated Take by Incidental Harassment'' section later in this document will include a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis'' section will include the analysis of how this specific activity will impact marine mammals and will consider the content of this ''Potential Effects of the Specified Activity on Marine Mammals'' section, the ''Estimated Take by Incidental Harassment'' section, the ''Mitigation'' section, and the ''Anticipated Effects on Marine Mammal Habitat'' section to draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals, and from that on the affected marine mammal populations or stocks.

Potential effects of the specified activities on marine mammals involve acoustic effects related to sound produced by in-water vibratory pile driving and use of DP vessel thrusters. Detailed information on these effects was provided in the proposed IHA (78 FR 15573, March 20, 2014) and that information has not changed.

Anticipated Effects on Marine Mammal Habitat

There are no feeding areas, rookeries, or mating grounds known to be biologically important to marine mammals within the proposed project area. There is also no designated critical habitat for any ESA-listed marine mammals. Harbor seals haul out on Block Island and points along Narragansett Bay, the most important haul-out being on the edge of New Harbor, about 2.4 km from the proposed BITS landfall on Block Island. The only consistent haul-out locations for gray seals within the vicinity of Rhode Island are around Monomoy National Wildlife Refuge and Nantucket Sound in Massachusetts (more than 80 nautical miles from the proposed project area). NMFS' regulations at 50 CFR 224.105 designated the nearshore waters of the Mid-Atlantic Bight as the Mid-Atlantic SMA for right whales. Mandatory vessel speed restrictions are in place in that SMA from November 1 through April 30 to reduce the threat of collisions between ships and right whales around their migratory route and calving grounds.

The BITS involves activities that will disturb the seafloor and potentially affect benthic and finfish communities. Installation of the BITS cable and the temporary offshore cofferdam will result in the temporary disturbance of no more than 45.3 acres of seafloor. These installation activities will also result in temporary and localized increases in turbidity around the proposed project area. DWBIT is required to install additional protective armoring over the BITS where it will cross two existing marine cables in federal waters. At the cable crossing locations, the installation of additional protective armoring will result in the permanent conversion of about 1.7 acre of soft substrate to hard substrate. The BITS cable may also require additional protective armoring in areas where the burial depth achieved is less than 1.2 m. DWBIT expects that additional protection will be required at a maximum of 1 percent of the entire BITS cable, resulting in a conversion of up to 1 acre of soft substrate to hard substrate along the cable route. During the installation of additional protective armoring at the cable crossings and as necessary along the cable route, anchors and anchor chains will temporarily impact about 1.8 acres of bottom substrate during each anchoring event.

Jet plowing and cofferdam installation will cause either the displacement or loss of benthic and finfish resources in the immediate areas of disturbance. This may result in a temporary loss of forage items and a temporary reduction in the amount of benthic habitat available for foraging marine mammals in the immediate proposed project area. However, the amount of habitat affected represents a very small percentage of the available foraging habitat in the proposed project area. Increased underwater sound levels from cofferdam installation and use of the DP vessel thruster may temporarily result in marine mammals avoiding or abandoning the area.

Because of the temporary nature of the disturbance, the availability of similar habitat and resources in the surrounding area, and the lack of important or unique marine mammal habitat, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

Mitigation

In order to issue an incidental take authorization (ITA) under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant).

Mitigation Measures

DWBIT will implement the following mitigation measures during vibratory pile driving and use of the DP vessel thruster:

1. Marine Mammal Exclusion Zone

Protected species observers will visually monitor a 200-m radius exclusion zone during all in-water vibratory pile driving. This distance is estimated to be the 160 dB isopleth based on DWBIT's sound exposure

model. A minimum of two observers will be stationed aboard each noise-producing construction support vessel. Each observer will visually monitor a 360-degree field of vision from the vessel. Observers will begin monitoring at least 30 minutes prior to vibratory pile driving, continue monitoring during vibratory pile driving, and stop monitoring 30 minutes after vibratory pile driving has ended. If a marine mammal is seen approaching or entering the 200-m exclusion zone during vibratory pile driving, DWBIT will stop vibratory pile driving as a precautionary measure to minimize noise impacts on the animal.

2. Soft-Start Procedures

DWBIT will use a soft-start (or ramp-up) procedure at the beginning of vibratory pile driving. This procedure will require an initial set of three strikes from the vibratory hammer at 40 percent energy with a 1-minute waiting period between subsequent 3-strike sets. DWBIT will repeat the procedure two additional times. DWBIT will initiate a soft-start at the beginning of each day of pile driving and if pile driving stops for more than 30 minutes. DWBIT will not initiate a soft-start if the monitoring zone is obscured by fog, inclement weather, poor lighting conditions, etc.

3. Delay and Shut-Down Procedures

DWBIT will delay vibratory pile driving and reduce DP vessel thruster use if a marine mammal is observed within the 160-dB isopleth marine mammal exclusion zone and until the exclusion zone is clear of marine mammals. DWBIT will stop vibratory pile driving if a marine mammal is seen within the estimated 160-dB isopleth, 200-m radius exclusion zone at the Scarborough State Beach cofferdam and will not be reinitiated until the 200-m radius is clear of marine mammals for at least 30 minutes.

4. DP Thruster Power Reduction

A constant tension must be maintained during cable installation and any significant stoppage in vessel maneuverability during jet plow activities will result in damage to the cable. Therefore, during DP vessel operations, DWBIT will reduce DP thruster power to the maximum extent possible if a marine mammal approaches or enters a 5-m radius from the vessel (estimated to be the 160-dB isopleth from the vessel). This reduction would not be implemented at the risk of compromising safety and/or the integrity of the BITS. DWBIT will not increase power until the 5-m zone is clear of marine mammals for 30 minutes.

5. Time of Day and Weather Restrictions

DWBIT will conduct vibratory pile driving off of Scarborough State Beach during daylight hours only, starting approximately 30 minutes after dawn and ending 30 minutes before dusk. DWBIT will not initiate vibratory pile driving until the entire marine mammal exclusion zone is visible. If a soft-start is initiated before the onset of inclement weather, DWBIT will complete that segment of vibratory pile driving.

6. Vessel Speed Restrictions

All DWBIT vessels, regardless of length, will operate at speeds of 10 knots or less from November 1 through April 30.

7. Ship Strike Avoidance

DWBIT will adhere to NMFS guidelines for marine mammal ship strike avoidance (*http://www.nmfs.noaa.gov/pr/pdfs/education/viewing_northeast.pdf*).

Mitigation Conclusions

NMFS has carefully evaluated the applicant's mitigation measures and considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals;
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and
- The practicability of the measure for applicant implementation.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS or recommended by the public, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on marine mammals species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an ITA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth, ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

1. An increase in the probability of detecting marine mammals, both within the mitigation zone (thus allowing for more effective implementation of the mitigation) and in general to generate more data to contribute to the analyses mentioned below;
2. An increase in the understanding of how many marine mammals are likely to be exposed to levels of continuous noise from vibratory pile driving and use of a DP vessel thruster that we associate with specific adverse effects, such as behavioral harassment, TTS, or PTS;
3. An increase in our understanding of how marine mammals respond to stimuli expected to result in take and how anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:
   - Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);
   - Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);
   - Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli;
4. An increased knowledge of the affected species; and
5. An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

Monitoring Measures

DWBIT submitted a marine mammal monitoring plan as part of the IHA application. It can be found in section 12 of their application (see **ADDRESSES**). NMFS did not require any modification or supplementation to that proposed monitoring plan.

1. Visual Monitoring

DWBIT will use protected species observers to visually monitor the surrounding area during all in-water vibratory pile driving and use of DP vessel thrusters. These observers will monitor beyond the estimated 160-dB isopleths, in addition to conducting mitigation monitoring within these zones. Observers will estimate distances to marine mammals visually, using laser range finders, or by using reticle binoculars during daylight hours. During night operations (DP vessel thruster use only), observers will use night-vision binoculars. Observers will record their position using hand-held or vessel global positioning system units for each sighting, vessel position change, and any environmental change. Each observer will scan the surrounding area for visual indication of marine mammal presence. Observers will be located from the highest available vantage point on the associated operational platform (e.g., support vessel, barge or tug), estimated to be at least 6 m above the waterline.

Prior to initiation of construction work, all crew members on barges, tugs, and support vessels will undergo environmental training, a component of which will focus on the procedures for sighting and protection of marine mammals. DWBIT will also conduct a briefing with the construction supervisors and crews and observers to define chains of command, discuss communication procedures, provide an overview of the monitoring purposes, and review operational procedures. The DWBIT Construction Compliance Manager (or other authorized individual) will have the authority to stop or delay vibratory pile driving activities if deemed necessary.

2. Acoustic Field Verification

DWBIT will conduct field verification of the estimated 160-dB isopleths during vibratory pile driving and use of the DP vessel thruster to determine whether the proposed distances are adequate to minimize impacts to marine mammals.

DWBIT will conduct field verification of the 200-m radius marine mammal exclusion zone at the Scarborough State Beach cofferdam. DWBIT will take acoustic measurements during vibratory pile driving of the last half (deepest sheet pile segment) for any given open-water pile and will also measure from two reference locations at two water depths (a depth at mid-water and at about 1 m above the seafloor). If the field measurements determine that the 160-dB isopleth is less than or beyond the proposed 200-m distance, a new zone may be established accordingly. DWBIT will notify NMFS and the USACE within 24 hours if a new marine mammal exclusion zone is established that extends beyond 200 m. Implementation of a smaller zone will be contingent on NMFS' review and will not be used until NMFS approves the change.

DWBIT will also perform field verification of the 160-dB isopleth associated with DP vessel thruster use during cable installation. DWBIT will take acoustic measurements from two reference locations at two water depths (a depth at mid-water and at about 1 m above the seafloor). Similar to field verification during vibratory pile driving, the DP thruster power reduction zone may be modified as necessary.

Reporting Measures

Observers will record dates and locations of construction operations; times of observations; location and weather; details of marine mammal sightings (e.g., species, age, numbers, behavior); and details of any observed take.

DWBIT will provide the following notifications and reports during construction activities:

- Notification to NMFS and the U.S. Army Corps of Engineers (USACE) within 24-hours of beginning construction activities and again within 24-hours of completion;
- Detailed report of field-verification measurements within 7 days of completion (including: sound levels, durations, spectral characteristics, DP thruster use, etc.) and notification to NMFS and the USACE within 24-hours if a new zone is established;
- Notification to NMFS and USACE within 24-hours if field verification measurements suggest a larger marine mammal exclusion zone;
- Final technical report to NMFS and the USACE within 120 days of completion of the specified activity documenting methods and monitoring protocols, mitigation implementation, marine mammal observations, other results, and discussion of mitigation effectiveness.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner not permitted by the authorization (if issued), such as an injury, serious injury, or mortality (e.g., ship-strike, gear interaction, and/or entanglement), DWBIT will immediately cease the specified activities and immediately report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *John.Fiorentino@noaa.gov* and the Northeast Regional Stranding Coordinator at 978–281–9300 (*Mendy.Garron@noaa.gov*). The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;
- Vessel's speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source use in the 24 hours preceding the incident;
- Water depth;
- Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

DWBIT will not resume its activities until NMFS is able to review the circumstances of the prohibited take. NMFS will work with DWBIT to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. DWBIT may not resume their activities until notified by us via letter, email, or telephone.

In the event that DWBIT discovers an injured or dead marine mammal, and the lead visual observer determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition), DWBIT will immediately report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *John.Fiorentino@noaa.gov* and the Northeast Regional Stranding Coordinator at 978–281–9300 (*Mendy.Garron@noaa.gov*). The report must include the same information identified in the paragraph above this section. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with DWBIT to determine whether modifications in the activities are appropriate.

In the event that DWBIT discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (e.g., previously wounded animal, carcass with moderate to

advanced decomposition, or scavenger damage), DWBIT will report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *John.Fiorentino@noaa.gov* and the Northeast Regional Stranding Coordinator at 978–281–9300 (*Mendy.Garron@noaa.gov*), within 24 hours of the discovery. DWBIT will provide photographs or video footage (if available) or other documentation of the stranded animal sighting to us.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Project activities that have the potential to harass marine mammals, as defined by the MMPA, include noise associated with vibratory pile driving of the temporary cofferdam, and noise associated with the use of DP vessel thrusters during cable installation. Harassment could take the form of masking, temporary threshold shift, avoidance, or other changes in marine mammal behavior. NMFS anticipates that impacts to marine mammals will be in the form of behavioral harassment and no take by injury, serious injury, or mortality is authorized. NMFS does not anticipate take resulting from the movement of vessels associated with construction because there will be a limited number of vessels moving at slow speeds over a relatively shallow, nearshore area.

NMFS' current acoustic exposure criteria are shown in Table 3 below. Sound levels from vibratory pile driving or use of the DP vessel thruster will not reach the Level A harassment threshold of 180/190 dB (cetaceans/pinnipeds) during the proposed BITS project. DWBIT modeled distances to these acoustic exposure criteria are shown in Table 4. Details on the model characteristics and results are provided in the Underwater Acoustic Report at the end of DWBIT's application (see **ADDRESSES**). DWBIT and NMFS believe that this estimate represents the worst-case scenario and that the actual distance to the Level B harassment threshold may be shorter.

TABLE 3—NMFS' CURRENT ACOUSTIC EXPOSURE CRITERIA

Criterion	Criterion definition	Threshold
Non-Explosive Sound		
Level A Harassment (Injury)	Permanent Threshold Shift (PTS) (Any level above that which is known to cause TTS).	180 dB re 1 microPa-m (cetaceans)/190 dB re 1 microPa-m (pinnipeds) root mean square (rms).
Level B Harassment	Behavioral Disruption (for impulse noises)	160 dB re 1 microPa-m (rms).
Level B Harassment	Behavioral Disruption (for continuous, noise)	120 dB re 1 microPa-m (rms).

TABLE 4—DWBIT'S MODELED DISTANCES TO ACOUSTIC EXPOSURE CRITERIA

Activity	Distance to level B harassment (120 dB)	Distance to level A harassment (180/190 dB)
Vibratory pile driving (for long-distance HDD)	>40 km	N/A.
DP vessel thruster use	4,750 m	N/A.

DWBIT estimated species densities within the proposed project area in order to estimate the number of marine mammal exposures to sound levels above 120 dB. DWBIT used sightings per unit effort (SPUE) from Kenney and Vigness-Raposa (2009) for relative cetacean abundance and the Northeast Navy OPAREA Density Estimates (DoN 2007) for seal abundance. Based on multiple reports, harbor seal abundance off the coast of Rhode Island is thought to be about 20 percent of the total abundance for southern New England. Because the seasonality and habitat use of gray seals off the coast of Rhode Island roughly overlaps with harbor seals, DWBIT applied this 20 percent estimate to both pinniped species. While the density estimates relied upon for this IHA are from 2007 and 2009, they are the best scientific data available. NMFS is not aware of any efforts to collect more recent density estimates than those relied upon here.

Estimated takes were calculated by multiplying the average highest species density (per 100 km^2) by the zone of influence (maximum ensonified area of 120 dB), multiplied by a correction factor of 1.5 to account for marine mammals underwater, multiplied by the number of days of the specified activity. A detailed description of the DWBIT's model used to calculate zones of influence is provided in the Underwater Acoustic Report at the end of their application (see **ADDRESSES**).

DWBIT used a zone of influence of 4,352 km^2 and a total construction period of 4 days to estimate take from vibratory pile driving. In contrast to their application, DWBIT clarified that the vibratory pile driving will likely occur over a 2-day period during the winter and a 2-day period during the spring. Their take calculations were revised after the application was submitted. For each species, DWBIT used the estimated seasonal density (winter and spring) to calculate take for a total of 4 days (2 days each season). DWBIT's requested take numbers are provided in Table 5 and this is also the number of takes NMFS is authorizing (Table 6). DWBIT's calculations do not take into account whether a single animal is harassed multiple times or whether each exposure is a different animal. Therefore, the numbers in Table 5 are the maximum number of animals that may be harassed during vibratory pile driving (i.e., DWBIT assumes that each exposure event is a different animal). These estimates do not account for mitigation measures that DWBIT will

implement during vibratory pile driving.

DWBIT used a zone of influence of 23.0 km² and a maximum installation period of 42 days to estimate take from use of the DP vessel thruster during cable installation. The zone of influence represents the average ensonified area across the three representative water depths along the cable route (7m, 10 m, 20 m, and 40 m). DWBIT expects cable installation to occur between April and August; to be conservative, DWBIT used the highest seasonal species density to calculate take. Again, DWBIT's calculations do not take into account whether a single animal is harassed multiple times or whether each exposure is a different animal. Therefore, the numbers in Table 5 are the maximum number of animals that may be harassed during cable installation. These estimates do not account for mitigation measures that DWBIT will implement during the cable installation.

DWBIT did not request, and NMFS is not authorizing, take from vessel strike. NMFS does not anticipate marine mammals to be impacted by vessel movement because a limited number of vessels will be involved in construction activities and they will move at slow speeds (10 knots or less) throughout construction.

TABLE 5—DWBIT'S ESTIMATED TAKE FOR THE BITS PROJECT

Common species name	Vibratory pile driving			DP Vessel thruster		Total estimated take
	Estimated winter density (per 100 km²)	Estimated spring density (per 100 km²)	Estimated take by level B harassment	Maximum seasonal density (per 100 km²)	Estimated take by level B harassment	
Atlantic white-sided dolphin	2.12	1.23	438	2.12	18	456
Short-beaked common dolphin	2.04	2.59	604	2.59	38	644
Harbor porpoise	0.00	0.74	97	0.74	11	108
Minke whale	0.19	0.12	40	0.19	3	43
Fin whale	0.30	0.62	121	2.15	32	153
Humpback whale	0.00	0.11	15	0.11	2	17
North Atlantic right whale	0.00	0.06	7	0.06	1	8
Gray seal	14.16	14.16	739	14.16	41	780
Harbor seal	9.74	9.74	509	9.74	29	538

TABLE 6—SPECIES INFORMATION AND TAKE AUTHORIZED BY NMFS

Common species name	Authorized take	Abundance of stock	Percentage of stock potentially affected (percent)	Population trend
Atlantic white-sided dolphin	456	23,390	1.95	N/A.
Short-beaked common dolphin	644	120,743	0.53	N/A.
Harbor porpoise	108	89,054	0.12	N/A.
Minke whale	43	8,987	0.48	N/A.
Fin whale	153	3,985	3.84	N/A.
Humpback whale	17	11,570	0.15	Increasing.
North Atlantic right whale	8	444	1.80	Increasing.
Gray seal	780	348,900	0.22	Increasing.
Harbor seal	538	99,340	0.54	N/A.

Analysis and Determinations

Negligible Impact

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (i.e., population-level effects). An estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, and effects on habitat.

DWBIT did not request, and NMFS is not authorizing, take of marine mammals by injury, serious injury, or mortality. NMFS expects that take will be in the form of behavioral harassment. Exposure to sound levels above 120 dB during vibratory pile driving will not last for more than 12 hours per day for 4 non-consecutive days. Exposure to sound levels above 120 dB during use of the DP vessel thruster may last for 24 hours per day for 42 days. While use of the DP thruster may last for consecutive days, the vessel will be moving and therefore not focused on one specific area for the entire duration. Given the duration and intensity of the activity, and the fact that shipping contributes to the ambient sound levels around Rhode Island, NMFS does not anticipate the take estimates to impact annual rates of recruitment or survival. Animals may temporarily avoid the immediate area, but are not expected to permanently abandon the area. Marine mammal habitat may be impacted by elevated sound levels and sediment disturbance,

but these impacts will be temporary. Furthermore, there are no feeding areas, rookeries, or mating grounds known to be biologically important to marine mammals within the proposed project area. There is also no designated critical habitat for any ESA-listed marine mammals. The mitigation measures are expected to reduce the number and/or severity of takes by (1) giving animals the opportunity to move away from the sound source before the pile driver reaches full energy; (2) reducing the intensity of exposure within a certain distance by reducing the DP vessel thruster power; and (3) preventing animals from being exposed to increased sound levels within 200 m of vibratory pile driving.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from DWBIT's BITS project will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

The number of individual animals that may be exposed to sound levels above 120 dB is small relative to the species or stock size (Table 6). The authorized take numbers are the maximum numbers of animals that are expected to be harassed during the BITS project; it is possible that some of these exposures may occur to the same individual. NMFS finds that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

There are three marine mammal species that are listed as endangered under the ESA: Fin whale, humpback whale, and North Atlantic right whale. Under section 7 of the ESA, the USACE (the federal permitting agency for the actual BITS construction) consulted with NMFS on the proposed BITS project. NMFS also consulted internally on the issuance of an IHA under section 101(a)(5)(D) of the MMPA for this activity. NMFS Northeast Region (now known as the Greater Atlantic Region) issued a Biological Opinion on January 30, 2014, concluding that the Block Island Wind Farm project (which includes the BITS) may adversely affect but is not likely to jeopardize the continued existence of fin whale, humpback whale, or North Atlantic right whale. The effects of the IHA on listed marine mammal species fall within the scope of effects analyzed in the Biological Opinion for the Block Island Wind Farm project. Therefore, a new consultation is not required for issuance of this IHA. Following the issuance of the IHA, an incidental take statement (ITS), with associated reasonable and prudent measures and terms and conditions, will be issued to exempt any take of listed marine mammal species from the take prohibition in section 9 of the ESA. Under the terms of section 7(b)(4) and section 7(o)(2) of the ESA, taking that results from, but is not the purpose of the agency action is not considered to be prohibited under the ESA provided that such taking is in compliance with the terms and conditions of the authorized Incidental Take Statement. The ITS will be appended to the January 30, 2014 Biological Opinion.

National Environmental Policy Act (NEPA)

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), as implemented by the regulations published by the Council on Environmental Quality (40 CFR parts 1500–1508), and NOAA Administrative Order 216–6, NMFS prepared an Environmental Assessment (EA) analyzing the potential impacts of the issuance of an IHA for the proposed activities. The final EA was prepared in August 2014 and NMFS made a Finding of No Significant Impact for this action. These documents are available on our Web site at *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications.* Accordingly, an Environmental Impact Statement is not required and none was prepared.

Dated: August 22, 2014.

Perry F. Gayaldo,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–20473 Filed 8–27–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0098]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by September 29, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Medical Screening of Military Personnel; DD Form 2807–1: Report of Medical History; DD Form 2807–2: Medical Prescreen of Medical History Report; OMB Number: 0704–0413.

Type of Request: Revision.

DD Form 2807–2:

Number of Respondents: 423,000.

Responses per Respondent: 1.

Annual Responses: 423,000.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 70,500.

DD Form 2807–1:

Number of Respondents: 350,000.

Responses per Respondent: 1.

Annual Responses: 350,000.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 58,333.

Total Responses:

Annual Responses: 773,000.

Annual Burden Hours: 128,833.

Needs and Uses: The information collection requirement is necessary per Title 10, U.S.C. Chapter 31: Section 504 and 505, and Chapter 33, section 532, which requires applicants to meet accession medical standards prior to enlistment into the Armed Forces (including the Coast Guard). If applicants' medical history reveals a medical condition that does not meet the accession medical standards, they are medically disqualified for military entrance. This form also will be used by all Service members not only in their initial medical examination but also for periodic medical examinations.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed

information collection should be sent to Ms. Jasmeet Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

• Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: August 22, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–20462 Filed 8–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0130]

Proposed Collection; Comment Request

AGENCY: Pentagon Force Protection Agency, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Pentagon Force Protection Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by October 27, 2014.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• 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, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Pentagon Force Protection Agency Project Integration Directorate (PFPA\PID), 9000 Defense Pentagon, Washington, DC 20301–9000, ATTN: PID, or email at *PFPAHSPD-12@pfpa.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Privilege Management Program (PMP); DD Form 2249A and Pentagon Tours Web site; OMB Control Number 0704–TBD.

Needs and Uses: The information collection requirement is necessary to facilitate background investigations and properly assign privileges to the customer utilized within the Pentagon Reservation and National Capital Region (NCR). The collection is also required to facilitate verification of background investigations for individuals applying for access to the Pentagon in connection with Pentagon Visitor Tours.

The Visitor & Parking Management feature of the Privilege Management Program (PMP—Access Control System) utilizes DD Form 2249A as evidence that the customer has been properly vetted and provides justification for access to the locations needed to perform their occupational duties. The information collection requirement is necessary to facilitate background investigations and properly assign physical access and parking privileges to the customer utilized within the Pentagon Reservation.

The Electronic Security System of the PMP is related to the Pentagon Tours feature of the PMP whereby the information is provided by the individual requesting the tour and is entered directly into the PFPA Web site.

PMP Visitor and Parking Management—Access Control System (DD Form 2249A)

Affected Public: Individuals or households.

Annual Burden Hours: 2,208.

Number of Respondents: 26,500.

Responses per Respondent: 1.

Annual Responses: 26,500.

Average Burden per Response: 5 minutes.

Frequency: On occasion.

PMP Electronic Security System: Pentagon Tours Web Site

Affected Public: Individuals or households.

Annual Burden Hours: 12,917.

Number of Respondents: 155,000.

Responses per Respondent: 1.

Annual Responses: 155,000.

Average Burden per Response: 5 minutes.

Frequency: On occasion.

PMP Combined Burden Estimates

Annual Burden Hours: 15,125.

Number of Respondents: 181,500.

Responses per Respondent: 1.

Annual Responses: 181,500.

Average Burden per Response: 5 minutes.

Frequency: On occasion.

Respondents are tenants and visitors who are provided identification badges, submit biometric attributes for collection, and/or have access privileges assigned. The PMP Access Control System is the authoritative system which integrates into American Magnetics System, AMAG, for the Pentagon, and SoftwareHouse C-Cure-9000 for the Mark Center and the Defense Health Headquarters.

The PMP Visitor Management & Parking Management Systems utilize the DD Form 2249A and records customer information to facilitate verification of background investigations for individuals applying for access and parking to DOD buildings in connection with their official duties. If DD Form

2249A is not completed by the customer at time of enrollment, the enrollment agent cannot issue credential(s). Having qualified agents provide credentialing and enrollment services is essential to maintaining daily operations and access rights to various installations throughout the NCR. The data are collected and stored in the PMP database at the time of enrollment.

Regarding the Pentagon tours Web site, respondents are visitors who wish to be conducted on a tour of the Pentagon. The Pentagon Visitor Tour Online Web site records customer information to facilitate verification of background investigations for individuals applying for access to Pentagon in connection with Pentagon Visitor Tours. If the online information is not presented by customers they will not be scheduled or allowed access into the Pentagon. The data are collected and stored in the PMP Electronic Security System Database at the time of tour scheduling.

Dated: August 25, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–20480 Filed 8–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 14–40]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 14–40 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: August 25, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

AUG 12 2014

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 14-40, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Canada for defense articles and services estimated to cost $225 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 14–40

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Canada

(ii) *Total Estimated Value:*

Major Defense Equipment* ..	$ 71 million
Other	$154 million
TOTAL	$225 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* 6 AN/AAQ–24(V) Large Aircraft Infrared Countermeasures (LAIRCM) Systems for the CP–140 Long Range Patrol Aircraft. The sale consists of 22 T–2465 AN/AAQ–24(V) Guardian Laser Transmitter Assemblies (GLTA), 52 R–2675 AN/AAQ–24(V) Next Generation Missile Approach Warning Sensors (MAWS), and 16 CP–2793 AN/AAQ–24(V) LAIRCM System Processors, support and test equipment, spare and repair parts, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services, and other

related elements of logistical and program support.

(iv) *Military Department:* Air Force (QCI).

(v) *Prior Related Cases, if any:*

FMS case QCC–$72M–14Oct10
FMS case QZZ–$568M–31Jan07

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None.

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex.

(viii) *Date Report Delivered to Congress: 12 August 2014.*

* as defined in Section 47(6) of the Arms Export Control Act.

Policy Justification

Canada–AN/AAQ–24(V) Large Aircraft Infrared Countermeasures (LAIRCM) Systems

The Government of Canada has requested the sale of 6 AN/AAQ–24(V) Large Aircraft Infrared Countermeasures (LAIRCM) Systems for the CP–140 Long Range Patrol Aircraft. The sale consists of 22 T–2465 AN/AAQ–24(V) Guardian Laser Transmitter Assemblies (GLTA), 52 R–2675 AN/AAQ–24(V) Next Generation Missile Approach Warning Sensors (MAWS), and 16 CP–2793 AN/AAQ–24(V) LAIRCM System Processors, support and test equipment, spare and repair parts, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support. The estimated cost is $225 million.

The proposed sale will contribute to the foreign policy and national security of the United States by improving the security of a NATO ally that has been, and continues to be, an important force for political stability and economic progress in North America.

Canada will use this capability to enhance the survivability of its CP–140 Long Range Patrol aircraft and crew. The LAIRCM system will provide Canada's CP–140 fleet with defensive countermeasures against enemy attacks. Canada, which already has AN/AAQ–24(V) systems as part of its C–17 fleet, will have no difficulty absorbing these additional systems.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be the Northrop Grumman Systems Corporation in Falls Church, Virginia. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Canada.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 14–40

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AN/AAQ–24(V) Large Aircraft Infrared Countermeasures system is a stand-along Directional Infrared Countermeasures (DIRCM) system that protects aircraft against ground launched infrared (IR) missiles. The AN/AAQ–24(V) is a small, passive/active, electro-optic, threat warning device used to detect surface-to-air IR missiles fired at helicopters and fixed-wing aircraft and automatically provides countermeasures as well as audio and visual warning messages to the aircrew. The basic system consists of multiple Missile Approach Warning Sensor (MAWS) units, Guardian Laser Turret Assembly (GLTA), Computer Processor (CP), Control Indicator (CI), and a User Data Module (UDM) card containing the laser jam codes. The UDM card is loaded into the CP prior to flight and is removed and put in secure storage when not in use. The set of MAWS units (AAR–54) is mounted on the aircraft exterior to provide omni-directional situational awareness. The MAWS detects the rocket plume of missiles and sends appropriate signals to the CP for processing. The CP analyzes the data and automatically deploys the appropriate countermeasures via the GLTA. The CP also contains comprehensive BIT circuitry. The CI displays the incoming threat so that the pilot can also take appropriate action. The maximum classification for all related hardware, software, technical data and documentation is Secret.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Canada.

[FR Doc. 2014–20499 Filed 8–27–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0083]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Implementation Study of the Ramp Up to Readiness Program

AGENCY: Institute of Education Sciences/National Center for Education Statistics (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before September 29, 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–0083 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Chris Boccanfuso, 202–219–1674.

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: Implementation Study of the Ramp Up to Readiness Program.

OMB Control Number: 1850–0907.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 21,573.

Total Estimated Number of Annual Burden Hours: 6,059.

Abstract: This study will examine the implementation of Ramp-Up to Readiness, a schoolwide guidance intervention aimed at increasing the college readiness of students. This intervention (called Phase one) is at present being implemented in 34 high schools in Minnesota, and the developers intend to make the intervention available to a much larger set of Minnesota schools. No independently gathered high-quality evidence exists, however, on whether schools are able to implement this comprehensive intervention as intended or how its core components compare to the college-readiness supports in other high schools. The project for which OMB clearance is requested will attempt to gather such evidence from 22 public Minnesota high schools through the least burdensome means. The school-level implementation study will focus on assessing whether Ramp-Up school staff implement the program as intended, on identifying the extent to which the Ramp-Up program differs from the college-readiness supports offered in schools without Ramp-Up, and on the validity of a measure of personal college readiness, which the developers hypothesize is a key mechanism through which the program impacts later outcomes. The study will collect data from school staff in the following activities: Administrative data collection, focus groups in January and June, extant document collection, instructional logs, student and staff surveys, and student personal readiness assessment. The findings produced through analysis of these data will help (1) state education agencies seeking strategies and programs to endorse as a potential means of improving students college readiness and college enrollment, (2) local education agencies that are considering the challenges of implementing Ramp-Up, (3) the developer of this intervention (the College Readiness Consortium at the University of Minnesota) and developers of other college readiness interventions who continually seek to improve their programs by using information from studies like this, and (4) a group of education stakeholders in the Midwest interested in considering whether to conduct a study of the impacts of the Ramp-Up intervention on student outcomes. The revision to the collection being requested is to add a phase two to the evaluation. For this second phase, the impact of the program is being examined in addition to the implementation of the program. Data will be collected from an additional 54 schools for this second phase of the evaluation.

Dated: August 22, 2014.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–20406 Filed 8–27–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG14–89–000.

Applicants: Longhorn Wind Project, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Longhorn Wind Project, LLC.

Filed Date: 8/21/14.

Accession Number: 20140821–5058.

Comments Due: 5 p.m. e.t. 9/11/14.

Docket Numbers: EG14–90–000.

Applicants: TX Hereford Wind, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of TX Hereford Wind, LLC.

Filed Date: 8/21/14.

Accession Number: 20140821–5097.

Comments Due: 5 p.m. e.t. 9/11/14.

Docket Numbers: EG14–91–000.

Applicants: Catalina Solar 2, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Catalina Solar 2, LLC.

Filed Date: 8/21/14.

Accession Number: 20140821–5101.

Comments Due: 5 p.m. e.t. 9/11/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1822–002.

Applicants: New York Independent System Operator, Inc.

Description: NYISO filing: restart decision period for MOB Agreement with TC Ravenswood to be effective 5/1/2014.

Filed Date: 8/20/14.

Accession Number: 20140820–5175.

Comments Due: 5 p.m. e.t. 9/10/14.

Docket Numbers: ER14–2683–000.

Applicants: Consolidated Edison Company of New York, Inc.

Description: Consolidated Edison Company of New York, Inc. submits Notice of Cancellation of Service Agreement Nos. 49, 50, and 51.

Filed Date: 8/21/14.

Accession Number: 20140821–5027.

Comments Due: 5 p.m. e.t. 9/11/14.

Docket Numbers: ER14–2684–000.

Applicants: Southwest Power Pool, Inc.

Description: 1154R10 Associated Electric Cooperative NITSA and NOA to be effective 7/1/2014.

Filed Date: 8/21/14.

Accession Number: 20140821–5036.

Comments Due: 5 p.m. e.t. 9/11/14.

Docket Numbers: ER14–2685–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 2014–08–21_SA 2687 METC-New Covert FCA (T94) to be effective 8/22/2014.

Filed Date: 8/21/14.

Accession Number: 20140821–5051.

Comments Due: 5 p.m. e.t. 9/11/14.

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 21, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–20503 Filed 8–27–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2004–0093; FRL–9916–00–OEI]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Clean Air Act Tribal Authority (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB)for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before September 29, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2004–0093, to (1) EPA online using *www.regulations.gov* (our preferred method), by email *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Air and Radiation Docket Information Center, Mail Code: 6102T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Pat Childers, Office of Air and Radiation, Immediate Office, (6101A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–564–1082; fax number: 202–564–0394; email address: *childers.pat@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On May 27, 2014, EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2004–0093, which is available for public viewing on-line at *www.regulations.gov,* or in person viewing at the Air Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Air Docket is 202–566–1742.

Use EPA's electronic docket and comment system at *www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: Clean Air Act Tribal Authority.

ICR numbers: EPA ICR No. 1676.05, OMB Control No. 2060–0306.

ICR Status: This ICR is scheduled to expire on 08/31/2014. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This Information Collection Request (ICR) seeks authorization for tribes to demonstrate their eligibility to be treated in the same manner as states under the Clean Air Act (CAA) and to submit applications to implement a CAA program. This ICR extends the collection period of information for determining eligibility, which expires August 31, 2014. The ICR maintains the estimates of burden costs for tribes in completing a CAA application.

The program regulation provides for Indian tribes, if they so choose, to assume responsibility for the development and implementation of CAA programs. The regulation, Indian Tribes: Air Quality Planning and Management (Tribal Authority Rule [TAR] 40 CFR parts 9, 35, 49, 50 and 81) sets forth how tribes may seek authority to implement their own air quality planning and management programs. The rule establishes: 1) Which CAA provisions Indian tribes may seek authority to implement, 2) what requirements the tribes must meet when seeking such authorization, and 3) what Federal financial assistance may be available to help tribes establish and manage their air quality programs. The TAR provides tribes the authority to administer air quality programs over all air resources, including non-Indian owned fee lands, within the exterior boundaries of a reservation and other areas over which the tribe can demonstrate jurisdiction. An Indian tribe that takes responsibility for a CAA program would essentially be treated in the same way as a state would be treated for that program.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15, and are identified on the form and/or instrument, if applicable.

Responses to the collection of information are required to obtain a benefit (40 CFR parts 9, 35, 49, 50 and 81). Any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, Chapter 1, part 2, subpart B—Confidentiality of

Business Information (see 40 CFR 2; 41 *FR* 36902, September 1, 1976; amended by 43 *FR* 40000, September 8, 1978; 43 *FR* 42251, September 20, 1978; 44 *FR* 17674, March 23, 1979). There is no sensitive information required.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 40 hours per response. Burden is defined at 5 CFR 1320.3(b). Respondents/Affected Entities: States, locals, Indian tribes.

Estimated Number of Respondents: 8.

Frequency of Response: One-time application.

Estimated Total Annual Hour Burden: 320.

Estimated Total Annual Cost: $18,896.00, includes $0 annualized capital or O&M costs.

Changes in the Estimates: There is no change in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens.

Dated: August 22, 2014.

John Moses,

Director, Collections Strategies Division.

[FR Doc. 2014–20501 Filed 8–27–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2014–0516; FRL–9915–77]

Announcement of a Workshop on Ecotoxicity Testing of Difficult-to-Test Substances in the Aquatic Environment; Evaluation and Testing of Poorly Water Soluble Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is holding a workshop entitled, ''Ecotoxicity Testing of Difficult-to-Test Substances in the Aquatic Environment: Evaluation and Testing of Poorly Water Soluble Substances,'' on September 10–11, 2014. The objective of this workshop is to better understand the state of the science for evaluating chemical substances which are difficult-to-test in aquatic test systems. The workshop will include a limited number of invited experts and observers, and will also provide web connection and teleconference capabilities for others to participate remotely. Due to space limitations, the Agency anticipates that approximately 50 invited experts and 40 observers will be able to attend the workshop in person. EPA invites the public to register to attend the meetings as observers and to provide comments during the meeting as discussed in this notice.

DATES: The meeting will be held on Wednesday, September 10, 2014, from 8:30 a.m. to 5 p.m., EDT, and Thursday, September 11, 2014, from 8:30 a.m. to 12:30 p.m., EDT.

Meeting registration: To participate in this workshop, you must register no later than 11:59 p.m., e.d.t., on Friday, September 5, 2014. See Unit III. in **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held at the Environmental Protection Agency, Potomac Yards South, Rm. S–1204–06, 2777 Crystal Dr., Arlington, VA 22202. The meeting will also be available via Web connect and teleconferencing. See Unit III.C. in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Louis Scarano, Risk Assessment Division (7403M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number (202) 564–2851; email address: *scarano.louis@epa.gov.*

For workshop registration contact: Eileen White, Risk Assessment Division (7403M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number (202) 564–8903; email address: *white.eileen@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including those interested in environmental assessment, the chemical industry, chemical users, consumer product companies, and members of the public interested in the assessment of chemical risks. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

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

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2014–0516, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

The objective of this workshop is to better understand the state of the science for evaluating chemical substances which are difficult-to-test in aquatic test systems. Such chemical substances include, for example, those that have very low water solubility, high volatility, and that are difficult to measure/quantify in aquatic solutions. As a workshop, the primary participants will be invited based on their expertise in aquatic toxicity testing and risk assessment; however, the meeting will be open to the public and observers will be encouraged to attend and will have an opportunity to contribute to the workshop. Members of the public may register to attend and participate in the workshop as observers (see Unit III.).

III. How can I request to participate in these meetings?

A. Registration

Members of the public may register to attend the workshop as observers, or register to speak, if planning to offer oral comments during the workshop. To attend the workshop as an observer or to register to speak, you must register for the meeting no later than 11:59 p.m., EDT, on Friday, September 5, 2014, by either sending an email to Eileen White (*white.eileen@epa.gov*) or through the U.S. Postal Service or by overnight/priority mail. When registering provide the following information: Name, address, affiliation, and contact information (email and telephone number). If you register to speak, you must also indicate if you have any special requirements related to your oral comments (e.g., translation).

Because there will be no on-site registration, members of the public who do not register by the deadline using one of the methods described in this notice may not be able to attend in person; seating will be on a first-come, first-serve basis for observers who have registered for on-site attendance.

B. Draft Agenda and Topics for the Meeting

A copy of a draft agenda is provided in the docket under docket ID number EPA–HQ–OPPT–2014–0516. Members of the public are invited to review and comment during the public comment period at the meeting on the following topics for the one-and-a-half day workshop:

1. What characterizes a substance as being difficult-to-test in aquatic systems (i.e., physical/chemical properties, presence of impurities, etc.)?

2. After a substance is released into the environment, what determines its distribution in the environment? How should this information be used to determine which environmental medium/organism should be tested?

3. What are the advantages and disadvantages of current test methods and approaches for poorly water soluble substances?

- Water accommodated fraction (WAF) methodology.
- Use of solvents.
- Role of Static/Semi-static/Continuous flow-through systems.

4. How can current test methods be changed, or, are there new methods available to better test the toxicity of difficult-to-test substances in the aquatic ecosystem?

C. Web Meeting Access

The workshop will be held via Web connect and teleconferencing for those interested. All registered participants will receive information on how to connect to the workshop prior to its start.

List of Subjects

Environmental protection, Aquatic toxicity, Business and industry, Chemicals, Ecotoxicity, Health and safety, Industrial chemicals, Unknown or Variable Compositions, Complex Reaction Products and Biological Materials (UVCBs), Water.

Dated: August 22, 2014.

Wendy C. Hamnett,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2014–20500 Filed 8–27–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

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 No.: 3060–1124.

Title: 80.231, Technical Requirements for Class B Automatic Identification System (AIS) Equipment.

Form No.: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 20 respondents; 50,020 responses.

Estimated Time per Response: 1 hour per requirement.

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. 154, 303, 307(e), 309 and 332 of the Communications Act of 1934, as amended.

Total Annual Burden: 50,020 hours.

Annual Cost Burden: $25,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On September 19, 2008, the Commission adopted a Second Report and Order, FCC 08–208, which added a new section 80.231, which requires that manufacturers of Class B Automatic Identification Systems (AIS) transmitters for the Marine Radio Service include with each transmitting device a statement explaining how to enter static information accurately and a warning statement that entering inaccurate information is prohibited. The Commission is seeking to extend this collection in order to obtain the full three-year clearance from OMB. Specifically, the information collection requires that manufacturers of AIS transmitters label each transmitting device with the following statement:

> WARNING: It is a violation of the rules of the Federal Communications Commission to input an MMSI hat has not been properly assigned to the end user, or to otherwise input any inaccurate data in this device.

Additionally, prior to submitting a certification application (FCC Form 731, OMB Control Number 3060–0057) for a Class B AIS device, the following information must be submitted in duplicate to the Commandant (CG–521), U.S. Coast Guard, 2100 2nd Street SW., Washington, DC 20593–0001: (1) The name of the manufacturer or grantee and the model number of the AIS device; and (2) copies of the test report and test data obtained from the test facility showing that the device complies with the environmental and operational requirements identified in IEC 62287–1. After reviewing the information described in the certification application, the U.S. Coast Guard will issue a letter stating whether the AIS device satisfies all of the requirements specified in IEC 62287–1. A certification application for an AIS device submitted to the Commission must contain a copy of the U.S. Coast Guard letter stating that the device satisfies all of the requirements specified in IEC–62287–1, a copy of the technical test data and the instruction manual(s).

These reporting and third party disclosure requirements aid the Commission monitoring advance marine vessel tracking and navigation information transmitted from Class B AIS devices to ensure that they are accurate and reliable, while promoting marine safety.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2014–20432 Filed 8–27–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 24, 2014.

A. Federal Reserve Bank of Philadelphia (William Lang, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. *Beneficial Bancorp, Inc.,* Philadelphia, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Beneficial Mutual Savings Bank, Philadelphia, Pennsylvania, and all of its nonbanking subsidiaries, upon its conversion to a bank.

In connection with this proposal, Beneficial Savings Bank MHC, and Beneficial Mutual Bancorp, Inc., both in Philadelphia, Pennsylvania, will convert stock form and merge with Beneficial Bancorp, Inc., Philadelphia, Pennsylvania.

B. Federal Reserve Bank of New York (Ivan Hurwitz, Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. *CIT Group Inc., Livingston, New Jersey, and its subsidiary, Carbon Merger Sub LLC,* New York, New York; to acquire 100 percent of the voting shares of, and thereby merge with, IMB HoldCo LLC, and thereby indirectly acquire voting shares of OneWest Bank, N.A., both in Pasadena, California. In addition, Carbon Merger Sub LLC also has applied to a become bank holding company.

Board of Governors of the Federal Reserve System, August 25, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–20497 Filed 8–27–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[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. 2014–19793 Filed 8–27–14; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; HIV Study in Blood Donors From Five Chinese Regions (NHLBI)

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** in Volume 79, June 12, 2014 on page 33764 and allowed 60-days for public comment. One public comment was received that was a personal opinion regarding conducting research about the Chinese blood donation system. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health (NIH) may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

For Further Information: To obtain a copy of the data collection plans and instruments or request more information on the proposed project contact: Simone Glynn, MD, Project Officer/ICD Contact, Two Rockledge Center, Suite 9142, 6701 Rockledge Drive, Bethesda, MD 20892, or call 301–435–0065, or Email your request, including your address to: *glynnsa@nhlbi.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: HIV Study in Blood Donors from Five Chinese Regions, 0925–0596 reinstatement with change, National Heart, Lung and Blood Institute (NHLBI).

Need and Use of Information Collection: This Study is a reinstatement with change of OMB Number: 0925–0596 expiration date, January 31, 2012. To better understand the diversifying and changing Human Immunodeficiency Virus (HIV) epidemic, and contemporary HIV risk factors, especially those associated with recent HIV infections, this HIV risk factor study in China is proposed as part of the Recipient Epidemiology and Donor Evaluation Study-III (REDS–III). The major objectives of the study will be to evaluate the proportion of blood donors in China who test positive for HIV and have acquired their infection recently or more remotely; the risk of releasing a blood product that contains HIV (HIV residual risk); and the risk factors associated with HIV infection in China. The study will also assess the frequency of distinct HIV–1 viral lineages and drug resistant mutations among HIV-positive blood donors. In 2011, there were 780,000 people infected with HIV in China and it is estimated that over 300,000 HIV infected people in China are not aware of their infection status. The large migrating population and the complexity of HIV transmission routes in China make it difficult to implement a comprehensive and effective national HIV control strategy. Risk factors for infections can change over time; thus, identifying factors that contribute to the recent spread of HIV in a broad cross-section of an otherwise unselected general population, such as blood donors, is highly important for obtaining a complete picture of the epidemiology of HIV infection in China. Because the pace of globalization means infections can cross borders easily, the study objectives have direct relevance for HIV control in the US and globally. Recent years have seen an increase in blood donations from repeat donors in most Chinese regions. This increase permits longer-term follow-up and testing of repeat donors which allow for calculation of new HIV infection rates and residual risks. The HIV data, for both recently and remotely acquired infections, from the proposed study will complement existing data on HIV risks obtained from general and high risk populations to provide comprehensive HIV surveillance data for China. This study will also monitor genetic characteristics of recently acquired infections through genotyping and drug resistance testing, thus serving a US and global public health imperative to monitor the genotypes of HIV that have recently been transmitted. For HIV, the additional monitoring of drug resistance patterns in newly acquired infection is critical to determine if currently available antiretroviral medicines are capable of combating infection. Genotyping and host response information are scientifically important not only to China, but to the US and

other nations since they provide a broader global understanding of how to most effectively manage and potentially prevent HIV, for example through vaccine development. Efforts to develop vaccines funded by the National Institutes of Health and other US-based organizations may directly benefit from the findings of this study.

Blood donors are tested for transfusion-transmissible infections including HIV when they present to donate, and test result information as well as demographic data will be routinely collected in a database at the five blood centers participating in REDS–III studies (located in the cities of Chongqing, Liuzhou, Luoyang, Mianyang, and Urumqi). These data will allow for calculation of HIV incidence, prevalence, and residual risk. Additionally, a case-control study will be conducted over a 2 and ½ year period to evaluate the risk factors associated with HIV infection among blood donors. Cases will be defined as potential donors who deny risks on the donor screening questionnaire but are found to be positive on HIV testing (their donation is discarded), HIV-positive donors who gave blood at one of the five blood centers as stated above (primary sites) or at blood centers located in the Guangxi Autonomous Region (peripheral sites, recruited through the Guangxi CDC for this study only but not other REDS–III studies) will be eligible to participate and complete a Risk Factor Questionnaire that will assess general demographic and risk factor information pertinent to HIV infection. Controls will be negative for HIV on confirmatory testing. Assuming 50% response rate, it is anticipated that 390 HIV-positive donors and 960 controls will participate in the case control study. The results of this study will contribute to global HIV surveillance and prevention, provide a broader global understanding of HIV epidemiology, and support public health efforts to most effectively manage and potentially prevent HIV transmission both worldwide and in the US.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated burden hours are 450.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
HIV Risk factor Q	Blood donors—Case Primary Sites	210	1	20/60	70
	Blood donors—Case peripheral sites.	180	1	20/60	60
	Blood donors—Control primary sites	540	1	20/60	180
	Blood donors—Control peripheral sites.	420	1	20/60	140

Dated: August 18, 2014.

Lynn Susulske,

NHLBI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2014–20528 Filed 8–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''Voluntary Customer Survey Generic Clearance for the Agency for Healthcare Research and Quality.'' In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on May 29th 2014 and allowed 60 days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by September 29, 2014.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Voluntary Customer Survey Generic Clearance for the Agency for Healthcare Research and Quality

This is a request for the Office of Management and Budget (OMB) to re-approve for an additional 3 years, under the Paperwork Reduction Act of 1995, the generic clearance for the Agency for Healthcare Research and Quality (AHRQ) to survey the users of AHRQ's work products and services, OMB control number 0935–0106. The current clearance was approved on July 20th, 2011 and will expire on July 31st, 2014.

Customer surveys will be undertaken by AHRQ to assess its work products and services provided to its customers, to identify problem areas, and to determine how they can be improved. Surveys conducted under this generic clearance are not required by regulation and will not be used by AHRQ to regulate or sanction its customers. Surveys will be entirely voluntary, and information provided by respondents will be combined and summarized so that no individually identifiable information will be released. Proposed information collections submitted under this generic clearance will be reviewed and acted upon by OMB within 14 days of submission to OMB.

Method of Collection

The information collected through focus groups and voluntary customer surveys will be used by AHRQ to identify strengths and weaknesses in products and services to make improvements that are practical and feasible. Information from these customer surveys will be used to plan

and redirect resources and efforts to improve or maintain a high quality of service to the lay and health professional public.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated total burden hours for the respondents. Mail surveys are estimated to average 15 minutes, telephone surveys 40 minutes, web-based surveys 10 minutes, focus groups two hours, and in-person interviews are estimated to average 50 minutes. Mail surveys may also be sent to respondents via email, and may include a telephone non-response follow-up. Telephone non-response follow-up for mailed surveys does not count as a telephone survey. The total burden hours for the 3 years of the clearance is estimated to be 10,150 hours.

Exhibit 2 shows the estimated cost burden for the respondents. The total cost burden for the 3 years of the clearance is estimated to be $340,127.

EXHIBIT 1—ESTIMATED BURDEN HOURS OVER 3 YEARS

Type of information collection	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Mail/email *	15,000	1	15/60	3,750
Telephone	600	1	40/60	400
Web-based	15,000	1	10/60	2,500
Focus Groups	1,500	1	2.0	3,000
In-person	600	1	50/60	500
Total	32,700	na	na	10,150

* May include telephone non-response follow-up in which case the burden will not change.

EXHIBIT 2—ESTIMATED COST BURDEN OVER 3 YEARS

Type of information collection	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Mail/email	15,000	3,750	$33.51	$125,663
Telephone	600	400	33.51	13,404
Web-based	15,000	2,500	33.51	83,775
Focus Groups	1,500	3,000	33.51	100,530
In-person	600	500	33.51	16,755
Total	32,700	10,150	na	340,127

* Based upon the average wages for 29–000 (Healthcare Practitioner and Technical Occupations), ''National Compensation Survey: Occupational Wages in the United States, May 2009.'' U.S. Department of Labor, Bureau of Labor Statistics.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: August 20, 2014.

Richard Kronick,

Director.

[FR Doc. 2014–20420 Filed 8–27–14; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''Generic Clearance for Questionnaire and Data Collection Testing, Evaluation, and Research for the Agency for Healthcare Research and Quality.'' In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on May 29th 2014 and allowed 60 days for public comment. One comment was received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by September 29, 2014.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov*.

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov*.

SUPPLEMENTARY INFORMATION:

Proposed Project

Generic Clearance for Questionnaire and Data Collection Testing, Evaluation, and Research for the Agency for Healthcare Research and Quality

The Agency for Healthcare Research and Quality (AHRQ) requests that the Office of Management and Budget (OMB) reinstate generic pre-testing clearance 0935–0124 for three years to facilitate AHRQ's efforts to (1) employ evaluation-type methods and techniques to improve AHRQ's current data collection and estimation procedures, (2) develop new collections and procedures, including toolkits, and (3) revise existing collections and procedures. AHRQ uses techniques to simplify data collection and estimation procedures, reduce respondent burden, and improve efficiencies to meet the needs of individuals and small business respondents who may have reduced budgets and staff. AHRQ believes that developing, testing, and evaluating data collection and estimation procedures using survey methods and other techniques in anticipation of agency-sponsored studies can improve its information collection efforts and the products it develops and allow AHRQ to be more responsive to fast-changing developments in the healthcare research field.

This clearance request is limited to research on data collection, toolkit development, and estimation procedures and reports and does not extend to the collection of data for public release or policy formation. The current clearance was granted on May 27th, 2011 and expires on May 31st, 2014.

This generic clearance will allow AHRQ to draft and test toolkits, survey instruments and other data collection and estimation procedures more quickly and with greater lead time, thereby managing project time more efficiently and improving the quality of the data AHRQ collects. In some instances, the ability to test and evaluate toolkits, data collection and estimation procedures in anticipation of work or early in a project may result in the decision not to proceed with additional activities, thereby saving both public and private resources and effectively eliminating respondent burden.

Many of the tools AHRQ develops are made available to the private sector to assist in improving health care quality. The health and health care environment changes rapidly and requires a quick response from AHRQ to provide refined tools. This generic clearance will facilitate AHRQ's response to this changing environment.

These preliminary research activities will not be used by AHRQ to regulate or sanction its customers. They will be entirely voluntary and the confidentiality of respondents and their responses will be preserved. Proposed information collections submitted under this generic clearance will be reviewed and acted upon by OMB within 14 days of submission to OMB.

Method of Collection

The information collected through preliminary research activities will be used by AHRQ to employ techniques to (1) improve AHRQ's current data collection and estimation procedures, (2) develop new collections and procedures, including toolkits, and (3) revise existing collections and procedures in anticipation or in response to changes in the health or health care field. The end result will be improvement in AHRQ's data collections and procedures and the quality of data collected, a reduction or minimization of respondent burden, increased agency efficiency, and improved responsiveness to the public.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated burden hours, over the full 3 years of this clearance, for the respondents' time to participate in the research activities that may be conducted under this generic clearance. Mail surveys will be conducted with about 6,000 persons (2,000 per year for 3 years) and are estimated to average 20 minutes. Mail surveys may also be sent to respondents via email, and may include a telephone non-response follow-up. Telephone non-response follow-up for mailed surveys is not counted as a telephone survey in Exhibit 1. Not more than 600 persons, over 3 years, will participate in telephone surveys that will take about 40 minutes. Web-based surveys will be conducted with no more than 3,000 persons and will require no more than 10 minutes to complete. About 1,500 persons will participate in focus groups which may last up to two hours, while in-person interviews will be conducted with 600 persons and will take about 50 minutes. Automated data collection will be conducted for about 1,500 persons and could take up to 1 hour. Cognitive testing will be conducted with about 600 persons and is estimated to take 11/2 hours to complete. The total burden over 3 years is estimated to be 8,900 hours (about 2,967 hours per year).

Exhibit 2 shows the estimated cost burden over 3 years, based on the respondents' time to participate in these research activities. The total cost burden is estimated to be $298,239.

EXHIBIT 1—ESTIMATED BURDEN HOURS OVER 3 YEARS

Type of information collection	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Mail/email *	6,000	1	20/60	2,000
Telephone	600	1	40/60	400
Web-based	3,000	1	10/60	500
Focus Groups	1,500	1	2.0	3,000
In-person	600	1	1.0	600
Automated **	1,500	1	1.0	1,500
Cognitive Testing ***	600	1	1.5	900
Totals	13,800	na	na	8,900

* May include telephone non-response follow-up in which case the burden will not change

** May include testing of database software, CAPI software or other automated technologies.

*** May include cognitive interviews for questionnaire or toolkit development, or ''think aloud'' testing of prototype Web sites.

EXHIBIT 2—ESTIMATED COST BURDEN OVER 3 YEARS

Type of information collection burden	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost
Mail/email	6,000	2,000	$33.51	$67,020
Telephone	600	400	$33.51	$13,404
Web-based	3,000	500	$33.51	$16,755
Focus Groups	1,500	3,000	$33.51	$100,530
In-person	600	600	$33.51	$20,106
Automated	1,500	1,500	$33.51	$50,265
Cognitive Testing	600	900	$33.51	$30,159
Totals	13,800	8,900	na	$298,239

* Based upon the average wages for 29–000 (Healthcare Practitioner and Technical Occupations), ''National Compensation Survey: Occupational Wages in the United States, May 2009,'' U.S. Department of Labor, Bureau of Labor Statistics.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ healthcare research and healthcare information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: August 20, 2014.

Richard Kronick,

Director.

[FR Doc. 2014–20421 Filed 8–27–14; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–14–0260]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Health Hazard Evaluations/Technical Assistance and Emerging Problems (0920–0260, Expiration 11/30/2014)—Revision—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Occupational Safety and Health Act of 1970 and the Federal Mine Safety and Health Act of 1977, mandates the National Institute for Occupational Safety and Health (NIOSH) respond to requests for health hazard evaluations (HHE) to identify chemical, biological or physical hazards in workplaces throughout the United States. Each year, NIOSH receives approximately 300 such requests. Most HHE requests come from the following types of companies: service, manufacturing, health and social services, transportation, construction, agriculture, mining, skilled trade and construction.

A printed HHE request form is available in English and in Spanish. The form is also available on the Internet and differs from the printed version only in format and in the fact that it can be submitted directly from the Web site. The request form takes an estimated 12 minutes to complete. The form provides the mechanism for employees, employers, and other authorized representatives to supply the information required by the regulations governing the NIOSH HHE program (42 CFR 85.3–1).

If employees are submitting the form, it must contain the signatures of three or more current employees. However, regulations allow a single signature if the requestor: is one of three (3) or fewer employees in the process, operation, or job of concern; or is any officer of a labor union representing the employees for collective bargaining purposes. An individual management official may request an evaluation on behalf of the employer. The information provided is used by NIOSH to determine whether there is reasonable cause to justify conducting an investigation and provides a mechanism to respond to the requestor.

NIOSH reviews the HHE request to determine if an on-site evaluation is needed. The primary purpose of an on-site evaluation is to help employers and employees identify and eliminate occupational health hazards. For 40% of the requests received NIOSH determines an on-site evaluation is needed.

In about 70% of on-site evaluations, employees are interviewed to help further define concerns. Interviews may take approximately 15 minutes per respondent. The interview questions are specific to each workplace and its suspected diseases and hazards. However, interviews are based on standard medical practices.

In approximately 30% of on-site evaluations (presently estimated to be 38 facilities), questionnaires are distributed to the employees (averaging about 100 employees per site). Questionnaires may require approximately 30 minutes to complete.

The survey questions are specific to each workplace and its suspected diseases and hazards, however, items in the questionnaires are derived from standardized or widely used medical and epidemiologic data collection instruments.

About 70% of the on-site evaluations involve employee exposure monitoring in the workplace. Employees participating in on-site evaluations by wearing a sampler or monitoring device to measure personal workplace exposures are offered the opportunity to get a written notice of their exposure results. To indicate their preference and, if interested, provide mailing information, employees complete a contact information post card. Completing the contact card may take 5 minutes or less. The number of employees monitored for workplace exposures per on-site evaluation is estimated to be 25 per site.

NIOSH distributes interim and final reports of health hazard evaluations, excluding personal identifiers, to: requesters, employers, employee representatives; the Department of Labor (Occupational Safety and Health Administration or Mine Safety and Health Administration, as appropriate); state health departments; and, as needed, other state and federal agencies.

NIOSH administers a follow-back program to assess the effectiveness of its HHE program in reducing workplace hazards. This program entails the mailing of follow-back questionnaires to employer and employee representatives at all the workplaces where NIOSH conducted an on-site evaluation. In a small number of instances, a follow-back on-site evaluation may be completed. The first follow-back questionnaire is sent shortly after the first visit for an on-site evaluation and takes about 10 minutes to complete. A second follow-back questionnaire is sent a year later and requires about 15 minutes to complete. At 24 months, a third follow-back questionnaire is sent which takes about 15 minutes to complete.

For requests where NIOSH does not conduct an on-site evaluation, the requestor receives the first follow-back questionnaire 12 months after our response and a second one 24 months after our response. The first questionnaire takes about 10 minutes to complete and the second questionnaire takes about 15 minutes to complete.

Because of the number of investigations conducted each year, the need to respond quickly to requests for assistance, the diverse and unpredictable nature of these investigations, and its follow-back program to assess evaluation effectiveness; NIOSH requests a consolidated clearance for data collections performed within the domain of its HHE program. There is no cost to respondents other than their time. The total estimated annual burden hours are 3,019.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response in hours
Employees and representatives/employers	Health Hazard Evaluation Request Form	300	1	12/60
Employees	Health Hazard Evaluation specific interview example.	2,670	1	15/60
Employees	Health Hazard Evaluation specific questionnaire example.	3,800	1	30/60
Employees	Contact information post card	2,225	1	5/60
Employees and Representatives; Employers—Year 1 (on-site evaluation).	First follow-back questionnaire	252	1	10/60
	Second follow-back questionnaire	252	1	15/60
Employees and Representatives; Employers—Year 2. (on-site evaluation)	Third follow-back questionnaire	252	1	15/60
Employees and Representatives; Employers—Year 1. (without on-site evaluation)	First follow-back questionnaire	90	1	10/60
Employees and Representatives; Employers—Year 2. (without on-site evaluation)	Second follow-back questionnaire	90	1	15/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–20477 Filed 8–27–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Announcement of Requirements and Registration for the Culture-Independent Straintyping and Characterization Challenge

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

Authority: 15 U.S.C. 3719.

Award Approving Official: Thomas R. Frieden, MD, MPH, Director, Centers for Disease Control and Prevention, and Administrator, Agency for Toxic Substances and Disease Registry.

SUMMARY: The Centers for Disease Control and Prevention (CDC) located within the Department of Health and Human Services (HHS) launches a challenge competition for the development of a method or process to accurately and efficiently identify, subtype, and characterize pathogenic microorganisms directly from clinical or environmental samples without the need for culture or culture-based enrichment.

Laboratory-based infectious disease surveillance programs, such as PulseNet, the National Tuberculosis Surveillance System, and the Active Bacterial Core Surveillance program, rely on primary culture and microbiologic testing in community hospital and clinical laboratories. A new generation of non-culture-based diagnostic tests are now beginning to enter the marketplace offering physicians faster results and, in some cases, more types of information than were previously available. Unfortunately, these new tests do not typically result in isolates being available for public health purposes, and, as their use continues to grow, it will likely become increasingly difficult or impossible to detect and investigate outbreaks or other important infectious disease trends. New laboratory approaches that do not depend on isolates or culture for subtyping and characterization of microbes are needed to maintain and improve important public health activities across a range of pathogenic organisms.

The Culture-Independent Straintyping and Characterization Challenge is an opportunity to develop novel approaches to identifying and characterizing pathogens similar to normal flora in a complex matrix in a process that does not require any culture, including pre-enrichment. Straintyping and characterization of the Shiga toxin-producing Escherichia coli (STEC) from clinical stool samples represents a significant challenge and has been selected as the target organism for this challenge. STEC are similar in most respects to the commensal E. coli that are carried in the intestinal tract of nearly everyone. Consistent identification, straintyping, and characterization of pathogenic STEC directly from a complex matrix, such as stool, requires the consistent identification of both a variable marker that can be used for subtyping and a second, more stable marker that can be used for definitive identification.

How To Enter

- Sign up for a Challenge.gov account and become a follower of the Culture-Independent Straintyping and Characterization Challenge at *http://www.cdc.gov/amd/cidtchallenge.*
- Review the rules and guidelines of this contest listed below and at *http://www.cdc.gov/amd/cidtchallenge.*

DATES: Contestants can submit solutions between September 2, 2014 and November 30, 2014. Judging will take place between December 1 and 10, 2014, during which time additional information, clarification or documentation may be requested. The winner will be notified and prize awarded by December 15, 2014.

Contest Prizes: We will choose one winning proposal and award $200,000 by electronic funds transfer. The winner may need to pay Federal income taxes on any prize money. We will follow Internal Revenue Service withholding and reporting requirements, where applicable.

How Winners Will Be Selected: An expert panel of CDC program staff with expertise in diagnostic testing, bioinformatics, and biotechnology who meet the requirements of the America COMPETES Act will evaluate all entries. The judging panel will use the following criteria to select a single winning submission:

(1) Resolution and typeability: Ability to accurately straintype and characterize STEC at high resolution from a stool sample matrix, without the need for culture-based amplification.

(2) Reproducibility and stability: Ability to return consistent, unambiguous results from three or more replicate specimens.

(3) Throughput parameters: Proposed solutions should have a feasible sample-to-answer turnaround time of under 48 hours, and a per-sample reagent and consumables cost of $100 per sample or less. Methods should be scalable to accommodate high-throughput testing.

(4) Portability: Data should be objective, based on open or established standards, and amenable for computerized analysis and easily disseminated between laboratories.

(5) Generalizability: While the subject organism for this challenge is STEC, special consideration will be given to proposals that may be readily adapted to a range of other pathogenic microorganisms.

(6) Epidemiologic concordance: Consistency of the resultant data with the known epidemiologic context of the specimen.

Contest Rules and Guidelines

Subject of Contest Competition: Your entry for the Culture-Independent Straintyping and Characterization Challenge should describe a novel or innovative method to straintype and characterize pathogenic organisms, such as STEC, directly from a complex clinical sample, without the need for culture or culture-based amplification.

Eligibility Rules for Participating in the Competition: The contest is open to everyone, with the exceptions noted below. Participants may submit individual proposals or work as teams.

To have a chance to win a prize in this contest you must—

(1) Register for the contest at CHALLENGE.GOV and follow posted contest rules;

(2) Meet all of the requirements in this section;

(3) Enter the contest as an individual or as a team in which a you or all members of the team are citizen(s) or permanent resident(s) of the United States; or as an entity where entities are limited to those that are incorporated and maintain a primary place of business in the United States; and

(4) Federal employees may not participate in this contest in their official capacity. Federal employees seeking to participate in this contest should talk with their ethics official before submitting a proposal.

(5) Federal grantees cannot use Federal funds to develop *COMPETES Act* challenge applications unless consistent with the purpose of their grant award.

(6) Federal contractors cannot use Federal funds from a contract to develop COMPETES Act challenge applications or to fund efforts in support of a COMPETES Act challenge submission.

You can use Federal facilities (e.g., laboratories) or speak with Federal employees during the contest only if those same Federal facilities and employees are equally available to everyone participating in the contest (for example, such availability could be announced on a public Web site).

If laboratory work is required to support your submission, all work should be performed under appropriate biosafety level 2 (BSL2) conditions, and in accordance with standard precautions for the handling and processing of clinical specimens.

By participating in this contest, contestants agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in this prize contest, whether the injury, death, damage, or loss arises through negligence or otherwise. By participating in this contest, contestants agree to indemnify the Federal Government against third party claims for damages arising from or related to contest activities.

Contestants warrant that their submissions are wholly original and do not infringe upon any rights of any third party of which Contestants are aware.

Registration Process for Participants: All participants for the Culture-Independent Straintyping and Characterization Challenge must register before submitting a proposal. Registration instructions are available at *http://www.cdc.gov/amd/cidtchallenge.* Deadline for registration is October 1, 2014.

Additional Information: More information on or about CDC's Advanced Molecular Detection and Response to Outbreaks of Infectious Diseases initiative can be found at: *www.cdc.gov/amd.*

Regarding Copyright/Intellectual Property: When you submit your entry, you must certify that you are the person who developed the submission and that you maintain intellectual property rights to the process and solution that you propose. You also must ensure that you did not use any copyrighted material or affect the rights of any third party to the best of your knowledge.

Submission Rights: Once you submit your solution, you give HHS/CDC permission to review and evaluate your submission, and to post and share information about your solution in the context of the contest, its participants and its awardee. You cannot take this permission back or ask us for money to use your submission for these purposes. You can, however, give other people permission to use your method or solution to this challenge while the contest is ongoing, and may keep all other intellectual property rights to your solution and your work.

Compliance With Rules and Contacting Contest Winners: In order to win the contest, you must meet all terms and conditions of these Official Rules. You can be named a winner only if you meet all the requirements. We will contact the winner using the contact information provided (by email, telephone, or mail after the date of the judging). You may need to pay Federal income taxes on any prize money. The Department of Health and Human Services will follow the Internal Revenue Service withholding and reporting requirements, where applicable.

Privacy: If you provide personal information to use when you register for the contest at the Challenge.gov Web site, we will use that information to contact you about your entry, and to announce updates and the final contest winner. We will not use the information for commercial marketing.

General Conditions: HHS/CDC can cancel, suspend, or change the contest, or any part of it, for any reason.

Dated: August 22, 2014.

Ron A. Otten,

Acting Deputy Associate Director for Science, Centers for Disease Control and Prevention.

[FR Doc. 2014–20428 Filed 8–27–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2003–D–0128 (Legacy ID: FDA–2003D–0236)]

Guidance for Industry: Recommendations for Screening, Testing, and Management of Blood Donors and Blood and Blood Components Based on Screening Tests for Syphilis; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a document entitled ''Guidance for Industry: Recommendations for Screening, Testing, and Management of Blood Donors and Blood and Blood Components Based on Screening Tests for Syphilis,'' dated September 2014. The guidance document provides recommendations for screening and testing of donors and management of donations based on screening tests for syphilis. The guidance is intended for blood establishments that collect Whole Blood or blood components, including Source Plasma. The guidance announced in this notice finalizes the draft guidance of the same title, dated March 2013 (2013 draft guidance), and supersedes the memorandum of December 12, 1991, entitled ''Clarification of FDA Recommendations for Donor Deferral and Product Distribution Based on the Results of Syphilis Testing.''

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–7800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Paul E. Levine, Jr., Center for Biologics Evaluation and Research, Food and Drug Administration, Document Control Center, 10903 New Hampshire Ave., Bldg. 71, Rm. G112, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled, ''Guidance for Industry: Recommendations for Screening, Testing, and Management of Blood Donors and Blood and Blood Components Based on Screening Tests for Syphilis,'' dated September 2014. The guidance document provides recommendations for screening and testing of donors and management of

donations based on screening tests for syphilis. The recommendations described in the document are for blood establishments that use either nontreponemal or treponemal screening assays to test donors for serological evidence of syphilis infection.

In the **Federal Register** of February 26, 2013 (78 FR 13069), FDA announced the availability of the 2013 draft guidance. FDA received several comments on the 2013 draft guidance and those comments were considered as the guidance was finalized. In summary, FDA modified the recommendations provided in the 2013 draft guidance concerning the use of an FDA-cleared nontreponemal donor screening assay to test donations from reentered donors. In addition, FDA made editorial changes to recommendations in the guidance to improve clarity. The guidance announced in this notice finalizes the 2013 draft guidance.

The guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents FDA's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 601.12 have been approved under OMB control number 0910–0338; and 21 CFR 606.121, 606.160, 610.40, 630.6, 640.3, 640.65, and 640.71 have been approved under OMB control number 0910–0116.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: August 25, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–20483 Filed 8–27–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–1177]

International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products; Draft Guidance for Industry on Electronic Exchange of Documents: File Format Recommendations; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry (GFI #225) entitled ''Draft Guidance for Industry, Electronic Exchange of Documents: File Format Recommendations'' (VICH GL53). This draft guidance has been developed for veterinary use by the International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products (VICH). This draft VICH guidance is intended to provide recommendations to industry on electronic file format specifications for individual documents and collections of multiple related documents that need no subsequent editing and are utilized for electronic exchange between industry and regulators in the context of regulatory approval of veterinary medicinal products.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by October 27, 2014.

ADDRESSES: Submit written requests for single copies of the guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Scott Fontana, Center for Veterinary Medicine (HFV–100), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–0656, *Scott.Fontana@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry (GFI #225) entitled ''Draft Guidance for Industry, Electronic Exchange of Documents: File Format Recommendations'' (VICH GL53). In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote the international harmonization of regulatory requirements. FDA has participated in efforts to enhance harmonization and has expressed its commitment to seek scientifically based harmonized technical procedures for the development of pharmaceutical products. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies in different countries.

FDA has actively participated in the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use for several years to develop harmonized technical requirements for the approval of human pharmaceutical and biological products among the European Union, Japan, and the United States. The VICH is a parallel initiative for veterinary medicinal products. The VICH is concerned with developing harmonized technical requirements for the approval of veterinary medicinal products in the European Union, Japan, and the United States and includes input from both regulatory and industry representatives.

The VICH Steering Committee is composed of member representatives from the European Commission;

European Medicines Evaluation Agency; European Federation of Animal Health; Committee on Veterinary Medicinal Products; FDA; U.S. Department of Agriculture; the Animal Health Institute; Japanese Veterinary Pharmaceutical Association; Japanese Association of Veterinary Biologics; and Japanese Ministry of Agriculture, Forestry, and Fisheries.

Four observers are eligible to participate in the VICH Steering Committee: One representative from the government of Australia/New Zealand, one representative from the industry in Australia/New Zealand, one representative from the government of Canada, and one representative from the industry in Canada. The VICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation for Animal Health (IFAH). An IFAH representative also participates in the VICH Steering Committee meetings.

II. Draft Guidance on Electronic Exchange of Documents: File Format Recommendations

In November 2013, the VICH Steering Committee agreed that a draft guidance document entitled ''Draft Guidance for Industry, Electronic Exchange of Documents: File Format Recommendations'' (VICH GL53) should be made available for public comment. This draft VICH guidance document is intended to provide recommendations to industry regarding electronic file format specifications (e.g., file format, file size, file security, and cross referencing) for individual documents and collections of multiple related documents for the transfer of electronic regulatory information in support of applications for the approval of veterinary medicinal products. This draft guidance applies to communication or data exchanged as documents in the context of all regulatory procedures where regulators accept electronic transfer of such documents. This may include, but is not limited to, applications for initial marketing authorizations, related presubmission or post-authorization procedures, applications for maximum residue limits, clinical trial applications, drug/active substance master files, or requests for regulatory or scientific advice.

This draft guidance is a product of the Electronic File Format Expert Working Group of the VICH. Comments about this draft guidance document will be considered by FDA and the VICH Electronic File Format Expert Working Group.

III. Significance of Guidance

This draft guidance, developed under the VICH process, has been revised to conform to FDA's good guidance practices regulation (21 CFR 10.115). For example, the document has been designated ''guidance'' rather than ''guideline.'' In addition, guidance documents must not include mandatory language such as ''must,'' ''shall,'' ''require,'' or ''requirement'' unless FDA is using these words to describe a statutory or regulatory requirement.

This draft VICH guidance, when finalized, will represent the Agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in this guidance have been approved under OMB control number 0910–0032.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

VI. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm* or *http://www.regulations.gov.*

Dated: August 22, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–20482 Filed 8–27–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Risk Communications 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: Risk Communications Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on November 3 and 4, 2014, from 9 a.m. to 5 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/default.htm;* under the heading ''Resources for You,'' click on ''Public Meetings at the FDA White Oak Campus.'' Please note that visitors to the White Oak Campus must enter through Building 1.

Contact Person: Luis G. Bravo, Office of Planning, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 3274, Silver Spring, MD 20993–0002, 240–402–5274, FAX: 301–847–8609, email: *RCAC@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.

If you are unable to join us in person, we encourage you to watch the free Webcast. Visit the Risk Communication Advisory Committee Web site at *http://*

www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/RiskCommunicationAdvisoryCommittee/default.htm. The link will become active shortly before the open session begins at 9 a.m.

Interested persons can also log on to *https://collaboration.fda.gov/rcac/* to see and hear the proceedings.

Agenda: On November 3 and 4, 2014, the Risk Communication Advisory Committee will discuss methods for effective risk communication with a focus on messages about the importance of eating adequate amounts of fish, while avoiding certain fish with higher amounts of methyl-mercury. These messages are especially important for women who are pregnant or nursing, or for anyone who prepares food for young children.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before October 20, 2014. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. on November 3 and 4, 2014. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before October 10, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 14, 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 Luis G. Bravo 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 25, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–20481 Filed 8–27–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Intent To Prepare an Environmental Impact Statement and Notice of Scoping Meeting

SUMMARY: In accordance with the National Environmental Policy Act, 42 U.S.C. 4321–4347, the National Institutes of Health (NIH) is issuing this notice to advise the public that an environmental impact statement will be prepared for the Assure/Expand Chilled Water Capacity project located on the National Institutes of Health, Bethesda Campus, Bethesda, Maryland.

DATES: The Scoping Meeting is planned for 6:00 p.m., formal presentation to begin at 7:00 p.m., on Wednesday September 24, 2014. Scoping comments must be postmarked no later than October 18, 2014 to ensure they are considered.

ADDRESSES: The Scoping Meeting will be held on The National Institutes of Health Bethesda Campus, Building 50, Room 1227/1233, Bethesda, Maryland. All comments and questions on the Scoping Meeting and Environmental Impact Statement should be directed to Valerie Nottingham, Deputy Director, Division of Environmental Protection, Office of Research Facilities, NIH, B13/2S11, 9000 Rockville Pike, Bethesda, Maryland 20892, telephone 301–496–7775; fax 301–480–0204; or email <*nihnepa@mail.nih.gov*>.

FOR FURTHER INFORMATION CONTACT: Valerie Nottingham, Deputy Director, Division of Environmental Protection, Office of Research Facilities, NIH, B13/2S11, 9000 Rockville Pike, Bethesda, Maryland 20892, telephone 301–496–7775; fax 301–480–0204; or email <*nihnepa@mail.nih.gov*>.

SUPPLEMENTARY INFORMATION: The NIH's mission is to seek fundamental knowledge about the nature and behavior of living systems and the application of that knowledge to enhance health, lengthen life, and reduce illness and disability. In order to fulfill and uphold this mission the infrastructure of the NIH Bethesda Campus must be able to support the NIH's biomedical research programs.

Chilled water is a critical utility for the Bethesda Campus. The campus chilled water demand has exceeded the design capacity several times during the previous years. Expansion of the chilled water capacity is necessary.

The NIH has also become increasingly concerned about the vulnerability of the local water utility system, and the risk of reliably delivering water to the NIH Bethesda Campus infrastructure. A reliable water supply is vital to the NIH mission. The NIH proposes to address these concerns by construction of water storage structures to expand the Bethesda Campus chilled water capacity and to assure the availability of chilled water and potable water during a water emergency. In addition, NIH desires to improve sustainability, energy conservation, and to reduce the operating cost on the campus.

In accordance with 40 CFR 1500–1508 and DHHS environmental procedures, NIH will prepare an Environmental Impact Statement (EIS) for the proposed project. The EIS will evaluate the impacts of the alternatives should development occur as proposed. Among the items the EIS will examine are the implications of the project on community infrastructure, including, but not limited to, utilities, storm water management, traffic and transportation, and other public services. To ensure that the public is afforded the greatest opportunity to participate in the planning and environmental review process, NIH is inviting oral and written comments on the proposed project and related environmental issues.

The NIH will be sponsoring a public Scoping Meeting to provide individuals an opportunity to share their ideas, including recommended alternatives and environmental issues the EIS should consider. All interested parties

are encouraged to attend. NIH has established a 45-day public comment period for the scoping process.

Dated: August 21, 2014.

Daniel G. Wheeland,

Director, Office of Research Facilities Development and Operations, National Institutes of Health.

[FR Doc. 2014–20489 Filed 8–27–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Final NIH Genomic Data Sharing Policy

SUMMARY: The National Institutes of Health (NIH) announces the final Genomic Data Sharing (GDS) Policy that promotes sharing, for research purposes, of large-scale human and non-human genomic [1] data generated from NIH-funded research. A summary of public comments on the draft GDS Policy and the NIH responses are also provided.

FOR FURTHER INFORMATION CONTACT: Genomic Data Sharing Policy Team, Office of Science Policy, National Institutes of Health, 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892; 301–496–9838; *GDS@mail.nih.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

The NIH announces the final Genomic Data Sharing (GDS) Policy, which sets forth expectations that ensure the broad and responsible sharing of genomic research data. Sharing research data supports the NIH mission and is essential to facilitate the translation of research results into knowledge, products, and procedures that improve human health. The NIH has longstanding policies to make a broad range of research data, in addition to genomic data, publicly available in a timely manner from the research activities that it funds.[2 3 4 5 6]

The NIH published the *Draft NIH Genomic Data Sharing Policy Request for Public Comments* in the **Federal Register** on September 20, 2013,[7] and in the *NIH Guide for Grants and Contracts* on September 27, 2013,[8] for a 60-day public comment period that ended November 20, 2013. The NIH also used Web sites, listservs, and social media to disseminate the request for comments. On November 6, 2013, during the comment period, the NIH held a public webinar on the draft GDS Policy that was attended by nearly 200 people and included a question and answer session.[9]

The NIH received a total of 107 public comments on the draft GDS Policy. Comments were submitted by individuals, organizations, and entities affiliated with academic institutions, professional and scientific societies, disease and patient advocacy groups, research organizations, industry and commercial organizations, tribal organizations, state public health agencies, and private clinical practices. The public comments have been posted on the NIH GDS Web site.[10] Comments were supportive of the principles of sharing data to advance research. However, there were a number of questions and concerns and calls for clarification about specific aspects of the draft Policy. A summary of comments, organized by corresponding sections of the GDS Policy, is provided below.

Scope and Applicability

Several commenters stated that the draft Policy was unclear with regard to the types of research to which the Policy would apply. Some commenters suggested that the technology used in a research study (i.e., array-based or high-throughput genomic technologies) should not be the focus in determining applicability of the Policy. They suggested instead that the information gained from the research should determine the applicability of the Policy. Many other commenters expressed the concern that the Policy was overly broad and would lead to the submission of large quantities of data with low utility for other investigators. Several other commenters suggested that the scope of the Policy was not broad enough. Additionally, some commenters were uncertain about whether the Policy would apply to research funded by multiple sources.

The NIH has revised the Scope and Applicability section to help clarify the types of research to which the Policy is intended to apply, and the reference to specific technologies has been dropped. The list of examples of the types of research projects that are within the Policy's scope, which appeared in Appendix A of the draft GDS Policy (now referred to as ''Supplemental Information to the NIH Genomic Data Sharing Policy'' [11]), has been revised and expanded, and examples of research that are not within the scope have been added as well. Also, the final GDS Policy now explicitly states that smaller studies (e.g., sequencing the genomes of fewer than 100 human research participants) are generally not subject to this Policy. Smaller studies, however, may be subject to other NIH data sharing policies (e.g., the National Institute of Allergy and Infectious Diseases Data Sharing and Release Guidelines [12]) or program requirements. In addition, definitions of key terms used in the Policy (e.g., aggregate data) have been included and other terms have been clarified.

The statement of scope remains intentionally general enough to accommodate the evolving nature of genomic technologies and the broad range of research that generates genomic data. It also allows for the possibility that individual NIH Institutes or Centers (IC) may choose on a case-by-case basis to apply the Policy to projects generating data on a smaller scale depending on the state of the science, the needs of the research community, and the programmatic priorities of the IC. The Policy applies to research funded in part or in total by the NIH if the NIH funding supports the generation of the genomic data. Investigators with questions about whether the Policy applies to their current or proposed research should consult the relevant Program Official or Program Officer or the IC's Genomic Program Administrator (GPA). Names and contact information for GPAs are available through the NIH GDS Web site.[13]

Some commenters expressed concern about the financial burden on investigators and institutions of validating and sharing large volumes of genomic data and the possibility that resources spent to support data sharing would redirect funds away from research. While the resources needed to support data sharing are not trivial, the NIH maintains that the investments are warranted by the significant discoveries made possible through the secondary use of the data. In addition, the NIH is taking steps to evaluate and monitor the impact of data sharing costs on the conduct of research, both programmatically through the Big Data to Knowledge Initiative [14] and organizationally through the creation of the Scientific Data Council, which will advise the agency on issues related to data science.[15]

Data Sharing Plans

Some commenters pointed out that the Policy was not clear enough about the conditions under which the NIH would grant an exception to the submission of genomic data to the NIH. Some also suggested that the NIH should allow limited sharing of human genomic data when the original consent or national, tribal, or state laws do not permit broad sharing.

While the NIH encourages investigators to seek consent for broad

sharing, and some ICs may establish program priorities that expect studies proposed for funding to include consent for broad sharing, exceptions may be made. The final Policy clarifies that exceptions may be requested in cases for which the submission of genomic data would not meet the criteria for the Institutional Certification.

Some commenters expressed concern that it would be difficult to estimate the resources required to support data sharing plans before a study is completed. Others asked for additional guidance on resources that should be requested to support the data sharing plan. Several commenters suggested that the NIH should allow certain elements of the data sharing plan, such as the Institutional Certification and associated documentation, to be submitted along with other ''Just-in-Time'' information. For multi-year awards, one commenter suggested that the data sharing plans should be periodically reviewed for consistency with contemporary ethical standards. Another suggested that data sharing plans should be made public.

Under the GDS Policy, investigators are expected to outline in the budget section of their funding application the resources they will need to prepare the data for submission to appropriate repositories. The NIH will provide additional guidance on these resources, as necessary. The final Policy clarifies that only a basic genomic data sharing plan, in the Resource Sharing Plan section of grant applications, needs to be submitted with the funding application and that a more detailed plan should be provided prior to award. The Institutional Certification also should be provided prior to award, along with any other Just-in-Time information. Guidance on genomic data sharing plans is available on the NIH GDS Web site.[16] Data sharing plans will undergo periodic review through annual progress reports or other appropriate scientific project reviews. Further consideration will be given to the suggestion that data sharing plans should be made public.

Non-Human and Model Organism Genomic Data

The draft GDS Policy proposed timelines for data submission and data release (i.e., when data should be made available for sharing with other investigators). For non-human data, the draft Policy proposed that data should be submitted and made available for sharing no later than the date of initial publication, with the acknowledgement that the submission and release of data for certain projects may be expected earlier, mirroring data sharing expectations that have been in place under other policies.[4] Some commenters suggested that the data submission expectations for non-human data were unclear. One commenter suggested that the NIH should consider a more rapid timeline than the date of first publication for releasing model organism data, while other comments supported the specified data release timeline. Other commenters were concerned that the specified timeline was too short.

The final GDS Policy does not change the timeline for the submission and release of non-human and model organism data. The timeline is based on the need to promote broad data sharing while also accommodating the investigators generating the data, who often must make a significant effort to prepare the data for sharing. The Policy points out that an NIH IC may choose to shorten the timeline for data submission and release for certain projects and expects investigators to work with NIH Program or Project Officials for specific guidance on the timelines and milestones for their projects.

There was broad support for the Policy's flexibility of allowing non-human and model organism data to be deposited in any widely used data repository. One commenter requested that a link or reference to non-NIH-designated repositories be included in the Policy. Further information about NIH-designated repositories, including examples of such repositories, is available on the GDS Web site,[17] and additional information about non-NIH-designated data repositories will be incorporated in outreach and training materials for NIH staff and investigators and made available on the GDS Web site. The NIH has clarified the final Policy to state that data types that were previously submitted to widely used repositories (e.g., gene expression data to the Gene Expression Omnibus or Array Express) should continue as before, while data types not previously submitted may go to these or other widely used repositories as agreed to by the funding IC.

Human Genomic Data

The Supplemental Information to the NIH GDS Policy [11] establishes timelines for the submission and subsequent release of data for access by secondary investigators based on the level of processing that the data have undergone. A number of commenters expressed concern about these timelines, suggesting that they were too short and could limit an investigator's ability to perform adequate quality control and to publish results within the provided timeline. Many commenters proposed that the timeline for data release be extended to 12 or 18 months or be the date of publication, whichever comes first. Others were concerned that the timelines were too long and that they should reflect the longstanding principle of rapid data release as articulated in the Bermuda and Ft. Lauderdale agreements.[5] Some commenters were concerned that the elimination of the embargo period (i.e., the period between when a study is released for secondary research and when the submitting investigator first publishes on the findings of the study) would adversely affect the goal of rapid data release. One commenter was concerned that data would be released before investigators could discuss consequential findings with participants.

The NIH has modified the Supplemental Information to clarify that the 6-month deferral for the release of Level 2 and Level 3 human genomic data does not start until the data have been cleaned and submission to the NIH has been initiated, which is typically about three months after the data have been generated. Because there will be significant variation in research projects generating Level 2 and Level 3 human genomic data, the timeline for submission is project-specific and will be determined in each case by the funding NIH IC through consultation with the investigator, and the Supplemental Information has been clarified accordingly. Under the Genome-Wide Association Studies (GWAS) Policy,[6] a publication embargo period was used as a way of making data more rapidly available. In exchange for immediate data access, secondary users were not permitted to publish or present research findings until 12 months after the data were released. The NIH did not adopt this approach for the GDS Policy because, in practice, the publication embargo dates were difficult for secondary users to track, especially for datasets that had multiple embargo periods for certain types of data, raising the risk of unintentional embargo violations. Regarding the concern that human genomic data will be made available before investigators can notify participants of consequential findings, such data would be considered Level 4 data and would not be expected to be released before publication, which the NIH believes will provide sufficient time to discuss consequential findings with participants.

Many commenters called for the Policy to include technical data standards for the submission of human

genomic data, such as platform information, controlled vocabulary, normalization algorithms, data quality standards, and metadata standards. The NIH agrees with the importance of developing and using standards for genomic data and is aware that there are numerous initiatives under way to develop and promote such standards.[18] The NIH has revised the Supplemental Information by adding a section on resources for data standards. It provides references to instructions for data submission to specific NIH-designated data repositories, which include data standards. Additional resources for data standards will be incorporated in the Supplemental Information as they are developed and become appropriate for broad use.

Several commenters asked for a definition of an NIH-designated data repository and for guidance on determining which non-NIH repositories are acceptable, as well as examples of such repositories. Commenters also expressed interest in additional details regarding the use of Trusted Partners, which are third-party partnerships established through a contract mechanism to provide infrastructure needs for data storage and/or tools that are useful for genomic data analyses. A definition of an NIH-designated repository is now included in the final Policy. Additionally, further information about non-NIH-designated repositories that accept human genomic data will be made available on the GDS Web site and incorporated in outreach and training materials for NIH staff and NIH-funded investigators. Additional information about Trusted Partners, including the standards required for trusted partnerships, is also available on the NIH GDS Web site.[17]

Regarding informed consent, the GDS Policy expects investigators generating genomic data to seek consent from participants for future research uses and the broadest possible sharing. A number of commenters were concerned that participants would not agree to consent for broad sharing and that enrollment in research studies may decline, potentially biasing studies if certain populations were less likely to consent to broad use of their data. Some commenters also raised a concern about the competitiveness of an application that proposed to obtain consent for more limited sharing of data. Several commenters suggested that the NIH permit alternative forms of informed consent other than broad consent, such as dynamic consent or tiered consent.

The NIH recognizes that consent for future research uses and broad sharing may not be appropriate or obtainable in all circumstances. ICs may continue to accept data from studies with consents that stipulate limitations on future uses and sharing, and the NIH will maintain the data access system that enables more limited sharing and secondary use. With regard to the competitiveness of grant applications that do not propose to utilize consent for broad sharing, this Policy does not propose that applications be assessed on this point during the merit review, but investigators are nonetheless expected to seek consent for broad sharing to the greatest extent possible. The breadth of the sharing permitted by the consent may be taken into consideration during program priority review by the ICs. Regarding the alternative forms of consent, the Policy does not prohibit the use of dynamic or tiered consents. It promotes the use of consent for broad sharing to enable the greatest potential public benefit. However, the NIH recognizes that changing technology may enable more dynamic consent processes that improve tracking and oversight and more closely reflect participant preferences. The NIH will continue to monitor developments in this area.

Several commenters were unsure whether the GDS Policy would apply to research in clinical settings or research involving data from deceased individuals. Research that falls within the scope of the GDS Policy will be subject to the Policy, regardless of whether it occurs in a clinical setting or involves data generated from deceased individuals.

Several commenters also expressed concern that the Policy is unclear about the ability of groups, in addition to participants, to opt-out or withdraw informed consent for research and whether the ability to withdraw could be transferred or inherited. The Policy states that investigators and institutions may request that the NIH withdraw data in the event that individual participants or groups withdraw consent for secondary research, although some data that have been distributed for research cannot be retrieved. Institutions submitting the data should determine whether data should be withdrawn from NIH repositories and notify the NIH accordingly.

Many commenters urged the NIH to develop standard text or templates for informed consent documents so that investigators would be assured that their consent material would be consistent with the Policy's expectations for informed consent and data sharing. One of these commenters noted the challenge of conveying the necessary information (e.g., broad future research uses) without adding to the complexity of consent forms. Developing educational materials or tools to guide the process for obtaining informed consent was also suggested. Other commenters expressed concern about the burden of rewriting and harmonizing existing informed consent documents. The NIH appreciates the suggestion to develop template consent documents and plans to provide guidance to assist investigators and institutions in developing informed consent documents.

Many comments questioned the proposal to require explicit consent for research that is not considered human subjects research under 45 CFR Part 46 (e.g., research that involves de-identified specimens or cell lines). There were also several comments about the draft GDS Policy proposal to grandfather data from de-identified clinical specimens and cell lines collected or generated before the effective date of the GDS Policy. The reason the Policy expects consent for research for the use of data generated from de-identified clinical specimens and cell lines created after the effective date of the Policy is because the evolution of genomic technology and analytical methods raises the risk of re-identification.[19] Moreover, requiring that consent be obtained is respectful of research participants, and it is increasingly clear that participants expect to be asked for their permission to use and share their de-identified specimens for research.[20, 21, 22] The Policy does not require consent to be obtained for research with data generated from de-identified clinical specimens and cell lines that were created or collected before the effective date of the Policy because of the practical and ethical limitations in recontacting participants to obtain new consent for existing collections and the fact that such data may have already been widely used in research.

The draft GDS Policy included an exception for ''compelling scientific reasons'' to allow the research use of data from de-identified clinical specimens or cell lines collected or created after the effective date of the Policy and for which research consent was not obtained. Commenters did not object to the need for such an exception, but they asked for clarification on what constitutes a ''compelling scientific reason'' and the process through which investigators' justifications would be determined to be appropriate.

The funding IC will determine whether the investigators' justifications for the use of clinical specimens or cell lines for which no consent for research

was obtained are acceptable, as provided in their funding application and Institutional Certification. Further guidance on what constitutes compelling scientific reasons will be made available on the GDS Web site and will likely evolve over time as NIH ICs, the NIH GDS governance system, and program and project staff acquire greater experience with requests for research with such specimens.

For clinical specimens and cell lines lacking consent for research and collected before the effective date of the Policy, several commenters were concerned that the Policy was unclear about whether data from such specimens can be deposited in NIH repositories. This provision of the Policy is intended to allow the research use of genomic data derived from de-identified clinical specimens or cell lines collected or created after the Policy's effective date in exceptional situations where the proposed research has the potential to advance scientific or medical knowledge significantly and could not be conducted with consented specimens or cell lines. The draft GDS Policy stated that the NIH will accept data from clinical specimens and cell lines lacking consent for research use that were collected before the effective date of the Policy, and this remains unchanged in the final Policy.

A concern shared by several commenters was that the risks posed to the privacy of individuals with rare diseases, populations with higher risk of re-identification by the broad sharing of data, or populations at risk of greater potential harm from re-identification were not adequately addressed. Several commenters were particularly concerned that no additional protections were specified for these populations, and a subset suggested that research subject to the GDS Policy that involves these populations should be entirely exempt from the Policy's expectations for data sharing.

Currently, the NIH requests Institutional Review Boards (IRBs) to consider ethical concerns related to groups or populations when determining whether a study's consent documents are consistent with NIH policy.[23] In addition, the NIH has clarified in the final GDS Policy that exceptions may be requested for the submission and subsequent sharing of data if the criteria in the Institutional Certification cannot be met (e.g., an IRB or equivalent body cannot assure that submission of data and subsequent sharing for research purposes are consistent with the informed consent of study participants). If a submitting institution determines that the criteria can be met but has additional concerns related to the sharing of the data, the institution can indicate additional stipulations for the use of the data through the data use limitations submitted with the study.

Several commenters suggested that return of medically actionable incidental findings should be included in the consent or that re-identification of participants should be allowed in order to return such incidental results. The NIH recognizes that, as in any research study, harms may result if individual research findings that have not been clinically validated are returned to subjects or are used prematurely for clinical decision-making. The return of individual findings from studies using data obtained from NIH-designated repositories is expected to be rare because investigators will not be able to return individual research results directly to a participant as neither they nor the repository will have access to the identities of participants. Submitting institutions and their IRBs may wish to establish policies for determining when it is appropriate to return individual findings from research studies. Further guidance on the return of results is available from the Presidential Commission for the Study of Bioethical Issues' report, ''Anticipate and Communicate: Ethical Management of Incidental and Secondary Findings in the Clinical, Research, and Direct-to-Consumer Contexts.'' [24]

Several commenters were concerned that the draft GDS Policy was unclear about which standard should be used to ensure the de-identification of data. Another issue raised by a number of comments related to identifiability of genomic data. Several commenters were concerned that de-identified genotype data could be re-identified, even if these data are de-identified according to Health Insurance Portability and Accountability Act (HIPAA) and the Federal Policy for the Protection of Human Subjects (Common Rule). Others asserted that genomic data could not be fully de-identified. A number of commenters suggested that the GDS Policy should explicitly state that risks exist for participant privacy despite the de-identification of genomic data and should require informed consent documents to include such a statement. Others suggested that the Policy should state that genomic information cannot be de-identified. Commenters suggested that the risks of re-identification were not adequately addressed in the draft Policy.

The final GDS Policy has been clarified to state that, for the purpose of the Policy, data should be de-identified to meet the definition for de-identified data in the HHS Regulations for the Protection of Human Subjects [25] and be stripped of the 18 identifiers listed in the HIPAA Privacy Rule.[26] The NIH agrees that the risks of re-identification should be conveyed to prospective subjects in the consent process. This is one of the reasons why the NIH expects explicit consent after the effective date of the Policy for broad sharing and for data that will be submitted to unrestricted-access data repositories (i.e., openly accessible data repositories, previously referred to as ''open access''). The NIH will provide further guidance on informing participants about the risks of re-identification through revisions to guidance documents such as the *NIH Points to Consider for IRBs and Institutions in their Review of Data Submission Plans for Institutional Certifications Under NIH's Policy for Sharing of Data Obtained in NIH Supported or Conducted Genome-Wide Association Studies.*[23]

Several commenters were particularly concerned about the cost and burden of obtaining informed consent for the research use of data generated from clinical specimens and cell lines collected or created after the effective date of the GDS Policy. The NIH recognizes that these consent expectations for data from de-identified clinical specimens collected after the effective date will require additional resources. Given growing concerns about re-identification, it is no longer ethically tenable simply to de-identify clinical specimens or derived cell lines to generate data for research use without an individual's consent. In addition, the NIH anticipates that obtaining consent for broad future research uses will facilitate access to greater volumes of data and ultimately will reduce the costs and burdens associated with sharing research data.

Some commenters expressed concern that the draft Policy's standards for consent are more restrictive than other rules governing human subjects protections, including the Common Rule [27] and revisions proposed to the Common Rule in a 2011 Advance Notice of Proposed Rule Making (ANPRM).[28] Some commenters sought greater clarification regarding regulatory differences or the regulatory basis for the draft Policy's protections.

The NIH has the authority to establish additional policies with expectations that are not required by laws or regulations but advance the agency's mission to enhance health, lengthen life, and reduce illness and disability. The GDS Policy builds on the GWAS Policy, which established additional

expectations that were not required by the Common Rule for obtaining consent for, handling, sharing, and using human genotype and phenotype data in NIH-funded research. The NIH expects that in addition to adhering to the GDS Policy, investigators and institutions will also comply with the Common Rule and any other applicable federal regulations or laws. In response to the concern that the draft Policy is inconsistent with the ANPRM for revisions to the Common Rule, the NIH will evaluate any inconsistencies between the GDS Policy and the Common Rule when the Common Rule revisions are final.

Responsibilities of Investigators Accessing and Using Genomic Data

Commenters asserted that the draft GDS Policy did not do enough to protect against the misuse of the data by investigators accessing the data. They suggested that the Policy state that responsibilities outlined in the Policy for data users should be ''required'' rather than ''expected'' and should state that there will be penalties for noncompliance with the Policy and rigorous sanctions for the intentional misuse of data. There was also a comment proposing that a submitting institution should be able to review and comment on all data access requests (DARs) to the NIH before the NIH completes its internal review process and proposed that the NIH notify submitting institutions and research participants of any policy violations reported by users of genomic data.

NIH Data Access Committees (DACs) review DARs on behalf of submitting institutions by using the data use limitations provided by the institutions to determine whether the DAR is consistent with the limitations to ensure that participants' wishes are respected. As part of its ongoing oversight process, the NIH reviews notifications of data mismanagement or misuse, such as errors in the assignment of data use limitations during data submission, investigators sharing controlled-access data with unapproved investigators, and investigators using the data for research that was not described in their research use statement. To date, violations have been discovered before the completion of the research, and no participants have been harmed. When the NIH becomes aware of any problems, the relevant institution and investigators are notified and the NIH takes appropriate steps to address the violation and prevent it from recurring. To ensure that the penalties for the misuse of data are clear for all data submitters, users, and research participants, the GDS Policy has been revised to clarify that secondary users in violation of the Policy or the Data Use Certification may face enforcement actions. In addition, a measure to protect the confidentiality of de-identified data obtained through controlled access has been added by encouraging approved users to consider requesting a Certificate of Confidentiality.

Several comments were submitted by representatives or members of tribal organizations about data access. Tribal groups expressed concerns about the ability of DACs to represent tribal preferences in the review of requests for tribal data. They also proposed new provisions for the protection of participant data, for example, including de-identification of tribal membership in participant de-identification and revision of the Genomic Data User Code of Conduct to reference protocols for accessing, sharing, and using tribal data, such as de-identification of participants' tribal affiliation.

The final Policy has been modified to reference explicitly that tribal law, in addition to other factors such as limitations in the original informed consents or concerns about harms to individuals or groups, should be considered in assessing the secondary use of some genomic data.

Some commenters proposed changes to controlled access for human genomic data. Some commenters thought controlled access unnecessarily limited research, and many provided a range of suggestions on how to improve the process of accessing the data, such as: Allowing unrestricted access to de-identified data; developing standard data use limitations for controlled-access data; streamlining and increasing transparency of data access procedures and processing time; and modifying the database of genotypes and phenotypes (dbGaP) to facilitate peer-review and collaboration.

The final GDS Policy permits unrestricted access to de-identified data, but only if participants have explicitly consented to sharing their data through unrestricted-access mechanisms. Standard data use limitations have been developed by the NIH and are available through the GDS Web site.[29] With regard to improving transparency on data access procedures, the NIH plans to make statistics on access publicly available on the GDS Web site,[30] including the average processing time for the NIH to review data access requests. From its inception, dbGaP has solicited feedback from users and worked to improve data submission and access procedures, for example, the creation of a study compilation that allows investigators to submit a single request for access to all controlled-access aggregate and individual-level genomic data available for general research use.[31] [32] The NIH will continue to seek user feedback and track the performance of the dbGaP system.

Several comments expressed concern that the GDS Policy will increase administrative burden for NIH DACs, potentially resulting in longer timeframes to obtain data maintained under controlled access. The NIH is aware of the burden that may be imposed on DACs by additional data access requests and will continue to monitor this possibility and, as needed, develop methods to decrease DAC burden and improve performance for investigators, institutions, and NIH ICs.

Intellectual Property

The GDS Policy expects that basic sequence and certain related data made available through NIH-designated data repositories and all conclusions derived from them will be freely available. It discourages patenting of ''upstream'' discoveries, which are considered pre-competitive, while it encourages the patenting of ''downstream'' applications appropriate for intellectual property. Of the several comments received on intellectual property, many supported the draft Policy's provisions. However, a few commenters opposed patenting in general, and one suggested that the Policy should explicitly prohibit rather than discourage the use of patents for inventions that result from research undertaken with data from NIH-designated repositories.

As noted above, the NIH encourages the appropriate patenting of ''downstream'' applications. The NIH will continue to encourage the broadest possible use of products, technologies, and information resulting from NIH funding or developed using data obtained from NIH data repositories to the extent permitted by applicable NIH policies, federal regulations, and laws while encouraging the patenting of technology suitable for private investment that addresses public needs. As is well known, the Supreme Court decision in *Association for Molecular Pathology et al.* v. *Myriad Genetics, Inc. et al.* prohibits the patenting of naturally occurring DNA sequences.[33] Consistent with this decision, the NIH expects that patents directed to naturally occurring sequences will not be filed.

Conclusion

The NIH appreciates the time and effort taken by commenters to respond to the Request for Comments. The responses were helpful in revising the

draft GDS Policy and enhanced the understanding of additional guidance materials that may be necessary.

Final NIH Genomic Data Sharing Policy

I. Purpose

The National Institutes of Health (NIH) Genomic Data Sharing (GDS) Policy sets forth expectations that ensure the broad and responsible sharing of genomic research data. Sharing research data supports the NIH mission and is essential to facilitate the translation of research results into knowledge, products, and procedures that improve human health. The NIH has longstanding policies to make data publicly available in a timely manner from the research activities that it funds.[2 3 4 5 6]

II. Scope and Applicability

The GDS Policy applies to all NIH-funded research that generates large-scale human or non-human genomic data, as well as the use of these data for subsequent research. Large-scale data include genome-wide association studies (GWAS),[34] single nucleotide polymorphism (SNP) arrays, and genome sequence,[1] transcriptomic, metagenomic, epigenomic, and gene expression data, irrespective of funding level and funding mechanism (e.g., grant, contract, cooperative agreement, or intramural support). The *Supplemental Information to the NIH Genomic Data Sharing Policy* (Supplemental Information)[11] provides examples of research projects involving large-scale genomic data that are subject to the Policy. NIH Institute or Centers (IC) may expect submission of data from smaller scale research projects based on the state of the science, the programmatic priorities of the IC funding the research, and the utility of the data for the research community.

At appropriate intervals, the NIH will review the types of research to which this Policy may be applicable, and any changes to examples of research that are within the Policy's scope will be provided in the Supplemental Information. The NIH will notify investigators and institutions of any changes through standard NIH communication channels (e.g., *NIH Guide for Grants and Contracts*).

The NIH expects all funded investigators to adhere to the GDS Policy, and compliance with this Policy will become a special term and condition in the Notice of Award or the Contract Award. Failure to comply with the terms and conditions of the funding agreement could lead to enforcement actions, including the withholding of funding, consistent with 45 CFR 74.62[35] and/or other authorities, as appropriate.

III. Effective Date

This Policy applies to:

- Competing grant applications[36] that are submitted to the NIH for the January 25, 2015, receipt date or subsequent receipt dates;
- Proposals for contracts that are submitted to the NIH on or after January 25, 2015; and
- NIH intramural research projects generating genomic data on or after January 25, 2015.

IV. Responsibilities of Investigators Submitting Genomic Data

A. Genomic Data Sharing Plans

Investigators seeking NIH funding should contact the appropriate IC Program Official or Project Officer[37] as early as possible to discuss data sharing expectations and timelines that would apply to their proposed studies. The NIH expects investigators and their institutions to provide basic plans for following this Policy in the ''Genomic Data Sharing Plan'' located in the Resource Sharing Plan section of funding applications and proposals. Any resources that may be needed to support a proposed genomic data sharing plan (e.g., preparation of data for submission) should be included in the project's budget. A more detailed genomic data sharing plan should be provided to the funding IC prior to award. The Institutional Certification (for sharing human data) should also be provided to the funding IC prior to award, along with any other Just-in-Time information. The NIH expects intramural investigators to address compliance with genomic data sharing plans with their IC scientific leadership prior to initiating applicable research, and intramural investigators are encouraged to contact their IC leadership or the Office of Intramural Research for guidance. The funding NIH IC will typically review compliance with genomic data sharing plans at the time of annual progress reports or other appropriate scientific project reviews, or at other times, depending on the reporting requirements specified by the IC for specific programs or projects.

B. Non-Human Genomic Data

1. Data Submission Expectations and Timeline

Large-scale non-human genomic data, including data from microbes, microbiomes, and model organisms, as well as relevant associated data (e.g., phenotype and exposure data), are to be shared in a timely manner. Genomic data undergo different levels of data processing, which provides the basis for the NIH's expectations for data submission. These expectations are provided in the Supplemental Information. In general, investigators should make non-human genomic data publicly available no later than the date of initial publication. However, earlier availability (i.e., before publication) may be expected for certain data or IC-funded projects (e.g., data from projects with broad utility as a resource for the scientific community such as microbial population-based genomic studies).

2. Data Repositories

Non-human data may be made available through any widely used data repository, whether NIH funded or not, such as the Gene Expression Omnibus (GEO),[38] Sequence Read Archive (SRA),[39] Trace Archive,[40] Array Express,[41] Mouse Genome Informatics (MGI),[42] WormBase,[43] the Zebrafish Model Organism Database (ZFIN),[44] GenBank,[45] European Nucleotide Archive (ENA),[46] or DNA Data Bank of Japan (DDBJ).[47] The NIH expects investigators to continue submitting data types to the same repositories that they submitted the data to before the effective date of the GDS Policy (e.g., DNA sequence data to GenBank/ENA/DDBJ, expression data to GEO or Array Express). Data types not previously submitted to any repositories may be submitted to these or other widely used repositories as agreed to by the funding IC.

C. Human Genomic Data

1. Data Submission Expectations and Timeline

Investigators should submit large-scale human genomic data as well as relevant associated data (e.g., phenotype and exposure data) to an NIH-designated data repository[48] in a timely manner. Investigators should also submit any information necessary to interpret the submitted genomic data, such as study protocols, data instruments, and survey tools.

Genomic data undergo different levels of data processing, which provides the basis for the NIH's expectations for data submission and timelines for the release of the data for access by investigators. These expectations and timelines are provided in the Supplemental Information. In general, the NIH will release data submitted to NIH-designated data repositories no later than six months after the initial data submission begins, or at the time of acceptance of the first publication, whichever occurs first, without

restrictions on publication or other dissemination.[49]

Investigators should de-identify[50] human genomic data that they submit to NIH-designated data repositories according to the standards set forth in the HHS Regulations for the Protection of Human Subjects[25] to ensure that the identities of research subjects cannot be readily ascertained with the data. Investigators should also strip the data of identifiers according to the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule.[26] The de-identified data should be assigned random, unique codes by the investigator, and the key to other study identifiers should be held by the submitting institution.

Although the data in the NIH database of Genotypes and Phenotypes (dbGaP) are de-identified by both the HHS Regulations for Protection of Human Subjects and HIPAA Privacy Rule standards, the NIH has obtained a Certificate of Confidentiality for dbGaP as an additional precaution because genomic data can be re-identified.[51] The NIH encourages investigators and institutions submitting large-scale human genomic datasets to NIH-designated data repositories to seek a Certificate of Confidentiality as an additional safeguard to prevent compelled disclosure of any personally identifiable information they may hold.[52]

2. Data Repositories

Investigators should register all studies with human genomic data that fall within the scope of the GDS Policy in dbGaP[53] by the time that data cleaning and quality control measures begin, regardless of which NIH-designated data repository will receive the data. After registration in dbGaP, investigators should submit the data to the relevant NIH-designated data repository (e.g., dbGaP, GEO, SRA, the Cancer Genomics Hub[54]). NIH-designated data repositories need not be the exclusive source for facilitating the sharing of genomic data; that is, investigators may also elect to submit data to a non-NIH-designated data repository in addition to an NIH-designated data repository. However, investigators should ensure that appropriate data security measures are in place[55] and that confidentiality, privacy, and data use measures are consistent with the GDS Policy.

3. Tiered System for the Distribution of Human Data

Respect for, and protection of the interests of, research participants are fundamental to the NIH's stewardship of human genomic data. The informed consent under which the data or samples were collected is the basis for the submitting institution to determine the appropriateness of data submission to NIH-designated data repositories and whether the data should be available through unrestricted or controlled access. Controlled-access data in NIH-designated data repositories are made available for secondary research only after investigators have obtained approval from the NIH to use the requested data for a particular project. Data in unrestricted-access repositories are publicly available to anyone (e.g., The 1000 Genomes Project[56]).

4. Informed Consent

For research that falls within the scope of the GDS Policy, submitting institutions, through their Institutional Review Boards[25] (IRBs), privacy boards,[57] or equivalent bodies,[58] are to review the informed consent materials to determine whether it is appropriate for data to be shared for secondary research use. Specific considerations may vary with the type of study and whether the data are obtained through prospective or retrospective data collections. The NIH provides additional information on issues related to the respect for research participant interests in its *Points to Consider for IRBs and Institutions in their Review of Data Submission Plans for Institutional Certifications.*[23]

For studies initiated *after* the effective date of the GDS Policy, the NIH expects investigators to obtain participants' consent for their genomic and phenotypic data to be used for future research purposes and to be shared broadly. The consent should include an explanation about whether participants' individual-level data will be shared through unrestricted- or controlled-access repositories.

For studies proposing to use genomic data from cell lines or clinical specimens[59] that were created or collected *after* the effective date of the Policy, the NIH expects that informed consent for future research use and broad data sharing will have been obtained even if the cell lines or clinical specimens are de-identified. If there are compelling scientific reasons that necessitate the use of genomic data from cell lines or clinical specimens that were created or collected after the effective date of this Policy and that lack consent for research use and data sharing, investigators should provide a justification in the funding request for their use. The funding IC will review the justification and decide whether to make an exception to the consent expectation.

For studies using data from specimens collected *before* the effective date of the GDS Policy, there may be considerable variation in the extent to which future genomic research and broad sharing were addressed in the informed consent materials for the primary research. In these cases, an assessment by an IRB, privacy board, or equivalent body is needed to ensure that data submission is not inconsistent with the informed consent provided by the research participant. The NIH will accept data derived from de-identified cell lines or clinical specimens lacking consent for research use that were created or collected *before* the effective date of this Policy.

The NIH recognizes that in some circumstances broad sharing may not be consistent with the informed consent of the research participants whose data are included in the dataset. In such circumstances, institutions planning to submit aggregate-[60] or individual-level data to the NIH for controlled access should note any data use limitations in the data sharing plan submitted as part of the funding request. These data use limitations should be specified in the Institutional Certification submitted to the NIH prior to award.

5. Institutional Certification

The responsible Institutional Signing Official[61] of the submitting institution should provide an Institutional Certification to the funding IC prior to award consistent with the genomic data sharing plan submitted with the request for funding. The Institutional Certification should state whether the data will be submitted to an unrestricted- or controlled-access database. For submissions to controlled access, and as appropriate for unrestricted access, the Institutional Certification should assure that:

- The data submission is consistent, as appropriate, with applicable national, tribal, and state laws and regulations as well as with relevant institutional policies;[62]
- Any limitations on the research use of the data, as expressed in the informed consent documents, are delineated;[63]
- The identities of research participants will not be disclosed to NIH-designated data repositories; and
- An IRB, privacy board, and/or equivalent body, as applicable, has reviewed the investigator's proposal for data submission and assures that:
  - The protocol for the collection of genomic and phenotypic data is consistent with 45 CFR Part 46;[27]

○ Data submission and subsequent data sharing for research purposes are consistent with the informed consent of study participants from whom the data were obtained;[64]

○ Consideration was given to risks to individual participants and their families associated with data submitted to NIH-designated data repositories and subsequent sharing;

○ To the extent relevant and possible, consideration was given to risks to groups or populations associated with submitting data to NIH-designated data repositories and subsequent sharing; and

○ The investigator's plan for de-identifying datasets is consistent with the standards outlined in this Policy (see section IV.C.1.).

6. Exceptions to Data Submission Expectations

In cases where data submission to an NIH-designated data repository is not appropriate, that is, the Institutional Certification criteria cannot be met, investigators should provide a justification for any data submission exceptions requested in the funding application or proposal. The funding IC may grant an exception to submitting relevant data to the NIH, and the investigator would be expected to develop an alternate plan to share data through other mechanisms. For transparency purposes, when exceptions are granted, studies will still be registered in dbGaP, the reason for the exception will be included in the registration record, and a reference will be provided to an alternative data-sharing plan or resource, if available. More information about requesting exceptions is available on the GDS Web site.[16]

7. Data Withdrawal

Submitting investigators and their institutions may request removal of data on individual participants from NIH-designated data repositories in the event that a research participant withdraws or changes his or her consent. However, some data that have been distributed for approved research use cannot be retrieved.

V. Responsibilities of Investigators Accessing and Using Genomic Data

A. Requests for Controlled-Access Data

Access to human data is through a tiered model involving unrestricted- and controlled-data access mechanisms. Requests for controlled-access data[65] are reviewed by NIH Data Access Committees (DACs).[66] DAC decisions are based primarily upon conformance of the proposed research as described in the access request to the data use limitations established by the submitting institution through the Institutional Certification. NIH DACs will accept requests for proposed research uses beginning one month prior to the anticipated data release date. The access period for all controlled-access data is one year; at the end of each approved period, data users can request an additional year of access or close out the project. Although data are de-identified, approved users of controlled-access data are encouraged to consider whether a Certificate of Confidentiality could serve as an additional safeguard to prevent compelled disclosure of any genomic data they may hold.[52]

B. Terms and Conditions for Research Use of Controlled-Access Data

Investigators approved to download controlled-access data from NIH-designated data repositories and their institutions are expected to abide by the NIH Genomic Data User Code of Conduct[67] through their agreement to the Data Use Certification.[68] The Data Use Certification, co-signed by the investigators requesting the data and their Institutional Signing Official, specifies the conditions for the secondary research use of controlled-access data, including:

- Using the data only for the approved research;
- Protecting data confidentiality;
- Following, as appropriate, all applicable national, tribal, and state laws and regulations, as well as relevant institutional policies and procedures for handling genomic data;
- Not attempting to identify individual participants from whom the data were obtained;
- Not selling any of the data obtained from NIH-designated data repositories;
- Not sharing any of the data obtained from controlled-access NIH-designated data repositories with individuals other than those listed in the data access request;
- Agreeing to the listing of a summary of approved research uses in dbGaP along with the investigator's name and organizational affiliation;
- Agreeing to report any violation of the GDS Policy to the appropriate DAC(s) as soon as it is discovered;
- Reporting research progress using controlled-access datasets through annual access renewal requests or project close-out reports;
- Acknowledging in all oral or written presentations, disclosures, or publications the contributing investigator(s) who conducted the original study, the funding organization(s) that supported the work, the specific dataset(s) and applicable accession number(s), and the NIH-designated data repositories through which the investigator accessed any data.

The NIH expects that investigators who are approved to use controlled-access data will follow guidance on security best practices[55] that outlines expected data security protections (e.g., physical security measures and user training) to ensure that the data are kept secure and not released to any person not permitted to access the data.

If investigators violate the terms and conditions for secondary research use, the NIH will take appropriate action. Further information is available in the Data Use Certification.

C. Conditions for Use of Unrestricted-Access Data

Investigators who download unrestricted-access data from NIH-designated data repositories should:

- Not attempt to identify individual human research participants from whom the data were obtained;[69]
- Acknowledge in all oral or written presentations, disclosures, or publications the specific dataset(s) or applicable accession number(s) and the NIH-designated data repositories through which the investigator accessed any data.

VI. Intellectual Property

The NIH encourages patenting of technology suitable for subsequent private investment that may lead to the development of products that address public needs without impeding research. However, it is important to note that naturally occurring DNA sequences are not patentable in the United States.[33] Therefore, basic sequence data and certain related information (e.g., genotypes, haplotypes, *p*-values, allele frequencies) are pre-competitive. Such data made available through NIH-designated data repositories, and all conclusions derived directly from them, should remain freely available without any licensing requirements.

The NIH encourages broad use of NIH-funded genomic data that is consistent with a responsible approach to management of intellectual property derived from downstream discoveries, as outlined in the NIH *Best Practices for the Licensing of Genomic Inventions*[70] and Section 8.2.3, Sharing Research Resources, of the NIH Grants Policy Statement.[71] The NIH discourages the use of patents to prevent the use of or to block access to genomic or genotype-

phenotype data developed with NIH support.

References

[1] The genome is the entire set of genetic instructions found in a cell. See *http://ghr.nlm.nih.gov/glossary=genome.*

[2] Final NIH Statement on Sharing Research Data. February 26, 2003. See *http://grants.nih.gov/grants/guide/notice-files/NOT-OD-03-032.html.*

[3] NIH Intramural Policy on Large Database Sharing. April 5, 2002. See *http://sourcebook.od.nih.gov/ethic-conduct/large-db-sharing.htm.*

[4] NIH Policy on Sharing of Model Organisms for Biomedical Research. May 7, 2004. See *http://grants.nih.gov/grants/guide/notice-files/NOT-OD-04-042.html.*

[5] Reaffirmation and Extension of NHGRI Rapid Data Release Policies: Large-scale Sequencing and Other Community Resource Projects. February 2003. See *https://www.genome.gov/10506537.*

[6] NIH Policy for Sharing of Data Obtained in NIH Supported or Conducted Genome-Wide Association Studies (GWAS). See *http://grants.nih.gov/grants/guide/notice-files/NOT-OD-07-088.html.*

[7] **Federal Register** Notice. Draft NIH Genomic Data Sharing Policy Request for Public Comments. See *http://www.federalregister.gov/a/2013-22941.*

[8] The NIH Guide for Grants and Contracts. Request for Information: Input on the Draft NIH Genomic Data Sharing Policy. September 27, 2013. See *http://grants.nih.gov/grants/guide/notice-files/NOT-OD-13-119.html.*

[9] Public Consultation Webinar. Draft NIH Genomic Data Sharing Policy. November 6, 2013. See *https://webmeeting.nih.gov/p7sqo6avp6j/.*

[10] Compiled Public Comments on the Draft Genomic Data Sharing Policy. See *http://gds.nih.gov/pdf/GDS_Policy_Public_Comments.PDF.*

[11] Supplemental Information to the NIH Genomic Data Sharing Policy. See *http://gds.nih.gov/pdf/supplemental_info_GDS_Policy.pdf.*

[12] National Institute of Allergy and Infectious Diseases. Data Sharing and Release Plans. See *http://www.niaid.nih.gov/labsandresources/resources/dmid/pages/data.aspx.*

[13] Roster of NIH Genomic Program Administrators. See *http://gds.nih.gov/04po2_2GPA.html.*

[14] NIH Big Data to Knowledge. See *http://bd2k.nih.gov.*

[15] NIH Big Data to Knowledge. Scientific Data Council. See *http://bd2k.nih.gov/about_bd2k.html#sdcmembership.*

[16] Genomic Data Sharing Web site. Resources for Investigators Submitting Data to dbGaP. See *http://gds.nih.gov/06researchers1.html.*

[17] Genomic Data Sharing Web site. Data Repositories. See *http://gds.nih.gov/02dr2.html.*

[18] See for example the Genomic Standards Consortium, *http://gensc.org/;* the Global Alliance, *http://www.broadinstitute.org/news/globalalliance;* and the NIH Big Data to Knowledge focus on community-based data and metadata standards, *http://bd2k.nih.gov/about_bd2k.html#areas.*

[19] Gymrek et al. Identifying Personal Genomes by Surname Inference. Science. 339(6117): 321–324. (2013).

[20] Kaufman et al. Public Opinion about the Importance of Privacy in Biobank Research. American Journal of Human Genetics. 85(5): 643–654. (2009).

[21] Vermeulen et al. A Trial of Consent Procedures for Future Research with Clinically Derived Biological Samples. British Journal of Cancer. 101(9): 1505–1512. (2009).

[22] Trinidad et al. Research Practice and Participant Preferences: The Growing Gulf. Science. 331(6015): 287–288. (2011).

[23] NIH Points to Consider for IRBs and Institutions in their Review of Data Submission Plans for Institutional Certifications Under NIH's Policy for Sharing of Data Obtained in NIH Supported or Conducted Genome-Wide Association Studies (GWAS). See *http://gds.nih.gov/pdf/PTC_for_IRBs_and_Institutions_revised5-31-11.pdf.*

[24] Presidential Commission for the Study of Bioethical Issues. Anticipate and Communicate: Ethical Management of Incidental and Secondary Findings in the Clinical, Research, and Direct-to-Consumer Contexts. December 2013. See *http://bioethics.gov/node/3183.*

[25] Code of Federal Regulations. Protection of Human Subjects. Definitions. See 45 CFR 46.102(f) at *http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.html#46.102.*

[26] The list of HIPAA identifiers that must be removed is available at 45 CFR 164.514(b)(2). See: *http://www.gpo.gov/fdsys/pkg/CFR-2002-title45-vol1/pdf/CFR-2002-title45-vol1-sec164-514.pdf.*

[27] Federal Policy for the Protection of Human Subjects (Common Rule). 45 CFR Part 46. See *http://www.hhs.gov/ohrp/humansubjects/commonrule/.*

[28] ANPRM for Revision to Common Rule. See *http://www.hhs.gov/ohrp/humansubjects/anprm2011page.html.*

[29] Genomic Data Sharing Web site. Standard Data Use Limitations. See *http://gds.nih.gov/pdf/standard_data_use_limitations.pdf.*

[30] Genomic Data Sharing Web site. See *http://gds.nih.gov/.*

[31] dbGaP Compilation of Aggregate Genomic Data for General Research Use. See *http://www.ncbi.nlm.nih.gov/projects/gap/cgi-bin/study.cgi?study_id=phs000501.v1.p1.*

[32] dbGaP Collection: Compilation of Individual-Level Genomic Data for General Research Use. See *http://www.ncbi.nlm.nih.gov/projects/gap/cgi-bin/collection.cgi?study_id=phs000688.v1.p1.*

[33] Association for Molecular Pathology v. Myriad Genetics, Inc., 569 U.S. _____ (2013) (slip opinion 12–398). See *http://www.supremecourt.gov/opinions/12pdf/12-398_1b7d.pdf.*

[34] GWAS has the same definition in this policy as in the 2007 GWAS Policy: A study in which the density of genetic markers and the extent of linkage disequilibrium should be sufficient to capture (by the r^2 parameter) a large proportion of the common variation in the genome of the population under study, and the number of samples (in a case-control or trio design) should provide sufficient power to detect variants of modest effect.

[35] 45 CFR 74.62. Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other Nonprofit Organizations, and Commercial Organizations; Enforcement. See *http://www.gpo.gov/fdsys/pkg/CFR-2011-title45-vol1/xml/CFR-2011-title45-vol1-part74.xml#seqnum74.62.*

[36] Competing grant applications encompass all activities with a research component, including but not limited to the following: Research Grants (Rs), Program Projects (Ps), Cooperative Research Mechanisms (Us), Career Development Awards (Ks), and SCORs and other S grants with a research component.

[37] Investigators should refer to funding announcements or IC Web sites for contact information.

[38] Gene Expression Omnibus at *http://www.ncbi.nlm.nih.gov/geo/.*

[39] Sequence Read Archive at *http://www.ncbi.nlm.nih.gov/Traces/sra/sra.cgi.*

[40] Trace Archive at *http://www.ncbi.nlm.nih.gov/Traces/trace.cgi.*

[41] Array Express at *http://www.ebi.ac.uk/arrayexpress/.*

[42] Mouse Genome Informatics at *http://www.informatics.jax.org/.*

[43] WormBase at *http://www.wormbase.org.*

[44] The Zebrafish Model Organism Database at *http://zfin.org/.*

[45] GenBank at *http://www.ncbi.nlm.nih.gov/genbank/.*

[46] European Nucleotide Archive at *http://www.ebi.ac.uk/ena/.*

[47] DNA Data Bank of Japan at *http://www.ddbj.nig.ac.jp/.*

[48] An NIH-designated data repository is any data repository maintained or supported by the NIH either directly or through collaboration.

[49] A period for data preparation is anticipated prior to data submission to the NIH, and the appropriate time intervals for that data preparation (or data cleaning) will be subject to the particular data type and project plans (see Supplemental Information). Investigators should work with NIH Program or Project Officials for specific guidance.

[50] De-identified refers to removing information that could be used to associate a dataset or record with a human individual.

[51] Confidentiality Certificate. HG–2009–01. Issued to the National Center for Biotechnology Information, National Library of Medicine, NIH. See *http://www.ncbi.nlm.nih.gov/projects/gap/cgi-bin/GetPdf.cgi?document_name=ConfidentialityCertificate.pdf.*

[52] For additional information about Certificates of Confidentiality, see *http://*

grants.nih.gov/grants/policy/coc/.

[53] Database of Genotypes and Phenotypes at *http://www.ncbi.nlm.nih.gov/gap.*

[54] Cancer Genomics Hub at *https://cghub.ucsc.edu/.*

[55] dbGaP Security Best Practices. See *http://www.ncbi.nlm.nih.gov/projects/gap/cgi-bin/GetPdf.cgi?document_name=dbgap_2b_security_procedures.pdf.*

[56] The 1000 Genomes Project at *http://www.1000genomes.org/.*

[57] See the roles of Privacy Boards as elaborated in 45 CFR 164 at *http://www.gpo.gov/fdsys/pkg/CFR-2011-title45-vol1/pdf/CFR-2011-title45-vol1-part164.pdf.*

[58] Equivalent body is used here to acknowledge that some primary studies may be conducted abroad and in such cases the expectation is that an analogous review committee to an IRB or privacy board (e.g., Research Ethics Committees) may be asked to participate in the presubmission review of proposed genomic projects.

[59] Clinical specimens are specimens that have been obtained through clinical practice.

[60] Aggregate data are summary statistics compiled from multiple sources of individual-level data.

[61] An Institutional Signing Official is generally a senior official at an institution who is credentialed through the NIH eRA Commons system and is authorized to enter the institution into a legally binding contract and sign on behalf of an investigator who has submitted data or a data access request to the NIH.

[62] For the submission of data derived from cell lines or clinical specimens lacking research consent that were created or collected before the effective date of this Policy, the Institutional Certification needs to address only this item.

[63] For guidance on clearly communicating inappropriate data uses, see NIH Points to Consider in Drafting Effective Data Use Limitation Statements, *http://gwas.nih.gov/pdf/NIH_PTC_in_Drafting_DUL_Statements.pdf.*

[64] As noted earlier, for studies using data or specimens collected before the effective date of this Policy, the IRB, privacy board, or equivalent body should review informed consent materials to ensure that data submission is not inconsistent with the informed consent provided by the research participants.

[65] dbGaP Authorized Access. See *https://dbgap.ncbi.nlm.nih.gov/aa/wga.cgi?page=login.*

[66] For a list of NIH Data Access Committees, see *http://gwas.nih.gov/04po2_1DAC.html.*

[67] Genomic Data User Code of Conduct. See *http://gds.nih.gov/pdf/Genomic_Data_User_Code_of_Conduct.pdf.*

[68] Model Data Use Certification Agreement. See *http://gwas.nih.gov/pdf/Model_DUC_7-26-13.pdf.*

[69] In certain cases, the NIH may consider approving research intended to enhance genomic data privacy protection procedures.

[70] NIH Best Practices for the Licensing of Genomic Inventions. See *http://www.ott.nih.gov/sites/default/files/documents/pdfs/70fr18413.pdf.*

[71] NIH Grants Policy Statement. 8.2.3, Sharing Research Resources. See *http://grants.nih.gov/grants/policy/nihgps_2012/nihgps_ch8.htm#_Toc271264950.*

Dated: August 21, 2014.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2014–20385 Filed 8–26–14; 11:15 a.m.]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2014–N146; FXES11130600000–123–FF06E00000]

Endangered and Threatened Species; Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service, have issued the following permits to conduct certain activities with endangered species under the authority of the Endangered Species Act, as amended (Act).

FOR FURTHER INFORMATION CONTACT: Kathy Konishi, Permit Coordinator, Ecological Services, (307) 772–2374 x248 (phone); *permitsR6ES@fws.gov* (email).

SUPPLEMENTARY INFORMATION: We have issued the following permits in response to recovery permit applications we received under the authority of section 10 of the Act (16 U.S.C. 1531 et seq.). Issuance of each permit occurred only after we determined that it was applied for in good faith, that granting the permit would not be to the disadvantage of the listed species, and that the terms and conditions of the permit were consistent with purposes and policy set forth in the Act.

Applicant name	Permit No.	Date issued	Date expired
AMNIS OPES INSTITUTE, LLC	98300A	1/16/2014	12/31/2018
BOULDER COUNTY PARKS AND OPEN SPACE	0086553	5/30/2014	5/31/2019
BUREAU OF LAND MANAGEMENT	13024B	4/22/2014	12/31/2018
BUREAU OF RECLAMATION	0094272	1/16/2014	12/31/2018
CHEYENNE RIVER SIOUX TRIBE	0039889	4/30/2014	12/31/2018
CONFEDERATED SALISH AND KOOTENAI TRIBES	0052315	4/1/2014	12/31/2016
FELSBURG HOLT & ULLEVIG, INC.	09941B	5/6/2014	4/30/2019
GARFIELD COUNTY COMMISSION	31228B	3/31/2014	3/31/2017
KANSAS DEPARTMENT OF TRANSPORATION	0026913	2/10/2014	12/31/2018
LIVING PLANET AQUARIUM	0071173	5/6/2014	4/30/2019
MILLER, TRENT A.	0050256	1/16/2014	12/31/2018
PG ENVIRONMENTAL, LLC	27491B	4/1/2014	12/31/2018
SAGE ECOLOGICAL SERVICES	0047289	1/16/2014	12/31/2018
SAVAGE AND SAVAGE	0029644	4/1/2014	12/31/2018
STEGER, LAURA DEANNE	96435A	1/16/2014	12/31/2018
TATANKA GROUP LLC	26841B	4/17/2014	12/31/2018
UNIVERSITY OF NEBRASKA–LINCOLN	0038704	4/1/2014	12/31/2018
U.S. FISH AND WILDLIFE SERVICE	0094273	5/14/2014	12/31/2018
U.S. FOREST SERVICE	0039901	3/4/2014	1/31/2019
U.S.G.S.–NEBRASKA WATER SCIENCE CENTER	24637B	4/1/2014	12/31/2018
UTAH DIVISION OF WILDLIFE RESOURCES	39634B	6/23/2014	6/16/2050
WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES	27289B	2/28/2014	2/28/2044
WETLAND DYNAMICS, LLC	27486B	4/22/2014	12/31/2018

Availability of Documents

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written requires for a copy of such documents to Kathy Konishi (see **FOR FURTHER INFORMATION CONTACT**).

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Michael G. Thabault,

Assistant Regional Director, Mountain-Prairie Region.

[FR Doc. 2014–20464 Filed 8–27–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2014–N177; FXES11130600000–145–FF06E00000]

Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered or threatened species. With some exceptions, the Endangered Species Act of 1973, as amended (Act), prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act requires that we invite public comment before issuing these permits.

DATES: To ensure consideration, please send your written comments by September 29, 2014.

ADDRESSES: You may submit comments or requests for copies or more information by any of the following methods. Alternatively, you may use one of the following methods to request hard copies or a CD–ROM of the documents. Please specify the permit you are interested in by number (e.g., Permit No. TE–XXXXXX).

- *Email: permitsR6ES@fws.gov.* Please refer to the respective permit number (e.g., Permit No. TE–XXXXXX) in the subject line of the message.
- *U.S. Mail:* Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486–DFC, Denver, CO 80225.
- *In-Person Drop-off, Viewing, or Pickup:* Call (303) 236–4212 to make an appointment during regular business hours at 134 Union Blvd., Suite 645, Lakewood, CO 80228.

FOR FURTHER INFORMATION CONTACT: Kathy Konishi, Permit Coordinator, Ecological Services, (307) 772–2374 x248 (phone); *permitsR6ES@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

Background

The Act (16 U.S.C. 1531 *et seq.*) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. Along with our implementing regulations at 50 CFR part 17, the Act provides for permits and requires that we invite public comment before issuing these permits.

A permit granted by us under section 10(a)(1)(A) of the Act authorizes the permittees to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of propagation or survival, or interstate commerce (the latter only in the event that it facilitates scientific purposes or enhancement of propagation or survival). Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Applications Available for Review and Comment

We invite local, State, and Federal agencies and the public to comment on the following applications. Documents and other information the applicants have submitted with their applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit Application Number TE42721B

Applicants: City of Fort Collins Natural Areas Department, P.O. Box 580, Fort Collins, CO.

The applicant requests a permit to conduct reintroduction, management activities, and conduct presence/absence survey for the black-footed ferret (*Mustela nigripes*) on City of Fort Collins, CO-owned property in conjunction with the Black-footed Ferret Conservation Center for the purpose of enhancing the species' survival.

Permit Application Number TE131638

Applicant: The Loveland Living Planet Aquarium, 12033 South Lone Peak Parkway, Draper, UT.

The applicant requests a permit to acquire a non-releasable Kemp's Ridley sea turtle (*Lepidochelys kempii*) for the purpose of public display and education at their aquarium facility in Draper, UT for the purpose of enhancing the species' survival.

National Environmental Policy Act

In compliance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), we have made an initial determination that the proposed activities in these permits are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement (516 DM 6 Appendix 1, 1.4C(1)).

Public Availability of Comments

All comments and materials we receive in response to these requests will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

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

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Michael G. Thabault,

Assistant Regional Director, Mountain-Prairie Region.

[FR Doc. 2014–20455 Filed 8–27–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2014–N154; FXES11130600000–145–FF06E00000]

Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with

endangered or threatened species. With some exceptions, the Endangered Species Act of 1973, as amended (Act), prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act requires that we invite public comment before issuing these permits.

DATES: To ensure consideration, please send your written comments by September 29, 2014.

ADDRESSES: You may submit comments or requests for copies or more information by any of the following methods. Alternatively, you may use one of the following methods to request hard copies or a CD–ROM of the documents. Please specify the permit you are interested in by number (e.g., Permit No. TE–XXXXXX).

- *Email: permitsR6ES@fws.gov.* Please refer to the respective permit number (e.g., Permit No. TE–XXXXXX) in the subject line of the message.
- *U.S. Mail:* Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486–DFC, Denver, CO 80225.
- *In-Person Drop-off, Viewing, or Pickup:* Call (303) 236–4212 to make an appointment during regular business hours at 134 Union Blvd., Suite 645, Lakewood, CO 80228.

FOR FURTHER INFORMATION CONTACT: Kathy Konishi, Permit Coordinator, Ecological Services, (307) 772–2374 x248 (phone); *permitsR6ES@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

Background

The Act (16 U.S.C. 1531 *et seq.*) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. Along with our implementing regulations at 50 CFR part 17, the Act provides for permits and requires that we invite public comment before issuing these permits.

A permit granted by us under section 10(a)(1)(A) of the Act authorizes the permittees to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of propagation or survival, or interstate commerce (the latter only in the event that it facilitates scientific purposes or enhancement of propagation or survival). Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Applications Available for Review and Comment

We invite local, State, and Federal agencies and the public to comment on the following applications. Documents and other information the applicants have submitted with their applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit Application Number TE704930

Applicants: Michael Thabault and Nicole Alt, U.S. Fish and Wildlife Service, Region 6, Ecological Services, Denver, CO.

The applicants request an amendment to add New Mexico Meadow Jumping Mouse (*Zapus hudsonius luteus*) and lesser prairie-chicken (*Tympanuchus pallidicinctus*) to an existing permit to purposefully take (display, photograph, harass by survey, capture, handle, weigh, measure, mark, obtain biological samples, breed in captivity, reintroduce, relocate, remove from the wild, and kill) in conjunction with surveys and population monitoring for the purpose of enhancing the species' survival. This permit will allow Fish and Wildlife Service (Service) employees, agents of the Service, and Service volunteers to lawfully conduct threatened and endangered species activities, in conjunction with recovery activities throughout the species' range, as outlined in Fish and Wildlife Service employees' and volunteers' position descriptions.

Permit Application Number TE40145B

Applicant: Defenders of Wildlife, 303 S. Broadway, STE 200–190, Denver, CO.

The applicant requests a permit to conduct presence/absence surveys for the black-footed ferret (*Mustela nigripes*) in AZ, CO, KS, MT, ND, NE, NM, SD, UT, and WY to determine range, distribution, and abundance for the purpose of enhancing the species' survival.

National Environmental Policy Act

In compliance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), we have made an initial determination that the proposed activities in these permits are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement (516 DM 6 Appendix 1, 1.4C(1)).

Public Availability of Comments

All comments and materials we receive in response to these requests will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

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

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Michael G. Thabault,

Assistant Regional Director, Mountain-Prairie Region.

[FR Doc. 2014–20456 Filed 8–27–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–R–2014–N108; FXRS12650400000S3–123–FF04R02000]

Sam D. Hamilton Noxubee National Wildlife Refuge, Mississippi; Draft Comprehensive Conservation Plan and Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan and environmental assessment (Draft CCP/EA) for Sam D. Hamilton Noxubee National Wildlife Refuge in Oktibbeha, Winston, and Noxubee Counties, Mississippi, for public review and comment. In this Draft CCP/EA, we describe the alternative we propose to use to manage this refuge for the 15 years following approval of the final CCP.

DATES: To ensure consideration, we must receive your written comments by October 27, 2014.

ADDRESSES: You may obtain a copy of the Draft CCP/EA by contacting Steve Reagan, Refuge Manager, by U.S. mail at 13723 Bluff Lake Rd. Brooksville, MS 39739. Alternatively, you may download the document from our Internet Site at *http://southeast.fws.gov/planning* under ''Draft Documents.'' Comments on the Draft CCP/EA may be submitted to the above postal address or

by email to Laura Housh, Planner, 13723 Bluff Lake Rd. Brooksville, MS 39739; or *laura_housh@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Steve Reagan, (662) 323–5548 x225 or *Steve_Reagan@fws.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we continue the CCP process for Sam D. Hamilton Noxubee National Wildlife Refuge (SDHN NWR), started through a notice in the **Federal Register** on January 15, 2013 (78 FR 3024). For more about the refuge and our CCP process, please see that notice.

SDHN NWR is located within three counties (Noxubee, Oktibbeha, and Winston) in east-central Mississippi, and is approximately 17 miles south-southwest of Starkville and approximately 120 miles north-northeast of Jackson, the capital city of Mississippi. The refuge is currently 48,219 acres. The primary establishing legislation for the Noxubee National Wildlife Refuge is Executive Order 8444, dated June 14, 1940. Established as Noxubee NWR in 1940, the refuge was subsequently renamed Sam D. Hamilton Noxubee NWR by Public Law 112–279 on February 14, 2012.

Background

The CCP Process

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) (Administration Act), as amended 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, 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 opportunities for hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

Priority resource issues addressed in the Draft CCP/EA include Fish and Wildlife Populations, Habitat Management, Resource Protections, Visitor Services, and Refuge Administration.

CCP Alternatives, Including Our Proposed Alternative

We developed three alternatives for managing the refuge (Alternatives A, B, and C), with Alternative C as our proposed alternative. A full description of each alternative is in the Draft CCP/EA. We summarize each alternative below.

Alternative A: Current Management (No Action)

Under this alternative, no major changes to our biological, public use and administrative management practices would occur from their current levels. The refuge would continue to actively manage for waterfowl habitat. Forested bottomland habitats would receive little to no active management. Habitat for red-cockaded woodpeckers would continue as the refuge's highest priority. Habitats would not be managed for historic conditions but maintained to favor a pine dominated forest type. Law enforcement efforts would remain the same. Visitor services would continue at current levels.

Alternative B: Focus on Waterfowl and Federally Listed Species

This alternative emphasizes active habitat management actions that would benefit the endangered red-cockaded woodpecker (RCW) and waterfowl. Visitor service programs and facilities in support of the six priority public uses (i.e., hunting, fishing, wildlife observation, wildlife photography, interpretation, and environmental education) would be much reduced below those levels for Alternatives A and C. Non-wildlife dependent public uses would be phased out. Under this alternative, the refuge would favor management that restores historic forest conditions. The refuge would maintain and, where appropriate, restore the biological integrity, diversity, and environmental health of the refuge.

This alternative would provide approximately 1 million Duck Energy Days (DEDs) over a 110-day period yearly, through the possible combination of managed moist soil units, planted agricultural crops that can be flooded, aquatic vegetation and invertebrates within refuge lakes, and seasonally flooded greentree reservoirs (GTRs) which provide mast crops and invertebrates. Wood duck breeding opportunities would be enhanced. Silvicultural treatments within bottomland hardwood habitats would receive low priority, but may be used to promote recruitment of red oak species within the overstory of those flooded forested habitats used by waterfowl. Manipulation of water level would be the primary tool used to produce the desired shrub-scrub cover. The refuge would participate in wood duck banding programs. Bottomland forests would benefit forest-breeding birds. Active manipulation of habitats for the benefit of forest-breeding birds would be at a priority lower than that required for RCW and waterfowl. The number of red-cockaded woodpecker clusters would be based on continuous pine habitat as defined by historic conditions and the optimal partition size of 308 acres based on the 100-year rotation. A new refuge target goal would be 27 RCW clusters. All RCW partitions would be managed according to the RCW Recovery Plan. Forested habitats would be actively manipulated to produce a forest reflective of historic conditions. No additional, non-historic pine habitats would be maintained or converted for support of the RCW to pine. Refuge staff and possibly contractors would continue to scientifically monitor RCWs through nest and fledge checks. Quantitative monitoring would be limited to RCWs, and other wildlife would be monitored through simple reconnaissance. Efforts would be made to prevent the establishment of exotic invasives and pest species. Water levels in all greentree reservoirs (GTRs) would be managed through water manipulation so that no more than two GTRs would be purposefully flooded for wintering waterfowl habitat yearly. All old fields and the Morgan Hill Prairie Demonstration Area would no longer be maintained. Other than in areas where forests are being restored to their historic condition, the refuge would actively manage forested habitats to maintain the desired wildlife habitat for federally listed species and waterfowl. Upland forests would be managed for historic conditions and, when applicable, management would emphasize needed habitat for federally listed species.

Comprehensive, refuge-wide surveys would be opportunistically sought, but individual cultural resource surveys for only specific projects or sites would be the standard. Partnerships would be developed with other agencies, institutions, and ethnic groups (e.g., Choctaw Nation, African American groups, etc.), to accomplish tasks and seek ideas and means to improve management of cultural resources. Efforts would be made to acquire additional lands in the Approved Acquisition Boundary through fee-simple title and timber for land exchange. The two existing Research Natural Areas (RNAs) would continue to

be recognized as if under the Society of American Foresters (SAF) designation, but research objectives and management strategies would remain undeveloped. Improvements to the existing law enforcement program would be based on recommendations provided by the Office of the Chief of Refuge Law Enforcement (LE), Southeast Region, following a program review.

The existing hunting programs would be reduced through reductions in staff and facility support. The visitor center would be closed on weekends. The picnic area and nearby public restrooms would be closed. Fish habitat would not be enhanced for increased recreational uses. Wildlife observation and photography opportunities would be reduced through the reduced availability and maintenance of viewing facilities, such as boardwalks and nature trails. Special use events requiring substantial planning and resources to host would be discontinued. Some of the secondary gravel roads would be closed to vehicles. Signage and information available to the public would be reduced. Public use staff would be eliminated and replaced with biological or forestry technicians. No off-site interpretive programs would be offered. Refuge staff would not participate in Environmental Education; it would be solely dependent on the currently structured partnership with Starkville School District and volunteers.

The staff would be held at 13 or fewer employees, with organizational changes made to increase field staff, including law enforcement officers and biological and forestry technicians. Facilities and equipment would all be placed on a priority list and maintained when funding allowed. Closing or removal of poorly maintained assets would occur. The collection of fees for permitted quota deer and waterfowl hunts would be continued.

Alternative C: Focus on wildlife, habitat diversity, and experiencing nature (Proposed Alternative)

This alternative will manage refuge resources to optimize native wildlife populations and habitats under a balanced and integrated approach, not only for federally listed species (RCW) and migratory birds, but also for other native species such as white-tailed deer, wild turkey, Northern bobwhite, paddlefish, and forest-breeding birds. This alternative also provides opportunities for the six priority public uses (i.e., hunting, fishing, wildlife observation, wildlife photography, interpretation and environmental education) and other wildlife-dependent activities found appropriate and compatible with the purpose for which the refuge was established.

Under this alternative, the refuge would favor management that restores historic forest conditions while achieving refuge purposes. This alternative would provide approximately 1 million Duck Energy Days (DEDs) over a 110-day period yearly, through the possible combination of managed moist soil units, planted agricultural crops that can be flooded, aquatic vegetation and invertebrates within refuge lakes, and seasonally flooded greentree reservoirs which provide mast crops and invertebrates. Wood duck breeding opportunities would be enhanced using wood duck nest boxes, but greater emphasis would be placed on protecting trees with natural cavities throughout the bottomland forests. Trees found with existing cavities and those having unique wildlife values would be protected from timber harvest. Active manipulation of habitats and populations would occur as necessary to maintain biological integrity, diversity, and environmental health. Silvicultural treatments within bottomland hardwood habitats would receive low priority, but may be used to promote recruitment of red oak species within the overstory of those flooded forested habitats used by waterfowl. The refuge would attempt to increase brood survival of waterfowl by managing shallow water aquatic habitats to produce and sustain protective shrub-scrub cover with fringe area of the refuge's lakes. Manipulation of water level would be the primary tool used to produce the desired shrub-scrub cover. The refuge would participate in wood duck banding programs and try to obtain refuge quotas as assigned by the U.S. Fish and Wildlife Service national Migratory Bird program, and limit human access to key areas used by waterfowl to reduce disturbance during critical life cycle stages. Forest-breeding bird populations would be enhanced through improved nesting, brooding, and foraging opportunities by application of active habitat manipulation techniques within bottomland hardwood forested habitats and streamside management zones. Even and uneven aged silviculture, including selective thinning, patch cuts, group tree selections, clearcuts, timber stand improvements, chemical treatments, and other methods, could be used to ensure hardwood species diversity, red oak recruitment into the overstory, and forest structure for the benefit of a diversity of wildlife. The number of red-cockaded woodpecker (RCW) clusters would be based on continuous pine habitat as defined by historic conditions and the optimal partition size of 308 acres based on the 100-year rotation. Mathematically this suggests that the maximum number of clusters feasible on the refuge is 38. However, due to natural habitat variation within the management units, habitat loss between the circular partitions, habitat loss due to inholding, and edge effects due to bordering lands or hardwood habitats, the optimal number and new refuge target goal would be 27 RCW clusters. All RCW partitions would be managed according to the RCW Recovery Plan. Habitat manipulations used to benefit RCWs could include silvicultural practices (e.g., active forest management, including but not limited to manual or mechanized pre-commercial thinning, commercial biomass thinning, mulching, firewood cutting, timber stand improvements, herbicide, irregular shelterwood, shelterwood, seedtree, patch cuts, afforestation, reforestation, and free thinning), prescribed fire, raking, mowing, creation of new artificial cavities, maintenance of suitable cavities, midstory reduction (chemical and/or mechanical control), integrated pest management, use of restrictor plates on cavities, snake exclusion devices, and kleptoparasite control. In order to sustain forest resources for future RCW habitat, harvesting of existing mature forests as part of regeneration efforts within present and future partitions would occur. No additional, non-historic pine habitats would be maintained or converted for support of the RCW to pine. Refuge staff and possibly contractors would continue to scientifically monitor RCWs through nest and fledge checks. Additional quantitative monitoring of a broad suite of wildlife and their habitats will be sought through Nongovernmental Organizations (NGOs), universities and volunteers and participate in the Refuge System's Inventory and Monitoring program for development of standardized survey methods, cataloging and analyzing refuge information. Efforts would be made to prevent the establishment of exotic invasive, and pest species. Deep-water habitats within Bluff Lake would be created through dirt excavation to ensure consistency in recreational fisheries resources (i.e., crappie, bass, and sunfish). Excavated soil from the creation of the deepwater habitat would be used to create islands within the lake to serve as bird rookery sites. Other existing water control structures on

Bluff Lake and in areas upstream of the lake would also be modified or removed to allow fish passage. Paddlefish and Gulf Coast Walleye would benefit from the restoration. Additional ephemeral pools for amphibians would be artificially created throughout the refuge through excavation in areas where excess water impedes road maintenance or threatens sedimentation of streams. The Morgan Hill Prairie Demonstration Area would remain but be reduced by more than 50 percent in size and the remaining area would be restored into habitats similar to that indicated by historic conditions. Existing old fields that would not be a direct benefit to federally protected species or waterfowl would continue to be managed as old field sites for the benefit of native grassland species. Old fields that would be a direct benefit to federally protected species or waterfowl would be restored to historical species compositions through natural regeneration or the manual planting of trees. No new field sites would be created. Active forest management including silvicultural treatments, prescribed fire, chemical and/or mechanical midstory reduction would occur throughout the refuge's habitats to achieve desired historic forest conditions, greater habitat diversity and forest structure to benefit RCW, forest interior birds and a wider range of native wildlife. Upland forests would be managed for historic conditions and when applicable management would emphasize providing the needed habitat for federally listed species. If needed to support federally listed species, active forest management would occur using a variety of techniques including timber harvest, prescribed fire, chemical and/or mechanical midstory reduction.

To protect cultural resources, completing a comprehensive, refuge-wide survey of archeological sites would be the goal as well as individual cultural resource surveys as needed for specific projects or sites. Partnerships would be developed with other agencies, institutions, and cultural groups (e.g., Choctaw Nation, African American groups, etc.), to seek ideas and possible share staff positions. The refuge would improve management and interpretation of the refuge's cultural resources. Conservation partnerships would be developed with neighboring landowners and worked through partnerships to have the greatest impact on maintaining or restoring the biological integrity of the local community. Fee title acquisition from willing sellers will focus on lands within the existing approved acquisition boundary that will most efficiently assist the refuge in meeting the purposes for which it was established and the mission of the Service. Under this alternative the two RNAs would no longer remain under this designation and would be managed as part of the larger surrounding units of similar type and managed for their historic conditions. A second Wildlife Law Enforcement Officer would be established in combination with possible collateral duty officer positions to assist in protecting natural and cultural resources along with public safety.

The current level of visitor services programs would be expanded for the general public and attempts made to provide more access for users with disabilities and youth. The Service would develop a week-long, large game (turkey and deer) hunt program to provide increased opportunities for disabled hunters in exchange for a week reduction in the general gun deer and turkey seasons. Deer hunting opportunities overall would be increased. The Service would work with the Mississippi Department of Wildlife, Fisheries, and Parks to develop family hunting and fishing opportunities. Fishing opportunities would be expanded to include year-round designated bank fishing areas on Bluff and Loakfoma Lakes. Other wildlife-dependent uses and their supporting facilities would be maintained and enhanced through upgrades or additional facilities. Alternative funding mechanisms, such as a general user fee under the Fee Program, and partnerships would be used to spread costs of programs across all users possibly eliminating the need for separate hunting related fees. The existing visitor services programs would be increased. This alternative would establish a ''Connecting People with Nature'' area to consolidate activities and users requiring greater support to enjoy wildlife observation activities. Existing activities that are not considered wildlife dependent uses such as a picnicking area and off-road mountain biking, would not be allowed but more opportunities for bicycling, walking and connecting with nature would be offered through designed trails with increased accessibility for disabled Americans. All existing wildlife dependent uses and the supporting facilities would be maintained and, if resources are available, enhanced through possible increase and better maintenance in overlooks, boardwalks, and trails. An effort would be made to increase visitor safety and enjoyment through establishment of parking areas, improved management of vehicle flow, creation of paved walking and biking trails, and roadside bike lanes along Bluff Lake and Loakfoma Roads. Refuge regulatory and informational signs would receive priority. Partnerships to conduct environmental education and off-site activities and increase volunteer involvement in all its programs would be established. More effort would be placed toward developing cooperative programs sponsored through the Friends.

The current staff of 13 employees would be reorganized under this goal of reaching an optimal staff level of 18 as recommended within the 2008 Final Report for the Staffing Model for Field Stations. This alternative would continue participation in the existing Fee Program. Changes within the program would include establishment of a general access pass for all users to assist in the maintenance and development of public use programs and facilities (e.g., Daily Pass, Weekly Pass or Annual Pass). Current federal duck stamps and other congressionally authorized entrance fee passes would be accepted as a refuge access pass.

Next Step

After the comment period ends, we will analyze the comments and address them.

Public Availability of Comments

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

Authority

This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd et seq.).

Dated: July 24, 2014.

Jeffrey M. Fleming,

Acting Regional Director.

[FR Doc. 2014–20479 Filed 8–27–14; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Formatted Magnetic Data Storage Tapes and Cartridges Containing the Same, DN 3028;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *EDIS*,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *USITC.*[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *EDIS.*[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Advanced Research Corporation on August 22, 2014. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain formatted magnetic data storage tapes and cartridges containing the same. The complaint names as respondents International Business Machines Corp. of Armonk, NY; Fujifilm Holdings Corporation of Japan; Fujifilm Corporation of Japan and Oracle Corporation of Redwood Shores, CA. The complainant requests that the Commission issue an exclusion order, cease and desist orders, and a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3028'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *Electronic Filing Procedures.*[4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on *EDIS.*[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

Issued: August 22, 2014.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–20449 Filed 8–27–14; 8:45 am]

BILLING CODE 7020–02–P

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–890]

Certain Sleep-Disordered Breathing Treatment Systems and Components Thereof; Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge has issued a Final Initial Determination and Recommended Determination on Remedy and Bonding in the above-

captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief, specifically a limited exclusion order and a cease and desist order for certain sleep-disordered breathing treatment systems and components thereof, imported by named respondents BMC Medical Co., Ltd. of Beijing, China; 3B Medical, Inc. of Lake Wales, Florida; and 3B Products, LLC of Lake Wales, Florida. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3042. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on August 21, 2014. Comments should address whether issuance of a limited exclusion order and/or a cease a desist order in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the limited exclusion order and/or cease and desist order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on September 25, 2014.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 887'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with the any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50).

Issued: August 22, 2014.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–20419 Filed 8–27–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Material Hoists, Personnel Hoists, and Elevators Standard

ACTION: Notice.

SUMMARY: On August 29, 2014, the Department of Labor (DOL) will submit the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Material Hoists, Personnel Hoists, and Elevators 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 29, 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=201408-1218-007* (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: 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 Material Hoists, Personnel Hoists, and Elevators Standard information collection requirements codified in regulations 29 CFR 1926.552. Specifically, the Standard requires the following: Posting rated load capacities, recommended operating speeds, and special hazard warnings or instructions on cars and platforms; establishing and posting operating rules, including a signal system and allowable line speed for various loads, for material hoists at the operator's station of a hoist; and providing cars with a capacity and data plate secured in a conspicuous place on the car or crosshead. The Standard also specifies certification and recordkeeping requirements related to required testing and inspection of hoists. Occupational Safety and Health Act of 1970 sections 2(b)(9) and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(9) and 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 1218–0231.

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 June 19, 2014 (79 FR 35187).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section by September 29, 2014. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0231. 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: Material Hoists, Personnel Hoists, and Elevators Standard.

OMB Control Number: 1218–0231.

Affected Public: Private sector—businesses or other for-profits.

Total Estimated Number of Respondents: 5,868.

Total Estimated Number of Responses: 26,547.

Total Estimated Annual Time Burden: 7,103 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: August 21, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–20410 Filed 8–27–14; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (14–090)]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, 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 (Pub. L. 104–13, 44 U.S.C. 3506(c)(2)(A)).

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Fran Teel, Mail Code JF000, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Fran Teel, NASA PRA Officer, NASA Headquarters, 300 E Street SW., Mail Code JF000, Washington, DC 20546, (202) 358–2225.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Aeronautics and Space Administration (NASA) Office of Diversity and Equal Opportunity, in accordance with Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and 42 U.S.C. Section 2000e-16; 29 CFR Sections 1614.106 and 1614.108, is authorized to collect information on issues and allegations of a complaint of discrimination based on race, color, sex (including sexual harassment, religion, national origin, disability (physical or mental), reprisal, sexual orientation, gender identity, status as a parent or genetic information. This requirement for assurance of non-discrimination is long-standing and derives from civil rights implementing regulations. This information collection includes complaint investigations.

II. Method of Collection

Electronic Form.

III. Data

Title: NASA Complaint of Discrimination Form

OMB Number: 2700–XXXX

Type of review: Existing collection in use without an OMB control number.

Affected Public: Individuals

Estimated Number of Respondents: 85

Estimated Annual Responses: 80 per year

Estimated Time per Response: 30 minutes

Estimated Total Annual Burden Hours: 60 hours

Estimated Total Annual Cost: $500.00

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) 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 automated collection techniques or the use of other forms of information technology.

Fran Teel,

NASA PRA Clearance Officer.

[FR Doc. 2014–20487 Filed 8–27–14; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 79 FR 26778, and 54 comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

The National Science Foundation (NSF) is announcing plans to request renewed clearance of this collection. The primary purpose of this revision is to implement 2 CFR 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (Uniform Guidance). NSF has requested and received from the Office of Management and Budget (OMB) approval to implement the Uniform Guidance through NSF's longstanding practice of implementing these requirements via use of a policy rather than regulation. In conjunction with the terms and conditions of the award, the Proposal and Award Policies and Procedures Guide (PAPPG), and its predecessors, have served as NSF's implementation vehicle for OMB Circular A–110 since its initial issuance in 1976.

Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725—17th Street NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

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

SUPPLEMENTARY INFORMATION:

Summary of Comments on the National Science Foundation Proposal and Award Policies and Procedures Guide and NSF's Responses

The draft NSF PAPPG was made available for review by the public on the NSF Web site at *http://www.nsf.gov/bfa/dias/policy/*. In response to the **Federal Register** notice published May 9, 2014, at 79 FR 26778, NSF received 54 comments from 18 different institutions/individuals. Following are three tables showing the summaries of the comments received on the PAPPG sections, with NSF's response.

GPG section and topic	Commenter	Comment	NSF response
GPG, Chapter I.F.2. *Inclement Weather Policy.*	Council on Governmental Relations.	We encourage NSF to add additional clarification and modification to this section that reflect more accurately the challenges faced in natural and/or anthropogenic events. The ability of a potential applicant to request prior approval for natural or anthropogenic events can be severely affected by the very event that prevents timely submission.	The section has been revised to delete ''prior'' from the approval requirement, given the unanticipated nature of natural or anthropogenic events.

GPG section and topic	Commenter	Comment	NSF response
GPG, Chapter I.F.2. *Inclement Weather Policy*.	Council on Governmental Relations.	We request that NSF modify this section to include a provision for: (1) Notification by the potential applicant as soon as possible but no later than five (5) days after the event and, based on that notification; (2) a determination and authorization, as appropriate, by the program officer for a late submission. NSF could alleviate the anxiety associated with unanticipated institutional closings by providing a standard exception for situations of short duration. Campuses can be closed for a variety of reasons including natural or anthropogenic events, which can require several days to return to normal operations. The recommendation above can help address that situation. Recently, however, campuses have been closed for a day for ''man-made'' events including sightings of armed assailants and other health and safety issues. We ask NSF to consider a standard exception of one day (next business day) for applicants whose campus is closed for an unanticipated event. The application could be submitted with documentation from the authorized institutional official or the official's designee. Similarly, we suggest that NSF consider a standard provision for late submission in those cases where NSF is unable to operate because of natural, anthropogenic, and weather related or other events. Such a provision could set a specific number of days after the event for a new submission deadline. For example, in the case of closures because of inclement weather, the deadline could be set as the day following reopening of federal offices. Any deviations from this standard could be announced on the NSF Web site.	The section has been updated to specifically address the closure of NSF. Additionally, the revised language developed by NSF provides greater flexibility than the language proposed by the commenter. NSF believes that such flexibility is important given the nature of the deviation request.
GPG, Chapter I.F.2. *Inclement Weather Policy*.	Cold Spring Harbor Laboratory.	Recommend that this policy provide additional flexibility for ''after the fact approval'', for circumstances such as unforeseen natural disasters that may not have allowed an investigator or institution to seek and obtain NSF approval prior to the deadline.	Comment has been addressed by the inclusion of a new change which authorizes an after the fact approval.
GPG, Chapter II.C.2.d.(ii) *Use of URLs outside the Project Description*.	Massachusetts Institute of Technology.	Can the NSF policy on URLs in other documents be clarified? In the Project description, we understand that these are discouraged per GPG II.C.2.d.ii. At MIT, we have had a couple of funding divisions ask for proposal file updates to remove links from the references biographical sketches whereas other divisions do not require this. The GPG states that appropriate citations for references cited (II.C.2.e) or Biosketch ''products'' (II.C.2.f) may include URLs, so it's unclear how to treat this as many PDF generating programs automatically treat URLs as links.	NSF believes the existing language on inclusion of URLs is clearly articulated and further action is neither necessary nor appropriate.
GPG, Chapter II.C.2.f.(i)(e) *Biographical Sketches: Collaborators & Other Affiliations*.	Massachusetts Institute of Technology.	Biosketch section (e) adds ''the total number of collaborators and co-editors also must be identified''. Should this change versus 14–1 be highlighted?	This change will be highlighted in the Summary of Significant Changes.
GPG, Chapter II.C.2.f.(ii) *Biographical Sketches: Other Personnel*.	Massachusetts Institute of Technology.	This section suggests that information on the qualifications other personnel may be included, but it is unclear where this should be included. FastLane does not include a place to upload biosketches for non-senior personnel. Can the correct place to include non-senior bio information be specified?	New language has been added to the Biographical Sketch(es) instructions which states: ''Such information should be clearly identified as 'Other Personnel' biographical information and uploaded along with the Biosketches for Senior Personnel in the Biosketches section of the proposal.''

GPG section and topic	Commenter	Comment	NSF response
GPG, Chapter II.C.2.g.(ii); AAG, Chapter V.B.1.b. *Fringe Benefits*.	University of Wisconsin.	Both of these sections describe the ability of the grantee to charge fringe benefits as direct costs, given that charges are made in accordance with usual accounting practices and/or with approval of the cognizant federal agency. Reference also is made to 2 CFR § 200.431, within which part (b)(3)(i) states that, ''Payments for unused leave when an employee retires or terminates employment are allowable as indirect costs in the year of payment.'' We want to confirm our understanding that NSF policy does not preclude costs of unused leave at retirement and termination from being directly charged to NSF awards. We recognize that NSF policy indicates that such payments may be subject to reasonableness determination. Additionally, we seek affirmation that 2 CFR § 200.431 is incorporated into NSF policy to acknowledge that such unused leave also may be allowable as indirect costs and is not a directive to institutions to charge such costs as indirect costs.	This issue will be addressed in the latest version of the Frequently Asked Questions that are being developed by the Office of Management and Budget. As such, it would not be appropriate for the issue to be resolved by NSF.
GPG, Chapter II.C.2.g.(vi) *Other Direct Costs*.	Trish Lowney	''Examples include . . . And construction of equipment or systems not available off-the shelf.'' Confusing: Doesn't fabricated equipment (construction of equipment or systems not available off-the-shelf) that meets the institution's capitalization threshold (e.g., $5,000) ought to be included in the equipment budget line (e.g., MRI development options awards)?	Language has now been modified to help eliminate confusion regarding where equipment should be addressed in the budget.
GPG, Chapter II.C.2.g.(vi)(a) *Materials & Supplies, including Costs of Computing Devices*.	University of Alabama	The University appreciates the clarification that a computing device is a supply as long as it does not meet the lesser of institution's capitalization level or $5,000. It would be helpful if the PAPPG also included in this section the following statement found at 200.453(c) in the Uniform Guidance: ''In the specific case of computing devices, charging as direct costs is allowable for devices that are essential and allocable, but not solely dedicated, to the performance of a Federal Award.''	Language has been incorporated as requested.
GPG, Chapter II.C.2.g.(vi)(c) *Consultant Services*.	Trish Lowney	''. . . services rendered by persons who are members of a particular profession. . . And who are not officers or employees of the proposing institution. . .'' Clarify whether or not ''persons'' include organizations/entities that meet definition of contractor and should be managed by a contract for provision of consultant services. Clarify whether that the contracting vehicle to be used must comply with Appendix II of the UG.	NSF has implemented consultant services consistent with 2 CFR 200.459 which states: ''Costs of professional and consultant services rendered by persons who are members of a particular profession or possess a special skill, and who are not officers or employees of the non-Federal entity, are allowable, subject to paragraphs (b) and (c) when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Federal government. In addition, legal and related services are limited under § 200.435 Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements.'' As such, it would not be appropriate to deviate from this language. Additional language has been added to the consultant services section to address compliance with Appendix II of the Uniform Guidance.

GPG section and topic	Commenter	Comment	NSF response
GPG, Chapter II.C.2.g.(vi)(d) *Computer Services*.	Council on Governmental Relations.	We appreciate that NSF has acknowledged that computing devices below an institution's equipment threshold are allowable. However, per Chapter II.2C.g.(vi)(d), the reference to ''computer equipment'' may create confusion in the community by suggesting that computing devices are unallowable. Per this section: ''As noted in Chapter II.C.2.g.(iii) above, general purpose (such as word processing, spreadsheets, communication) computer equipment should not be requested.'' We request that you consider deleting this reference, since most such devices do not rise to the level of equipment. Or, alternatively, reinforcement that computing devices below an institution's equipment threshold are allowable would be a helpful footnote to include and would be an important reminder to auditors of the differentiation between supplies and equipment.	Additional language has been added to point users to the appropriate section of the budget preparation instructions for guidance on the acquisition of computing devices.
GPG, Chapter II.C.2.g.(vi)(e) *Subawards, Foreign Subrecipients*.	Massachusetts Institute of Technology.	In GPG II.C.2.g.vi.e, the old policy that foreign subawardees are not eligible for indirect costs is mentioned. However, GPG II.C.2.g.viii references 2 CFR 200.414, which indicates a 10% de minimus rate is allowable for foreign grantees. Should this also apply to foreign subawardees?	Language in both the subaward and indirect cost sections of the Grant Proposal Guide has been revised to clarify application of a *de minimus* rate.
GPG, Chapter II.C.2.g.(vi)(e) *Subawards, Foreign Subrecipients*.	University of Minnesota.	The phrase is inconsistent with the Uniform Guidance's section 200.331, which allows for a 10% MTDC de minimus rate. The ability to apply the 10% MTDC de minimus rate is correctly spelled out on the following page (II–18) in the indirect cost section. It would be helpful to have the first reference corrected to avoid confusion.	Language in both the subaward and indirect cost sections of the Grant Proposal Guide has been revised to clarify application of a *de minimus* rate.
GPG, Chapter II.C.2.g.(vi)(e) *Subawards, Budgets*.	University of Wisconsin.	NSF recently clarified that each proposal's budget justification is limited to three pages, including a collaborative proposal from a single organization that contains a subaward(s). However, if a subaward is requested post-award, a proposer may submit up to a three-page budget justification for each subaward. This creates an inconsistency regarding what is submitted to obtain a subaward approval. A subaward budget justification may contain critical information regarding proposed costs, and we recommend that all subawards be allowed to include a budget justification of up to three pages, regardless of whether they are submitted with a new proposal or as a post-award action.	This request has been incorporated and language has now been revised to read as follows: ''Each proposal must contain a budget for each year of support requested, unless a particular program solicitation stipulates otherwise. The budget justification must be no more than three pages per proposal. . . For proposals that contain a subaward(s), each subaward must include a separate budget justification of no more than three pages.''

GPG section and topic	Commenter	Comment	NSF response
GPG, Chapter II.C.2.g.(viii) *Indirect Cost*.	Council on Governmental Relations.	The first two sections referenced above state: ''Foreign grantees that have never had a negotiated indirect cost rate are limited to an indirect cost rate recovery of 10% of modified total direct costs. Foreign grantees that have a negotiated rate agreement with a U.S. federal agency may recover indirect costs at the current negotiated rate.'' This seems to suggest that this rule would not be applicable to domestic grantees; we request that this section be clarified to state these rules apply to all grantees. The third reference above states: ''Foreign subrecipients are not eligible for indirect cost recovery unless the subrecipient has a previously negotiated rate agreement with a U.S. Federal agency that has a practice of negotiating rates with foreign entities.'' This seems to be inconsistent with the previously referenced sections and the Uniform Guidance; we request that this section be updated, accordingly.	Language in both the subaward and indirect cost sections of the Grant Proposal Guide has been revised to clarify application of a *de minimus* rate.
GPG, Chapter II.C.2.g.(viii) *Indirect Cost*.	Trish Lowney	Foreign Grantees that have never had negotiated IDC are limited to 10% MTDC. Seems to conflicts with II–17/(e) Subawards: foreign subrecipients not eligible for IDC. Consistency needed or otherwise explain why handled differently D14.	Language in both the subaward and indirect cost sections of the Grant Proposal Guide has been revised to clarify application of a *de minimus* rate.
GPG, Chapter II.C.2.g.(viii). *Indirect Cost*.	University of Minnesota.	We would like to take this opportunity to thank NSF for its clear and unambiguous statement in its proposed implementation plan about the need for pass-through entities to honor their subrecipient's negotiated F&A rate. NSF's well-articulated position on this supports full cost recovery.	Thank-you. No NSF response required.
GPG, Chapter II.D.3.. *Ideas Lab*.	Council on Governmental Relations.	It is not clear what the nature and extent of support from NSF will be for participants in Stage 3 of the Ideas Lab. If a participant is expected to travel and/or contribute substantial portions of their time—substantial enough to re-allocate their institutional responsibilities—we believe the institution should be a party to any agreement to participate. If, as indicated, the Stage 2 selection process uses the preliminary proposal format in Fastlane with the required submission through the Sponsored Program Office, our concerns about notification are alleviated. If there are costs associated with participation that will be provided by NSF, we assume that participant support would be allocated as a grant through the institution with the usual budgetary considerations related to participant support. Because of the collaborative nature of the Ideas Lab, we assume any Stage 4 invited full proposals will be submitted according to the Special Guidelines described at GPG Ch. II d. 5. This approach raises some questions concerning the submission process and we encourage NSF to clarify the submission process either in the Funding Opportunity Announcement or in the PAPPG. Will the participating institutions have the option to submit either a single proposal or simultaneous proposals from all participating organizations? Will renewal proposals require a preliminary proposal or submission of a full proposal within a regular funding cycle?	Language has now been added to specify the anticipated length of the Ideas Lab. The funding opportunity will clearly instruct the selected teams on how the full proposal should be prepared, and will address whether it should be submitted either as a single proposal or as simultaneous proposals from all participating organizations. Unless otherwise specified in the funding opportunity, renewal proposals will be submitted as standard research proposals following the guidance provided in the Grant Proposal Guide.

GPG section and topic	Commenter	Comment	NSF response
GPG, Chapter II.D.6. *Proposals for Equipment*.	Trish Lowney	Notes that equipment to be purchased, modified or constructed must be described . . . Seems to conflict with II–16 other direct costs presented above? That is, constructed equipment—equipment if > capitalization threshold and in equipment budget line (with associated alteration and modification costs) and *not* in other direct costs?	Language has been revised in the Equipment Proposal preparation instructions in GPG, Chapter II.C.2.g.(iii) to address the issue.
GPG, Chapter II.D.8. *Dual Use Research of Concern*.	Council on Governmental Relations.	We appreciate that the provisions for meeting the US Government Policy for Oversight of Life Sciences Dual Use Research of Concern and the proposed US Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern have been described as contingent on the publication of the final US Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern. However, we understand that these are two separate but linked policies and that the agencies are expected to meet the requirements of the US Government Policy for Oversight of Life Sciences Dual Use Research of Concern. We agree with the observation at AAG Ch. VI B 5 b. that it is unlikely that NSF sponsored research will fall under these policy requirements. Nonetheless, it may be helpful to offer more direction at GPG Ch. II D. 9 to the grantee concerning the implementation of the policy for agencies. An indication of how NSF will engage in the development of plans with grantee organizations to mitigate the risks associated with DURC may be helpful. Such a statement or provision could outline the path for communications with NSF as in the AAG and the process for reporting by the PI/PD described in the agency policy.	Dual Use Research of Concern will now not be implemented in this version of the PAPPG and all DURC-related language has been removed.
GPG, Chapter II.D.8. *Dual Use Research of Concern*.	Massachusetts Institute of Technology.	Dual Use Research of concern is at II.D.9, not II.D.8.	Dual Use Research of Concern will now not be implemented in this version of the PAPPG and all DURC-related language has been removed.
GPG, Chapter II.D.10. *Proposals for Conferences*.	Boise State	Requiring an estimated total budget is inconsistent with NSF's prohibition of voluntary committed cost share. The prohibition of voluntary committed cost share is also referenced in the AAG, page II–5, NSF 15_1 draft.	Language has been revised to read as follows: ''Proposal Budget: A budget for the conference that is prepared in accordance with GPG Chapter II.C.2g. The budget may include participant support for transportation (when appropriate), *per diem* costs, stipends, publication and other conference-related costs. Note: Participant support costs must be excluded from the indirect cost base; see GPG Chapter II.C.2g(v). For additional information on Program Income associated with conferences, see AAG Chapter III.D.4.''
GPG, Chapter II.D.10. *Proposals for Conferences*.	Stanford University	Chapter II.D.10 of NSF's PAPPG be clarified to indicate that it only applies to direct costs, if indeed that is the intent. It currently says ''NSF funds are not to be spent for meals and coffee breaks for intramural meetings of an organization or any of its components, but not limited to laboratories, departments and centers either as direct or indirect costs.''	Language has been revised to read: ''NSF funds are not to be spent for meals and coffee breaks for intramural meetings of an organization or any of its components, including, but not limited to, laboratories, departments and centers, as a direct cost.''

GPG section and topic	Commenter	Comment	NSF response
GPG, Chapter III.F. *Use of the Term Proposer*.	Council on Governmental Relations.	We encourage NSF to standardize the language throughout this section with the terms used throughout the PAPPG. The use of the term ''proposer'' has created some confusion in the community particularly at grantee institutions with multiple investigators. We request that ''proposer'' be replaced with ''grantee'' because we understand that all new grantee institutions may be evaluated under the Risk Management Framework.	NSF does not concur with this recommendation. There are significant differences in terms of process, including with respect to requirements imposed on proposers versus awardees. The terms ''proposer'' and ''grantee'' are not interchangeable.
GPG, Chapter III.F. *NSF Risk Management Framework*.	Cold Spring Harbor Laboratory.	It is unclear what defines ''all new proposers'' that will be subjected to additional pre-award financial and administrative review. Recommend that NSF provide additional clarification whether this additional scrutiny will be limited to institutions that have never received NSF funding. If this is the intent, then the text should be modified to reflect this.	The language regarding the conduct of pre-award financial and administrative review has been modified to only include: ''. . . all proposers recommended for award that have not received NSF funding in the last five years, with particular focus on proposers whose cumulative NSF funding would amount to $200,000 or more.''
GPG, Exhibit III–1 *NSF Proposal & Award Process Timeline*.	University of Wisconsin.	The NSF Proposal and Award Process & Timeline does not capture the new process in which DGA or DACS may decide to decline an award after financial or administrative review. The graphic seems to indicate that declines occur only at the Division Director level, which is no longer accurate. Updating the graphic may prevent confusion regarding the declination process.	The Proposal and Award lifecycle graphic will be modified to incorporate declinations made by DGA or DACS.
GPG, Chapter IV.D.1.b. *Reconsideration*.	Trish Lowney	If a proposal has been declined by the NSB, only an explanation will be available. Unclear; the Board's role or involvement in the declination process seems not well defined.	NSF does not believe that further information on NSB declinations, beyond that provided, is necessary.

Award and Administration Guide (18 comments, including one duplication):

AAG Section and topic	Commenter	Comment	NSF response
AAG, Chapter I.C.2.a. *Research Terms & Conditions*.	Cal Tech	The note on page I–2 of the GPG indicates that the Research Terms and Conditions ''will be added to this list, if available, at the time of issuance.'' From the point of view of the research community, having the Research Terms and Conditions reintroduced is extremely important and very beneficial. We urge NSF to use its influence to strengthen the case for the return of the Research Terms and Conditions and appreciate your efforts along those lines.	The future of the Research Terms and Conditions is currently being considered by the NSTC/RBM.
AAG, Chapter II.C.3.b. *Cost Sharing*.	University of Wisconsin ...	We appreciate the confirmation that all awards subject to statutory cost sharing have been closed out. We also note that NSF has changed cost sharing requirements. Where NSF previously required reports only when a cost sharing commitment of $500,000 or more existed, grantees must now report on mandatory cost sharing on an annual and final basis. Although we assume that this change is being made in conformance with the Uniform Guidance, we acknowledge that this new level of reporting will create an increased administrative burden on grantees.	NSF takes the imposition of new administrative requirements very seriously. Given the limited number of awards that have cost sharing requirements, and the importance of meeting the financial commitments made by the recipient, we believe it is important that organizations provide this information to NSF, irrespective of the dollar value of the cost sharing.

AAG Section and topic	Commenter	Comment	NSF response
AAG, Chapter II.D.5.; AAG, Chapter III.E. *Grant Closeout*.	Council on Governmental Relations.	COGR respectfully asks NSF to request a deviation from OMB that the submission date for all financial, performance, and other reports and the liquidation date be set to a new standard of 120-days after the end date of the period of performance. Specifically, we request that the submission date for all financial, performance, and other reports and the liquidation date be set to a new standard of 120-days after the end date of the period of performance. Per 2 CFR § 200.343 Closeouts, (g), Federal awarding agencies should complete all closeout actions no later than one year after the acceptance of all required final reports. This effectively sets the final closeout clock at 15 months (i.e., 90 days plus one year) after the end date of the award. Within that time period, COGR believes that all parties can work in a bi-lateral fashion to ensure an award is closed in the most timely, efficient, and accurate manner possible. Under this bi-lateral closeout model, both the federal agency and the grantee recognize each other's system and resource constraints and will work together to provide sufficient flexibility toward achieving the final closeout objective.	NSF implemented award financial closeout requirements as established by the Uniform Guidance paragraph 2 CFR § 200.343(b) which states that ''a non-Federal entity must liquidate all obligations incurred under the Federal award not later than 90 calendar days after the end date of the period of performance as specified in the terms and conditions of the Federal award.'' Additionally, NSF complies with the requirements established by the Uniform Guidance paragraph 200.343(e) which states ''the Federal awarding agency or pass-through entity must make a settlement for any upward or downward adjustments to the Federal share of costs after closeout reports are received.'' Adjustments to the Federal share of costs can be completed by awardee institutions through the Award Cash Management Service (ACM$) and submitted on line to NSF for 18 months after the award expiration date. Downward adjustments can be submitted until the appropriations funding the award cancel. ACM$ enables awardee institutions to submit adjustments with essentially no increased workload over that of a standard payment request. NSF believes the capabilities offered by ACM$ for adjustments to financially closed awards mitigate the effects of the implementation of the 90-day financial closeout. However, NSF is committed to the long standing partnership with its awardee institution population. As such, NSF will consider the feasibility of requesting a deviation from the Uniform Guidance requirements. However, such a deviation would be dependent upon the concurrence of other research oriented Federal agencies in order to establish a consistent requirement for the timing of award financial closeout actions. NSF believes a 120-day standard award closeout would be feasible, if agreement can be reached within the Federal agency research community. NSF believes a unilateral deviation from the Uniform Guidance for award financial closeout would not be consistent with the intent of the Uniform Guidance and could introduce the type of uncertainty within the grant administration community that the Uniform Guidance was intended to improve.
AAG, Chapter II.D.5.; AAG, Chapter III.E. *Grant Closeout*.	University of California	We echo COGR's request that NSF request a deviation from OMB to establish a new 120-day standard to close out awards. We are committed to submitting timely and accurate final reports. However, additional administrative and compliance requirements, as well as increasing numbers of multi-disciplinary/multi-site projects make meeting the 90-day deadline in an accurate and complete fashion difficult. A new 120-day standard would, as COGR points out, allow both parties to finalize the closeout process with fewer corrections and revisions, including coordinating with lower tier partners.	See answer to the Council on Governmental Relations on the same issue above.
AAG, Chapter II.D.5.; AAG, Chapter III.E. *Grant Closeout*.	Massachusetts Institute of Technology.	MIT requests that the NSF apply for a deviation from OMB allowing the closeout submission deadline to be changed from the current 90-standard to a new 120-day standard, as also requested by the Council on Governmental Relations (COGR). MIT has identified subawards as a major factor contributing to delays in award closeout, and the additional 30 days would significantly improve our compliance. We recognize that closeouts require more work and attention to detail than ever before, on the part of both the federal awarding agency and the non-federal awardee organization. This additional work impacts all of us, and our primary goal with this request is to complete the closeout in the most timely, efficient, and accurate way possible. Per 2 CFR § 200.343 Closeouts (g), the Federal awarding agency should complete closeout within 15 months after the expiration date of an award (90 days + 1 year), and we believe that allowing awardee organizations an extra 30 days out of this window should not negatively impact NSF's workflow.	See answer to the Council on Governmental Relations on the same issue above.

AAG Section and topic	Commenter	Comment	NSF response
AAG, Chapter III.E. *Financial Requirements and Payments*.	University of Minnesota ...	We applaud NSF for the great partnership created with Universities through the implementation of the ACMS system and the replacement of the FFR and Cash Request Function. The single system point of entry and acknowledgement and new understanding that the amount drawn equated to amount spent is a great step in moving to a streamlined and more efficient financial process. We encourage NSF to critically consider the closeout process as described in the COGR letter.	See answer to the Council on Governmental Relations on the same issue above.
AAG, Chapter II.E. *Record Retention & Audit*.	University of Alabama	While this is not a change in NSF policy, it is more burdensome that the requirements of the Uniform Guidance found in 200.333: ''Financial records . . . and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity . . . Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities.''. Although it is becoming easier to track submission of project reports to NSF, and the University appreciated NSF's progress in this area, it is still more complicated for recipients to identify and record the project report submission date and to ensure it is used for record retention purposes when it occurs after the date of the award financial closeout and is, in practice, an additional record retention requirement.	The record retention language specified in Award & Administration Guide Chapter II has been revised to read as follows: ''1. Financial records, supporting documents, statistical records and all other records pertinent to the NSF grant must be retained by the grantee for a period of three years from award financial closeout described in AAG Chapter III.E.3, except as noted in 2 CFR 200.333.''

AAG Section and topic	Commenter	Comment	NSF response
AAG, Chapter II.E. *Record Retention & Audit*.	University of Alabama	2 CFR 200.87—''Research and Development (R&D) R&D means all research activities, both basic and applied, and all development activities that are performed by non-Federal entities. The term research also includes activities involving the training of individuals in research techniques where such activities utilize the same facilities as other research and development activities and where such activities are not included in the instruction function. ''Research'' is defined as a systematic study directed toward fuller scientific knowledge or understanding of the subject studied. ''Development'' is the systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices, systems, or methods, including design and development of prototypes and processes. While NSF's mission, ''to promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense; and for other purposes'' is advanced primarily through the support of science and engineering research, not all of the activities NSF funds meet the definition of Research and Development, as other types of activities, such as education, also promote the progress of science. The fact that NSF funds education programs and other activities that do not involve a systematic study of a subject or the use of research results in the production of materials, etc. is included throughout the PAPPG. For example, the definition of Assistance Award states that for NSF, they ''involve the support or stimulation of scientific and engineering research, science and engineering education or other related activities.'' While ''NSF recognizes that some awards may have another classification for purposes of indirect costs,'' the inconsistency in classification for various purposes creates problems in determining the appropriate indirect cost rate to charge (which can be particularly burdensome to faculty), in appropriately categorizing expenditures and space in indirect cost rate proposals and in other areas of administration and management of funds. The OMB Circular A–133 Compliance Supplement contains in Part 5, Clusters of Programs, specific instructions for auditing Research and Development Programs. The Compliance Requirements and Suggested Audit Procedures are not always the most appropriate for educational, service or other non-research programs/activities.	This issue was raised during the last comment period for the *NSF Proposal and Award Policies and Procedures Guide* and is considered resolved. NSF does not intend to make further changes to the language provided.
AAG, Chapter II.E. *Record Retention & Audit*.	University of Minnesota ...	The CFDA number of NSF awards is provided to the Grantee at the time of award on the Award Notice. The CFDA number provided by NSF is a CFDA that falls into a cluster category as outlined in the compliance supplement. If a CFDA number isn't defined in a category the guidance is to report the CFDA by function. At a macro level, institutions plan and review their portfolios by mission (function); teaching, training, research, public service, etc. Institutionally, function is defined by how the activity (transaction) accomplishes the mission of the university. For example, awards with the primary function of training would not fall under the mission of research at our institution. Our financial statements summarize all our mission activity by function. Our SEFA is reconciled to the Financial Statements as required. Requiring the institution to arbitrarily report activity as part of the R&D Cluster when institutionally we have defined the activity as another function will cause additional reconciliation steps and ongoing ''reporting discrepancies.''.	This issue was raised during the last comment period for the *NSF Proposal and Award Policies and Procedures Guide* and is considered resolved. NSF does not intend to make further changes to the language provided.

AAG Section and topic	Commenter	Comment	NSF response
AAG, Chapter III.D.4.b. *Program Income*.	Stanford University	We respectfully ask that NSF request a deviation from OMB that income from license fees and royalties be excluded from the definition of program income (Part II, Chapter III.D.4.b). Statutory requirements under the Bayh-Dole Act (35 U.S.C. 202(c)(7)) supersede any described treatments of license fees and royalties per sections 200.80 and 200.307(f) in the Uniform Guidance. We believe OMB has confirmed the precedence of U.S. law or statute over the OMB Uniform Guidance. Therefore reporting to Federal agencies on Program Income should not include such license fees and royalties.	Language has been modified in AAG, Chapter III.D.4.c.(1) to address the issue as follows: ''The grantee also shall have no obligation to NSF with respect to program income earned from license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions produced under an award. However, Patent and Trademark Amendments (35 U.S.C. 18) shall apply to inventions made under an award.''
AAG, Chapter IV.D. *Property Management Standards*.	University of Wisconsin ...	Thank you for providing verification that NSF has the authority under the Federal Technology Transfer Act to vest title in an institution of higher education. This should allow institutions of higher education to continue handling title in a manner to which they are accustomed.	Thank-you. No NSF response required.
AAG, Chapter IV.E. *Procurement*.	Council on Governmental Relations.	COGR respectfully asks NSF to request a deviation from OMB that Institutions of Higher Education (IHEs), Nonprofit Research Organizations (NROs), and all research performers be exempted from Procurement Standards Sections 200.317 through 200.326. Procurement Standards under Circular A–110 should be reinstated for research performers. The PAPPG states that NSF grantees shall adhere to the requirements of 2 CFR 200.317–326, which prescribes standards for use by recipients in establishing procedures for procurement. COGR has documented that implementation of 2 CFR § 200.317–326 will: (1) Create increased cost and administrative burden via expensive process-workflow and IT system changes, (2) require a long lead time to implement, which cannot effectively be accomplished by December 26th, and (3) result in risk to program performance—for example, critical research tools and supplies that normally would be acquired in one day could take at least one week to acquire. By securing the deviation requested above, NSF can help ensure the continuity of current and effective procurement practices in place at IHEs and NROs, without any sacrifice to institutional accountability and stewardship of federal funds.	The issue of procurement standards contained in the new Uniform Guidance has been brought to the attention of the Office of Management and Budget. Any decisions regarding implementation rest with OMB, and, cannot be addressed independently by NSF.
AAG, Chapter IV.E. *Procurement*.	University of California	We strongly request that NSF request a deviation from OMB exempting Institutions of Higher Education (IHEs) from the procurement requirements outlined in the Uniform Guidance (2 CFR 200.317–326). These new procurement documentation and sourcing standards will require UC to restructure longstanding procurement practices, redesign internal controls for procurement processes, reconfigure supporting E-procurement systems, and execute a wholesale change management strategy to re-educate faculty, staff, and students across 10 campuses and five medical centers. It will be costly and difficult, if not impossible, to implement such changes by the required date of December 26, 2014.	The issue of procurement standards contained in the new Uniform Guidance has been brought to the attention of the Office of Management and Budget. Any decisions regarding implementation rest with OMB, and, cannot be addressed independently by NSF.
AAG, Chapter IV.E. *Procurement*.	Massachusetts Institute of Technology.	MIT also supports COGR's request that NSF apply for a deviation allowing Institutions of Higher Education (IHEs), Nonprofit Research Organizations (NROs), and all research performers to be subject to the prior procurement standards of Circular A–110. We absolutely recognize and agree with the need to make the best use of our scarce resources, but for IHEs, NROs, and research performers of all types, this change would be too sudden to implement by the end of the year. The requirements of the Procurement standards in 200.317 through 200.326 call for system solutions. Without a system for capturing the required documentation, the additional administrative effort on each transaction would significantly outweigh any cost savings. It is simply not feasible for IHEs and NROs to put new procurement documentation systems in place by the December 26th deadline. Additionally, the additional time this would require for each transaction would seriously impact the flexibility needed to effectively respond to the unpredictability of fundamental research.	The issue of procurement standards contained in the new Uniform Guidance has been brought to the attention of the Office of Management and Budget. Any decisions regarding implementation rest with OMB, and, cannot be addressed independently by NSF.

AAG Section and topic	Commenter	Comment	NSF response
AAG, Chapter V.A.2.c. *Publication and Printing Costs*.	University of Florida	Regarding the third paragraph ''However, in accordance with 2 CFR 200.461, Publication and Printing costs, awardees may charge the NSF award before closeout for the costs of publication or sharing of research results, if the costs are not incurred during the period of performance of the award''. Would the cost of travel (of course the purpose of which is to disseminate and share the results of the research) where the airfare, registration and other costs are paid for prior to the end of the project period but the travel does not occur until after the end of the project period be an allowable cost?	NSF believes that the coverage in the Uniform Guidance on this topic is clear and no further clarification on the part of NSF is necessary.
AAG, Chapter V.A.3.a. *Prior Written Approvals*.	University of Wisconsin ...	We appreciate that NSF has clarified that ''items identified in the approved budget constitutes NSF's authorization . . . to incur these costs'' provided they are consistent with applicable terms, conditions, and regulations. This language will help eliminate confusion when items are included in the approved budget, and costs are later presumed as needing prior approval.	Thank-you. No action needed.
AAG, Chapter V.B.1.b.; GPG, Chapter II.C.2.g.(ii) *Fringe Benefits*.	University of Wisconsin ...	Both of these sections describe the ability of the grantee to charge fringe benefits as direct costs, given that charges are made in accordance with usual accounting practices and/or with approval of the cognizant federal agency. Reference also is made to 2 CFR 200.431, within which part (b)(3)(i) states that, ''Payments for unused leave when an employee retires or terminates employment are allowable as indirect costs in the year of payment.'' We want to confirm our understanding that NSF policy does not preclude costs of unused leave at retirement and termination from being directly charged to NSF awards. We recognize that NSF policy indicates that such payments may be subject to reasonableness determination. Additionally, we seek affirmation that 2 CFR 200.431 is incorporated into NSF policy to acknowledge that such unused leave also may be allowable as indirect costs and is not a directive to institutions to charge such costs as indirect costs.	This issue will be addressed in the latest version of the Frequently Asked Questions that are being developed by the Office of Management and Budget. As such, it would not be appropriate for the issue to be resolved by NSF.
AAG, Chapter V.D.1.(ii)(a) *Fixed Rates for Life of the Award*.	Council on Governmental Relations.	This section states: ''Federal Awards may not be adjusted in future years as a result of changes in negotiated rates.'' We understand that this text is included in the Uniform Guidance, but urge the NSF to work with OMB and other federal agencies to provide clarification that would allow non-profit research organizations the opportunity to continue to have their total-cost for existing award commitments reconsidered where circumstances warrant. This option has been in place with agencies, such as the NIH, since 1997. It is important that this remain a viable option for non-profit organizations that would be affected by the language in this section of the PAPPG.	NSF will forward this comment to the Office of Management and Budget for further discussion with the Council on Financial Assistance Reform.
AAG, Chapter V.D.1.(ii)(a) *Fixed Rates for Life of the Award*.	Cold Spring Harbor Laboratory.	We understand that this text is included in the OMB Omnibus Guidance, but strongly urge the NSF and all other Federal research funding organizations to work with OMB to provide clarification, such as in the NSF Policy document, that would continue to allow non-profit research organizations the opportunity to have their total-cost for existing award commitments reconsidered where circumstances warrant. This option has been in place with organizations such as the NIH since 1997 (see attached correspondence with AIRI), and must continue to be a viable option for non-profit organizations that may be harmed by this newly mandated restriction.	NSF will forward this comment to the Office of Management and Budget for further discussion with the Council on Financial Assistance Reform.

Other Comments:

Topic and PAPPG section	Commenter	Comment	NSF response
Expiring Funds	University of Minnesota.	Not addressed in the Guide. The process around expiring funds is not addressed in the guide. While we are now notified that certain funds are expiring there isn't guidance provided on options that a university can employ to manage the funds. Federal agencies differ in the amount of individual guidance provided and at times we are unsure if a methodology described for one agency should be used for another agency.	NSF guidance for expiring/canceling award funds will not differ from the standard guidance applicable to all award funds as outlined in the NSF AAG Chapter V: Allowability of Costs. NSF will work toward further improving the awareness of awards with canceling funds held by our awardees. This will include additional communications with awardee institutions as well as other efforts to further highlight awards with canceling funds.
Grants.gov Application Guide.	Massachusetts Institute of Technology.	There are items added by GPG 14–1 and 15–1 which are not addressed in the Grants.gov guide, and we're not sure whether this means they are not required when submitting via Grants.gov. For example, the Collaboration type and Proposal type checkboxes on the FastLane cover page don't appear to correspond to any information on the Grants.gov SF424.	A new NSF E58 Grants.gov Application Guide will be issued concurrently with the PAPPG.

Title of Collection: ''National Science Foundation Proposal/Award Information-Grant Proposal Guide''.

OMB Approval Number: 3145–0058.

Type of Request: Intent to seek approval to extend with revision an information collection for three years.

Proposed Project: The National Science Foundation Act of 1950 (Pub. L. 81–507) set forth NSF's mission and purpose:

> ''To promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense. * * *''

The Act authorized and directed NSF to initiate and support:

- Basic scientific research and research fundamental to the engineering process;
- Programs to strengthen scientific and engineering research potential;
- Science and engineering education programs at all levels and in all the various fields of science and engineering;
- Programs that provide a source of information for policy formulation; and
- Other activities to promote these ends.

Over the years, NSF's statutory authority has been modified in a number of significant ways. In 1968, authority to support applied research was added to the Organic Act. In 1980, The Science and Engineering Equal Opportunities Act gave NSF standing authority to support activities to improve the participation of women and minorities in science and engineering.

Another major change occurred in 1986, when engineering was accorded equal status with science in the Organic Act. NSF has always dedicated itself to providing the leadership and vision needed to keep the words and ideas embedded in its mission statement fresh and up-to-date. Even in today's rapidly changing environment, NSF's core purpose resonates clearly in everything it does: Promoting achievement and progress in science and engineering and enhancing the potential for research and education to contribute to the Nation. While NSF's vision of the future and the mechanisms it uses to carry out its charges have evolved significantly over the last four decades, its ultimate mission remains the same.

Use of the Information: The regular submission of proposals to the Foundation is part of the collection of information and is used to help NSF fulfill this responsibility by initiating and supporting merit-selected research and education projects in all the scientific and engineering disciplines. NSF receives more than 51,000 proposals annually for new projects, and makes approximately 10,500 new awards.

Support is made primarily through grants, contracts, and other agreements awarded to more than 2,000 colleges, universities, academic consortia, nonprofit institutions, and small businesses. The awards are based mainly on evaluations of proposal merit submitted to the Foundation.

The Foundation has a continuing commitment to monitor the operations of its information collection to identify and address excessive reporting burdens as well as to identify any real or apparent inequities based on gender, race, ethnicity, or disability of the proposed principal investigator(s)/project director(s) or the co-principal investigator(s)/co-project director(s).

Burden on the Public: The Foundation estimates that an average of 120 hours is expended for each proposal submitted. An estimated 51,600 proposals are expected during the course of one year for a total of 6,192,000 public burden hours annually.

Dated: August 25, 2014.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2014–20521 Filed 8–27–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0075]

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond

to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on April 29, 2014.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* NRC Form 354, ''Data Report on Spouse.''

3. *Current OMB approval number:* OMB 3150–0026.

4. *The form number if applicable:* Form 354.

5. *How often the collection is required:* On Occasion.

6. *Who will be required or asked to report:* NRC contactors, licensees, applicants, and other (e.g. intervener's) who marry or cohabitate after completing the Personnel Security Forms, or after having been granted an NRC access authorization or employment clearance.

7. *The estimated number of annual respondents:* 80.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 16.

9. *Abstract:* NRC Form 354 must be completed by the NRC's contractors, licensees, applicants who marry or cohabitate after completing the Personnel Security Forms, or after having been granted an NRC access authorization or employment clearance. Form 354 identifies the respondent, the marriage, and data on the spouse and spouse's parents. This information permits the NRC to make initial security determinations and to assure there is no increased risk to the common defense and security.

The public may examine and have copied for a fee publicly-available documents, including the final supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by September 29, 2014. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date: Danielle Jones, Desk Officer, Office of Information and Regulatory Affairs (3150–0026), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be emailed to *Danielle_Y_Jones@omb.eop.gov* or submitted by telephone at 202–395–1741.

The Acting NRC Clearance Officer is Brenda Miles, telephone: 301–415–7884.

Dated at Rockville, Maryland, this 22nd day of August, 2014.

For the Nuclear Regulatory Commission.

Brenda Miles,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–20448 Filed 8–27–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0182]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 54, ''Requirements for Renewal of Operating Licenses for Nuclear Power Plants.''

2. *Current OMB approval number:* 3150–0155.

3. *How often the collection is required:* There is a one-time application for any licensee wishing to renew the operating license for its nuclear power plant. There is a one-time requirement for each licensee with a renewed operating license to submit a letter documenting the completion of inspection and testing activities. All holders of renewed licenses must perform yearly record keeping.

4. *Who is required or asked to report:* Commercial nuclear power plant licensees who wish to renew their operating licenses and holders of renewed licenses.

5. *The number of annual respondents:* 58 (52 recordkeepers + 6 responses (2 license renewal applications expected on average + 4 letters documenting the completion of inspection and testing activities expected on average)).

6. *The number of hours needed annually to complete the requirement or request:* 220,340 hours (168,340 hours of reporting + 52,000 hours of recordkeeping).

7. *Abstract:* Part 54 of Title 10 of the *Code of Federal Regulations* (10 CFR), establishes license renewal requirements for commercial nuclear power plants and describes the information that licensees must submit to the NRC when applying for a license renewal. The application must contain information on how the licensee will manage the detrimental effects of age-related degradation on certain plant systems, structures, and components so as to continue the plant's safe operation during the renewal term. The NRC needs this information to determine whether the licensee's actions will be effective in assuring the plants' continued safe operation during the period of extended operation.

Holders of renewed licenses must retain in an auditable and retrievable form, for the term of the renewed operating license, all information and documentation required to document compliance with 10 CFR Part 54. The NRC needs access to this information for continuing effective regulatory oversight.

Submit, by October 27, 2014, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee publicly-available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice.

Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2014–0182. You may submit your comments by any of the following methods: Electronic comments go to *http://www.regulations.gov* and search for Docket No. NRC–2014–0182. Mail comments to Acting NRC Clearance Officer, Brenda Miles (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Questions about the information collection requirements may be directed to the Acting NRC Clearance Officer, Brenda Miles (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–7884, or by email to *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 22nd day of August, 2014.

For the Nuclear Regulatory Commission.

Brenda Miles,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–20447 Filed 8–27–14; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency has prepared an information collection for OMB review and approval and has requested public review and comment on the submission. Comments are being solicited on the need for the information; the accuracy of the Agency's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within 60 calendar-days of publication of this Notice.

ADDRESSES: Direct comments and requests for copies of the subject form to the Agency Submitting Officer: Essie Bryant, Records Manager, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527.

FOR FURTHER INFORMATION CONTACT: Agency Submitting Officer: Essie Bryant, Records Manager, (202) 336–8563.

Summary Form Under Review

Type of Request: New form.
Title: Aligned Capital Investee Opt-In.
Form Number: OPIC–255.
Frequency of Use: Once per investor per project.
Type of Respondents: Business or other institution.
Standard Industrial Classification Codes: All.
Description of Affected Public: Companies investing overseas.
Reporting Hours: 37.5 hours (.5 hours per project).
Number of Responses: 75 per year.
Federal Cost: $0.
Authority for Information Collection: Sections 231 and 239(d) of the Foreign Assistance Act of 1961, as amended.
Abstract (Needs and Uses): The Aligned Capital Investee Opt-In is a document used by companies seeking investments or grant funding to place their information into OPIC's Aligned Capital Program. The Aligned Capital Program is a pilot program that OPIC has designed to align development finance with other capital, including philanthropic, socially responsible and impact investment, to enable effective deployment of that capital towards projects in the countries and sectors in which OPIC works.

Dated: August 22, 2014.

Nichole Cadiente,

Administrative Counsel, Administrative Affairs, Department of Legal Affairs.

[FR Doc. 2014–20441 Filed 8–27–14; 8:45 am]

BILLING CODE M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Request for approval.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency has prepared an information collection for OMB review and approval.

DATES: This 60 day notice is to inform the public, that this collection is being submitted to OMB for approval.

ADDRESSES: Copies of the subject form may be obtained from the Agency submitting officer.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: Essie Bryant, Record Manager, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527; (202) 336–8563.

Summary Form Under Review

Type of Request: New form.
Title: Personal Financial Statement.
Form Number: OPIC–254.
Frequency of Use: Up front—one per individual investor/guarantor per project.
Type of Respondents: Individuals.
Standard Industrial Classification Codes: N/A.
Description of Affected Public: U.S. and foreign citizens investing in projects overseas.
Reporting Hours: 75 hours (1 hour per response).
Number of Responses: 75 per year.
Federal Cost: $3,819.
Authority for Information Collection: Sections 231, 234(a), 239(d), and 240A of the Foreign Assistance Act of 1961, as amended.
Abstract (Needs and Uses): The personal financial statement is supporting documentation to the OPIC application for financing (OPIC–115). The information provided is used by OPIC to determine if individuals who are providing equity investment in or credit support to a project have sufficient financial wherewithal to meet their expected obligations under the proposed terms of the OPIC financing.

Dated: August 22, 2014.

Nichole Cadiente,

Administrative Counsel, Administrative Affairs, Department of Legal Affairs.

[FR Doc. 2014–20442 Filed 8–27–14; 8:45 am]

BILLING CODE M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C.

Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency has prepared an information collection for OMB review and approval and has requested public review and comment on the submission. Comments are being solicited on the need for the information; the accuracy of the Agency's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within 60 calendar-days of publication of this Notice.

ADDRESSES: Direct comments and requests for copies of the subject form to the Agency Submitting Officer: Essie Bryant, Records Manager, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527.

FOR FURTHER INFORMATION CONTACT: Agency Submitting Officer: Essie Bryant, Records Manager, (202) 336–8563.

Summary Form Under Review

Type of Request: New form.

Title: U.S. Effects Screening Questionnaire.

Form Number: OPIC–252.

Frequency of Use: One per investor per project (as needed) and OPIC-supported financial intermediaries (as required by finance agreement or insurance contract).

Type of Respondents: Businesses or other institutions; individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 200 (2 hours per form).

Number of Responses: 100 per year.

Federal Cost: $15,276.

Authority for Information Collection: Sections 231 (k)–(m) of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The U.S. Effects Screening Questionnaire will be used to identify potential negative impacts on the U.S. economy and employment which could result from the investment. This form is submitted prior to a formal OPIC application or as required by OPIC-supported financial intermediaries. Title VI of the Foreign Assistance Act of 1961, as amended, (codified at 22 U.S.C. 2191 et seq.) prohibits OPIC from supporting investments that are likely to cause the loss of U.S. jobs, or that have performance requirements that may reduce substantially the positive trade benefits likely to accrue to the U.S. from the investment.

Dated: August 22, 2014.

Nichole Cadiente,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2014–20445 Filed 8–27–14; 8:45 am]

BILLING CODE M

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Health Benefits Election Form, SF 2809, 3206–0160

AGENCY: Office of Personnel Management.

ACTION: 30-Day Notice and request for comments.

SUMMARY: The Healthcare & Insurance/Federal Employee Insurance Operations (FEIO), Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a revised information collection request (ICR) 3206–0160, Health Benefits Election Form. As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** on April 25, 2014 at Volume 79 FR 23020 allowing for a 60-day public comment period. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until September 29, 2014. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

The Health Benefits Election Form is used by Federal employees, annuitants other than those under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) including individuals receiving benefits from the Office of Workers' Compensation Programs, former spouses eligible for benefits under the Spouse Equity Act of 1984, and separated employees and former dependents eligible to enroll under the Temporary Continuation of Coverage provisions of the FEHB law (5 U.S.C. 8905a). A different form (OPM 2809) is used by CSRS and FERS annuitants whose health benefit enrollments are administered by OPM's Retirement Operations.

Analysis

Agency: Federal Employee Insurance Operations, Office of Personnel Management.

Title: Health Benefits Election Form.

OMB Number: 3206–0160.

Frequency: On Occasion.

Affected Public: Individuals or Households.

Number of Respondents: 18,000.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 9,000.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2014–20514 Filed 8–27–14; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket Nos. PI2014–1; Order No. 2163]

Statutory Public Service or Public Activity Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is establishing a proceeding on the scope of public service or activity cost reporting pursuant to 39 U.S.C. 3651(b)(1)(C). The Commission seeks public comment on this topic. It is also filing a related Postal Service memorandum as a library reference. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 17, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Commission invites public comment concerning the scope of public service or activity cost reporting in its Annual Report to the President and Congress (Annual Report). Specifically, the Commission seeks public comment on the universe of other public services or activities that the Commission should review under 39 U.S.C. 3651(b)(1)(C).

II. Background

Each year, to fulfill its responsibilities under 39 U.S.C. 3651, the Commission issues an Annual Report concerning its operations under title 39. 39 U.S.C. 3651(a). The Annual Report must contain, among other things, an estimate of the costs incurred by the Postal Service in providing other public services or activities which, in the judgment of the Postal Regulatory Commission, would not otherwise have been provided by the Postal Service but for the requirements of law. *Id.* 3651(b)(1)(C).

In its most recent Annual Report, the Commission stated that in 2014 it would review the scope of other public services or activities under section 3651(b)(1)(C).[1] For FY 2013, that estimate included only the costs of delivering mail six days a week instead of five days, and revenue lost from unzoned First-Class Mail and Library/Media rates *Id.* at 30. The Commission noted, however, that this approach may be too narrow, and that a more comprehensive interpretation of section 3651(b)(1)(C) could also include the estimated net cost of activities such as the Inspection Service or the Postal Service Office of Inspector General, as well as services such as the addressing system or emergency response. *Id.* at 31.

The legislative history of 39 U.S.C. 3651 provides some insight into determining what Postal Service actions to include as other public services or activities. A 2005 House Committee Report stated that as part of the Annual Report, the Commission is directed to prepare an estimate of public service costs borne by the Postal Service including universal service costs, revenue-forgone costs, and other costs (e.g., law enforcement activities).[2] Aside from law enforcement activities, other public services or activities may include provisions in the U.S. Code that require the Postal Service to provide services or activities that may fall under the rubric of the public interest.

In early 2014, the Commission requested that the Postal Service provide its views on the universe of other public service or activities that it believes the Commission should review under section 3651(b)(1)(C), including an estimate of these costs. The Postal Service submitted an analysis of activities that could qualify for reporting under section 3651(b)(1)(C), which is included in this docket as Library Reference 1. In its analysis, the Postal Service identified the following activities for potential future reporting:

- Employee and retiree health benefits;
- Federal retirement benefits;
- Binding arbitration of labor issues;
- Postal Inspection Service;
- Office of Inspector General;
- Merit Systems Protection Board and Equal Employment Opportunity Commission appeals;
- Federal workers' compensation program; and
- Other regulatory requirements, including Postal Regulatory Commission funding and aspects of service performance measurement, emergency detection and response, and federal purchasing requirements.

See Library Reference 1 at 4–16.

The Postal Service also states that other unfunded mandates, such as compliance with the Freedom of Information Act and Privacy Act, impose costs that may not be substantial enough to warrant reporting in the Annual Report. *Id.* at 16. It emphasizes that it is not suggesting that the activities listed in the analysis are unimportant or that the Postal Service necessarily should not be required to perform them. *Id.* at 4. Rather, it asserts that the purpose of section 3651(b)(1)(C)'s reporting requirement is to inform Congress and the President of Postal Service mandates so that policymakers may make better informed decisions in these areas. *Id.*

III. Public Inquiry

The Commission establishes Docket No. PI2013–2 to invite public comment on the meaning of–other public services or activities in 39 U.S.C. 3651(b)(1)(C). Specifically, it seeks comments on the Postal Service's analysis of activities that could qualify for reporting under section 3651(b)(1)(C), which is included as Library Reference 1. The Commission also requests comments that identify additional public services or activities that should be included in this calculation and an estimate of these costs. For each public service or activity identified, comments should provide the estimated FY 2013 cost or an explanation of how such costs could be estimated, as well as the basis used to develop any estimated costs.

Comments are due no later than September 17, 2014. Reply comments are due no later than October 1, 2014. Comments are to be submitted via the Commission's online filing system at *http://www.prc.gov* unless a waiver is obtained. Information on how to obtain a waiver may be found by contacting the Commission's dockets section at 202–789–6846.

Section 505 of title 39 requires designation of an officer of the Commission (Public Representative) in all public proceedings to represent the interests of the general public. The Commission hereby designates James Waclawski as Public Representative in this proceeding.

[1] Annual Report to the President and Congress Fiscal Year 2013 at 31.

[2] H.R. Rep. No. 109–66, part 1, at 50 (2005).

IV. Ordering Paragraphs

It is ordered:

1. The Commission hereby establishes Docket No. PI2014–1 to invite public comment on the universe of other public services or activities that the Commission should review under 39 U.S.C. 3651(b)(1)(C).
2. Comments are due no later than September 17, 2014.
3. Reply comments are due no later than October 1, 2014.
4. Pursuant to 39 U.S.C. 505, the Commission appoints James Waclawski to serve as officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.
5. The Secretary shall arrange for publication of this notice in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–20431 Filed 8–27–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72901; File No. SR–NYSEArca–2014–10]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt NYSE Arca Equities Rule 8.900, Which Permits the Listing and Trading of Managed Portfolio Shares, and To List and Trade Shares of the ActiveShares℠ Large-Cap Fund, ActiveShares℠ Mid-Cap Fund, and ActiveShares℠ Multi-Cap Fund Pursuant to That Rule

August 22, 2014.

On February 7, 2014, NYSE Arca, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt new NYSE Arca Equities Rule 8.900, which would govern the listing and trading of Managed Portfolio Shares, and to list and trade shares of the ActiveShares℠ Large-Cap Fund, ActiveShares℠ Mid-Cap Fund, and ActiveShares℠ Multi-Cap Fund (collectively, ''Funds'') under proposed NYSE Arca Equities Rule 8.900. The proposed rule change was published for comment in the **Federal Register** on February 26, 2014.[3] The Commission received one comment letter on the proposed rule change.[4] On April 7, 2014, pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] The Commission received two additional comment letters on the proposed rule change, including a letter from the Exchange in support of its proposal.[7] On May 27, 2014, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act [8] to determine whether to approve or disapprove the proposed rule change.[9] In the Order Instituting Proceedings, the Commission solicited responses to specified matters related to the proposal.[10] The Commission subsequently received a second letter from one of the commenters.[11]

Section 19(b)(2) of the Act [12] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of the filing of the proposed rule change. The Commission may, however, extend the period for issuing an order approving or disapproving the proposed rule change by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on February 26, 2014.[13] The 180th day after publication of the notice of the filing of the proposed rule change in the **Federal Register** is August 25, 2014.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, the issues raised in the comment letters that have been submitted in response to the proposed rule change (including the Exchange's responses to other comment letters), and the comment letter submitted in response to the Order Instituting Proceedings.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[14] designates October 24, 2014, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–NYSEArca–2014–10).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20466 Filed 8–27–14; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71588 (Feb. 20, 2014), 79 FR 10848 (''Notice''), available at *http://www.sec.gov/rules/sro/nysearca.shtml.*

[4] *See* Letter from Gary L. Gastineau, President, ETF Consultants.com, Inc., to Elizabeth M. Murphy, Secretary, Commission (Mar. 18, 2014) (''Gastineau Letter'').

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 71895, 79 FR 20285 (Apr. 11, 2014). The Commission designated a longer period within which to take action on the proposed rule change and designated May 27, 2014 as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[7] *See* Letter from Dennis J. DeCore, Former Co-Head U.S. Index Arbitrage (1997–2007), Nomura Securities, to Elizabeth M. Murphy, Secretary, Commission (Apr. 8, 2014); and Letter from Martha Redding, Chief Counsel and Assistant Corporate Secretary, NYSE Euronext, to Secretary, Commission (May 14, 2014).

[8] 15 U.S.C. 78s(b)(2)(B).

[9] *See* Securities Exchange Act Release No. 72255, 79 FR 31362 (Jun. 2, 2014) (''Order Instituting Proceedings''). Specifically, the Commission instituted proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade,'' and ''to protect investors and the public interest.'' *See id.,* 79 FR at 31368.

[10] *See* Notice, *supra* note 3, 79 FR at 31368 (specifically soliciting comment on the statements of the Exchange contained in the Notice, the issues raised by the opposing commenter, the Exchange's responses to those issues, and any other issues raised by the listing and trading of an actively managed exchange-traded fund that does not make daily public disclosure of its investment portfolio).

[11] *See* Letter from Gary L. Gastineau, President, ETF Consultants.com, Inc., to Elizabeth M. Murphy, Secretary, Commission (Jun. 23, 2014). All comments on this proposal are available at *http://www.sec.gov/comments/sr-nysearca-2014–10/nysearca201410.shtml.*

[12] 15 U.S.C. 78s(b)(2).

[13] *See supra* note 3 and accompanying text.

[14] 15 U.S.C. 78s(b)(2).

[15] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72903; File No. SR–CBOE–2014–065]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

August 22, 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 12, 2014, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 proposes to amend its Fees Schedule. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule. First, the Exchange proposes to delete from Footnote 5 of the Fees Schedule the sentence ''If a market-maker executes an order for an account in which the market-maker is not a registered participant as reflected in the TPH Department records, the market-maker will be assessed a floor brokerage fee.'' Exchange Rule 8.9 currently prohibits a Market-Maker from executing an order for an account in which the market-maker is not a registered participant.[3] As such, the Exchange does not wish to have a statement in its Fees Schedule assessing a fee for such activity, as this would seem to imply that such activity is permitted.

Next, the Exchange proposes to amend the Floor Brokerage Fees table. Currently, the Floor Brokerage Fees table sets forth the fees per contract for the following products: (i) ''OEX, SPX and SPXpm Index Options; (ii), ''SROs'' and (iii) ''VIX, VXST and Volatility Index Options.'' Additionally, the Floor Brokerage Fees table groups together like products and differentiates between fees for ''Non-Crossed Orders'' and ''Crossed Orders.'' Although OEX, an American-Style Exercise S&P 100 Index option, is explicitly referenced in the Floor Brokerage Fees table, XEO, the European-Style Exercise S&P 100 Index option, is not separately spelled out in the Floor Brokerage Fees table. The Exchange is proposing to make clear in the text of the Fees Schedule that XEO is a product in which floor brokerage fees apply. The Exchange notes that the only difference between OEX and XEO options is the manner in which the respective contracts are exercised (i.e. American-style versus European-style). The Exchange believes the proposed addition of rule text will provide greater clarity for customers and will allow market participants to better understand how fees are applied.

Next, the Exchange proposes to amend Footnote 7 of the Fees Schedule. Footnote 7 of the current Fees Schedule provides ''After three months, all fees as assessed by the Exchange are considered final by the Exchange.'' The purpose of this statement is to encourage Trading Permit Holders (''TPHs'') to promptly review their Exchange invoices so that any disputed charges can be addressed in a timely manner. The Exchange notes that the footnote is not intended to preclude the Exchange from assessing fees more than three months after they were incurred. Indeed, the Exchange is required to enforce compliance by its TPHs and persons associated with its TPHs the rules of the Exchange, including its Fees Schedule.[4] As such, the Exchange must ensure that it assesses the fees set forth in its Fees Schedule so long as the fee(s) were required to be paid pursuant to the CBOE Fees Schedule in effect at the time the fees were incurred, even if the Exchange must assess the fees more than three months after they have been incurred. The Exchange believes it would be beneficial to make this clear in the Fees Schedule and provide further clarifying language regarding the finality of fees. Specifically, the Exchange seeks to amend Footnote 7 to state ''Any potential billing errors relating to fees assessed by CBOE must be brought to the attention of CBOE's Accounting Department within three months from the invoice date. All fees assessed shall be deemed final and non-refundable after three months from the invoice date. The Exchange is not precluded from assessing fees more than three months after they were incurred if those fees were required to be paid pursuant to the CBOE Fees Schedule in effect at the time the fees were incurred.'' The Exchange notes that this has always been the case, and the clarification is simply reflecting how the current language of the CBOE Fees Schedule applies. The Exchange also notes that its practice is to assess fees in a timely manner at the time such fees are incurred. However, the Exchange requires the ability to assess any fee upon discovering an error regardless of how much time has passed since the fee was incurred.

The Exchange next proposes to make an amendment to the CBOE Command Connectivity Charges table. Currently, the Exchange charges TPHs a $500 per month Network Access Port fee for 1 gigabit (''1 Gbps'') network access connectivity and $3,000 per month for 10 Gbps network connectivity. The Network Access Ports provide direct access to CBOE Command. Additionally, in order to be able to connect to the Exchange's disaster recovery systems in case of a disaster, the Exchange offers a Disaster Recovery Network Access Port in Chicago for a $250 per month fee. The Exchange currently offers only a 1 Gbps Disaster Recovery Network Access Port connection. Network Access Ports are used to receive unicast (i.e., orders and quotes) and multicast (i.e., market data) traffic. The Exchange notes that a 1 Gbps port may receive both unicast and multicast traffic, whereas a 10 Gbps port may only receive either multicast or unicast traffic. The Exchange seeks to clarify that the Network Access Port fee

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* CBOE Rule 8.9.

[4] 15 U.S.C. 78f(b)(1).

is assessed separately for unicast and multicast connectivity. Accordingly, if a TPH has 1 Gbps connectivity and receives both unicast and multicast traffic through a single port, the TPH would be charged $1,000 dollars per month (i.e., $500 per month for unicast connectivity and $500 per month for multicast connectivity). Similarly, if a TPH has one 1 Gbps Network Access Port for unicast connectivity only and another 1 Gbps Network Access Port for multicast connectivity only, the TPH would be charged $1,000 dollars per month (i.e. $500 per month for each port). Additionally, if a TPH has a single 1 Gbps Disaster Recovery Network Access Port and receives both unicast and multicast traffic through the single port, the TPH would be charged $500 dollars per month (i.e., $250 per month for unicast connectivity and $250 per month for multicast connectivity). Similarly, if a TPH has one 1 Gbps Disaster Recovery Network Access Port for unicast connectivity only and another 1 Gbps Disaster Recovery Network Access Port for multicast connectivity only, the TPH would be charged $500 dollars per month (i.e. $250 per month for each port). As noted above, a single 10 Gbps Network Access Port cannot receive both unicast and multicast traffic. Accordingly, if a TPH wants a 10 Gbps connection, in order to receive both traffic types the TPH would need to purchase two 10 Gbps Network Access Ports (i.e., one to be used for multicast connectivity and one to be used for unicast activity) and would therefore be charged $6,000 per month (i.e., $3,000 per month for each port)

Lastly, the Exchange proposes to make a clarification to the ''Notes'' section of the Clearing Trading Permit Holder Position Re-Assignment Rebate Program (''Rebate Program''). By way of background, the Rebate Program allows the Exchange to rebate assessed transaction fees to a Clearing Trading Permit Holder (''CTPH'') who, as a result of a trade adjustment on any business day following the original trade, re-assigns a position established by the initial trade to a different CTPH. In such a circumstance, the Exchange will rebate, for the party for whom the position is being re-assigned, that party's transaction fees from the original transaction as well as the transaction in which the position is re-assigned. Because the Exchange may not always be able to automatically identify these situations, in order to receive a rebate, the Exchange requires a written request with all supporting documentation (trade detail regarding both the original and re-assigning trades) and a summary of the reasons for the re-assignment to be submitted within 60 days after the last day of the month in which the error occurred. In SR–CBOE–2002–013 [5] and again in SR–CBOE–2013–058,[6] the Exchange describes a situation involving a member's clerk, or other similar personnel, inputting the wrong clearing firm code into the appropriate form or program. As a result, the Exchange noted that the trade would be cleared through the wrong clearing firm and, in order to correct the situation, corrective transactions would be entered to reverse the error trades and then new trades would be submitted to reflect the original intentions of the parties. Without the keypunch error rebate program, the clearing firm whose code was erroneously entered would have to pay Exchange transaction fees for any transactions necessary to reverse the initial trade (despite not having been a party to such trade). The Exchange proposes to clarify that it is the ''executing'' CTPH that would be rebated, as opposed to a CTPH that received a trade via a Clearing Member Trade Agreement (CMTA).[7] The Exchange believes the proposed clarification to the Notes section of the Rebate Program will provide greater clarity for market participants and reduce potential confusion.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation 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 Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[10] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders.

In particular, the Exchange believes that the proposed clarifications to the Fees Schedule will make the Fees Schedule easier to read and alleviate potential confusion. The alleviation of potential confusion will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest. Specifically, the Exchange believes that the proposed change to delete the sentence in Footnote 5 will alleviate any potential confusion regarding whether such activity is permitted. The Exchange believes that the amendments to Footnote 7 provides further clarification as to the finality of assessed fees and prevents potential confusion as to whether or not the Exchange may assess fees more than three months after they were incurred.

The Exchange believes the amendment to the Floor Brokerage fees table will promote just and equitable principles of trade by clarifying to Trading Permit Holders that floor brokerage fees apply to the European-Style Exercise S&P 100 Index option (XEO) as well as the American-Style Exercise S&P 100 Index option (OEX), thereby eliminating potential confusion and removing impediments to and perfecting the mechanism of a free and open market and a national market system. Providing a clearer representation of fees in the Exchange Fees Schedule will remove any confusion that may exist as to which products may be subject to certain fees. The Exchange believes it is reasonable, equitable and not unfairly discriminatory to apply the same floor brokerage fees to XEO options as currently applied to OEX options, because both are S&P 100 Index options. As noted above, the only difference between the two options is the manner in which the options are exercised (i.e. American-style versus European-style).

The Exchange also believes that the proposed change to specify that separate Network Access Fees are assessed for unicast and multicast connectivity also alleviates potential confusion regarding

[5] *See* Securities Exchange Act Release No. 34–45675 (March 29, 2002), 67 FR 16480 (April 5, 2002) (SR–CBOE–2002–013).

[6] *See* Securities Exchange Act Release No. 34–69760 (June 13, 2013), 78 FR 36805 (June 19, 2013) (SR–CBOE–2013–058).

[7] Under a CMTA agreement, an Options Clearing Corporation clearing member (''carrying clearing member'') authorizes another clearing member (''executing clearing member'') to give up the name of the carrying clearing member with respect to any trade executed on a specific exchange (i.e., the re-assignment of a trade to a different Clearing firm occurs post-trade at the OCC).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78f(b)(4).

how the Network Access Fee is assessed, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest. The Exchange believes the proposed rule change is reasonable because the amount assessed for unicast connectivity and multicast connectivity to TPHs using 1 Gbps Network Access Port(s) is the same. Additionally, the Exchange believes this change is equitable and not unfairly discriminatory because it will apply to all TPHs who use a 1 Gbps Network Access Port equally. The Exchange notes that whether a TPH receives unicast and multicast connectivity via a single 1 Gbps Network Access Port, two separate 1 Gbps Network Access Ports or two separate 10 Gbps Network Access Ports, in each instance, the TPH would be charged for each type of access regardless of how many physical ports they use.

Lastly, the Exchange believes it will be beneficial to market participants to make it explicitly clear that it is the ''executing'' CTPH that would be rebated under the Clearing Trading Permit Holder Position Re-Assignment Rebate Program. The Exchange believes this proposed rule change reduces confusion as to which CTPHs are entitled to a rebate under the Rebate Program, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes to alleviate confusion are not intended for competitive reasons and only apply to CBOE.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and paragraph (f) of Rule 19b–4 [12] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2014–065 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–CBOE–2014–065. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2014–065 and should be submitted on or before September 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

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[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR. 240.19b–4(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72899; File No. SR–NASDAQ–2014–067]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Granting Approval of Proposed Rule Change To Rule 5305 To Eliminate the Automatic Transfer of Companies From The NASDAQ Global Market to The NASDAQ Global Select Market

August 22, 2014.

I. Introduction

On June 25, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its rules in order to eliminate the Exchange's automatic annual review and transfer of qualified companies from The NASDAQ Global Market to The NASDAQ Global Select Market. The proposed rule change was published for comment in the **Federal Register** on July 10, 2014.[3] The Commission received no comment letters regarding the proposed rule change. This order approves the proposed rule change.

II. Description of the Proposal

NASDAQ consists of three listing tiers: The NASDAQ Global Select Market (''Global Select'' or ''Global Select Market''), The NASDAQ Global Market (''Global Market''), and The NASDAQ Capital Market (''Capital

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72538 (July 3, 2014), 79 FR 39446 (''Notice'').

Market''). Each tier has different listing requirements; Capital Market has the lowest quantitative criteria to qualify for listing and Global Select has the highest quantitative criteria to qualify for listing. In its filing NASDAQ states that the tiers were designed to appeal to companies with different characteristics.[4] Currently, pursuant to NASDAQ Rule 5305(b), NASDAQ conducts an annual review of all Global Market-listed companies' qualifications each year in November and December based on data as of October 31, and automatically places qualified Global Market companies in the Global Select tier the following January.[5] While this annual review currently occurs automatically, a Global Market-listed company also may apply to list on the Global Select tier at any time.[6] Companies transferring from the Global Market to the Global Select Market, whether as part of the annual review process or upon their own application, are not assessed entry or application fees.[7]

The Exchange has proposed to eliminate NASDAQ's automatic annual review and transfer of qualified companies to the Global Select Market. Under the proposal, NASDAQ would review Global Market-listed companies for transfer to the Global Select Market only upon application by the company. To effect this change, the Exchange has proposed to delete the text of Rule 5305(b). According to the Exchange, the reasons for the implementation of the automatic annual review and transfer process in 2006, when the Global Select tier was created, are less relevant today, and eliminating this process would remove an unnecessary burden on NASDAQ staff.[8] NASDAQ proposes to implement this change upon approval, and states that it will notify Global Market-listed companies about this change via an email communication.[9]

As a result of the proposed rule change, companies automatically transferred in January 2014 would be the last group automatically transferred upon NASDAQ's review under Rule 5305(b). A Global Market-listed company could continue to apply for transfer to the Global Select tier at any point during the year by submitting a listing application, and the review of an application would continue to be conducted without cost to the issuer.[10] Qualified companies that apply could transfer immediately upon confirmation by NASDAQ staff that the company meets the Global Select Market listing requirements, and would not owe any entry or other fees in connection with a transfer from the Global Market to the Global Select tier.[11]

III. Discussion and Commission Findings

After careful review, 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.[12] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[13] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, 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; and are not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

As a result of the proposed rule change, Global Market-listed companies will have to monitor whether they qualify for transfer to the Global Select Market and submit an application for listing on the Global Select Market, rather than rely on the Exchange's automatic review and transfer process. The Commission observes that this could create an additional burden for Global Market-listed issuers that would otherwise rely on the Exchange's automatic process for transfer to the Global Select tier. The Exchange acknowledges this burden, but believes that, on balance, it is not significant enough to warrant continuing the automatic transfer process, which places a burden on NASDAQ staff that the Exchange believes is unnecessary.[14] The Exchange notes that much of the information required for the application is pre-populated for a company, and asserts that, given the ease of the application process, it would continue to be simple for qualified companies to request review at any time and without cost.[15]

Balancing the apparent simplicity of the application process and the fact that Global Market-listed companies may apply for a transfer to the Global Select tier at any time and with no charge from NASDAQ against the unnecessary burden that NASDAQ asserts is placed on its staff by the automatic review and transfer process, the Commission believes that the proposed rule change is reasonable and consistent with Section 6(b)(5) of the Act in that it promotes just and equitable principles of trade, protects investors and the public interest, and is not designed to permit unfair discrimination between issuers. Under the proposal, a Global Market-listed company that is unsure of its status could continue to submit an application and request review of its qualifications at any time during the year through what appears to be a relatively simple application process, and with no charge or additional fees imposed by NASDAQ.[16] While the Commission expects that companies would monitor their listing qualifications, even a company that performs little or no such monitoring could obtain a review of its qualifications from NASDAQ at any time and potentially transfer to the Global Select tier with apparent ease.

As noted above, the automatic review process was developed at the inception of the Global Select tier to notify companies about their eligibility for that tier, which was, at that time, new and unfamiliar to them. As a result, the Commission notes that the automatic review process provided a mechanism for NASDAQ to promote, market, and expand the new Global Select tier to eligible companies. Now that companies are familiar with this process and also have an easy way to apply throughout the year, the Commission believes that it is consistent with the Act, and Section 6(b)(5) in particular, for NASDAQ no longer to offer this service to promote its Global Select tier. In addition, the Commission notes that it received no comments on the proposal, and thus is not aware of any objection to it from

[4] *See* Notice, 79 FR at 39446.

[5] *Id.*

[6] *Id.*

[7] *Id.*

[8] *Id.* at 39446–47. NASDAQ notes that 228 securities transferred to the Global Select Market in January 2011 based on NASDAQ's automatic review, and between 58 and 77 securities transferred in each subsequent year. *Id.* at 39446 n.5.

[9] *Id.* at 39446.

[10] *Id.*

[11] *Id.* at 39446–47. The Commission also notes that annual fees for continued listing are the same for the Global Market and Global Select tiers.

[12] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78f(b)(5).

[14] *See* Notice, 79 FR at 39446–47.

[15] *Id.* at 39446. The Exchange states that the application to transfer from the Global Market to the Global Select Market is available on its Web site, completed online and pre-populated with the company's identifying information based on its symbol and CIK code or CUSIP number. The listed company generally will only need to provide contact information, affirm the accuracy of the information in the application, and accept the Listing Agreement. *Id.* at n. 6.

[16] *See supra* note 11.

interested parties, in particular, Global Market-listed companies. Moreover, eliminating the automatic review process, which NASDAQ has stated is a burden on its staff, could free up additional resources that may be better used for the regulation and oversight of listed companies.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[17] that the proposed rule change (SR–NASDAQ–2014–067) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20465 Filed 8–27–14; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(2).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72902; File No. SR–C2–2014–018]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

August 22, 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 12, 2014, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

C2 proposes to make technical amendments to the C2 rules. The text of the proposed rule change is available on the Exchange's Web site (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 for, Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule. First, the Exchange proposes to amend a sentence in its Fees Schedule that reads: ''After three months, all fees as assessed by the Exchange are considered final by the Exchange.'' The purpose of this statement is to encourage Permit Holders to promptly review their Exchange invoices so that any disputed charges can be addressed in a timely manner. The Exchange notes that this sentence is not intended to preclude the Exchange from assessing fees more than three months after they were incurred. Indeed, the Exchange is required to enforce compliance by its Permit Holders and persons associated with its Permit Holders the rules of the Exchange, including its Fees Schedule.[3] As such, the Exchange must ensure that it assesses the fees set forth in its Fees Schedule so long as the fee(s) were required to be paid pursuant to the C2 Fees Schedule in effect at the time the fees were incurred, even if the Exchange must assess the fees more than three months after they have been incurred. The Exchange believes it would be beneficial to make this clear in the Fees Schedule and provide further clarifying language regarding the finality of fees. Specifically, the Exchange seeks to amend this sentence to state ''Any potential billing errors relating to fees assessed by C2 must be brought to the attention of C2's Accounting Department within three months from the invoice date. All fees assessed shall be deemed final and non-refundable after three months from the invoice. The Exchange is not precluded from assessing fees more than three months after they were incurred if those fees were required to be paid pursuant to the C2 Fees Schedule in effect at the time the fees were incurred.'' The Exchange notes that this has always been the case, and the clarification is simply reflecting how the current language of the C2 Fees Schedule applies. The Exchange also notes that its practice is to assess fees in a timely manner at the time such fees are incurred. However, the Exchange requires the ability to assess any fee upon discovering an error regardless of how much time has passed since the fee was incurred.

The Exchange next proposes to make an amendment to the Connectivity Charges table. Currently, the Exchange charges Permit Holders a $500 per month Network Access Port fee for 1-gigabit (''1 Gbps'') network access connectivity and $1,000 per month for 10 Gbps network connectivity. The Network Access Ports provide direct access to C2's trading system. Network Access Ports are used to receive unicast (i.e., orders and quotes) and multicast (i.e., market data) traffic. The Exchange notes that a 1 Gbps port may receive both unicast and multicast traffic, whereas a 10 Gbps port may only receive either multicast or unicast traffic. The Exchange seeks to clarify that the Network Access Port fee is assessed separately for unicast and multicast connectivity. Accordingly, if a Permit Holder has 1 Gbps connectivity and receives both unicast and multicast traffic through a single port, the Permit Holder would be charged $1,000 dollars per month (i.e., $500 per month for unicast connectivity and $500 per month for multicast connectivity). Similarly, if a Permit Holder has one 1 Gbps Network Access Port for unicast connectivity only and another 1 Gbps Network Access Port for multicast connectivity only, the Permit Holder would be charged $1,000 dollars per month (i.e. $500 per month for each port). As noted above, a single 10-Gbps Network Access Port cannot receive both unicast and multicast traffic. Accordingly, if a Permit Holder wants a 10 Gbps connection, in order to receive both traffic types the Permit Holder would need to purchase two 10 Gbps Network Access Ports (i.e., one to be used for multicast connectivity and one to be used for unicast activity) and would therefore be charged $2,000 per month (i.e., $1,000 per month for each port).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of

[3] 15 U.S.C. 78f(b)(1).

Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[7] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Permit Holders.

In particular, the Exchange believes that the proposed clarifications to the Fees Schedule will make the Fees Schedule easier to read and alleviate potential confusion. The alleviation of potential confusion will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest. Specifically, the Exchange believes its amendments to the statement ''After three months, all fees as assessed by the Exchange are considered final by the Exchange'' provides further clarification as to the finality of assessed fees and prevents potential confusion as to whether or not the Exchange may assess fees more than three months after they were incurred.

The Exchange also believes that the proposed change to specify that separate Network Access Fees are assessed for unicast and multicast connectivity also alleviates potential confusion regarding how the Network Access Fee is assessed, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest. The Exchange believes the proposed rule change is reasonable because the amount assessed for unicast connectivity and multicast connectivity to Permit Holders using a 1 Gbps Network Access Port is the same. Additionally, the Exchange believes this change is equitable and not unfairly discriminatory because it will apply to all TPHs who use a 1-Gbps Network Access Port equally. The Exchange notes that whether a Permit Holder receives unicast and multicast connectivity via a single 1-Gbps Network Access Port, two separate 1-Gbps Network Access Ports or two separate 10-Gbps Network Access Ports, in each instance, the Permit Holder would be charged for each type of access regardless of how many physical ports they use.

B. Self-Regulatory Organization's Statement on Comments on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes to alleviate confusion are not intended for competitive reasons and only apply to C2.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and paragraph (f) of Rule 19b–4[9] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

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–C2–2014–018 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2014–018. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2014–018 and should be submitted on or before September 18, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–20467 Filed 8–27–14; 8:45 am]

BILLING CODE 8011–01–P

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] *Id.*

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f).

[10] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act (PRA) of 1995, effective October 1, 1995. This notice includes revisions and extensions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, *Attn:* Desk Officer for SSA, *Fax:* 202–395–6974, *Email address: OIRA_Submission@omb.eop.gov.*

(SSA) Social Security Administration, OLCA, *Attn:* Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, *Fax:* 410–966–2830, *Email address: OR.Reports.Clearance@ssa.gov.*

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than October 27, 2014. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Partnership Questionnaire—20 CFR 404.1080–1082—0960–0025. SSA considers partnership income in determining entitlement to Social Security benefits. SSA uses information from Form SSA–7104 to determine several aspects of eligibility for benefits, including the accuracy of reported partnership earnings; the veracity of a retirement; and lag earnings. The respondents are applicants for, and recipients of, Title II Social Security Old Age, Survivors, and Disability Insurance benefits.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–7104	12,350	1	30	6,175

2. Statement of Marital Relationship (by one of the parties)—20 CFR 404.726—0960–0038. SSA must obtain a signed statement from a spousal applicant if the applicant claims a common-law marriage to the insured in a state in which such marriages are recognized, and no formal marriage documentation exists. SSA uses information we collect on Form SSA–754–F4 to determine if an individual applying for spousal benefits meets the criteria of common-law marriage under state law. The respondents are applicants for spouse's Social Security benefits or Supplemental Security Income (SSI) payments.

Type of Request: Revision of an OMB-approved information collection,

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–754–F4	30,000	1	30	15,000

3. Application for a Social Security Number Card, and the Social Security Number Application Process (SSNAP)—20 CFR 422.103—422.110—0960–0066. SSA collects information on the SS–5 (used in the United States) and SS–5–FS (used outside the United States) to issue original or replacement Social Security cards. SSA also enters the application data into the Social Security Number Application Process (SSNAP) when applicants request a new or replacement card via telephone or in person. In addition, hospitals collect the same information on SSA's behalf for newborn children through the Enumeration-at-Birth process. In this process, parents of newborns provide hospital birth registration clerks with information required to register these newborns. Hospitals send this information to State Bureaus of Vital Statistics (BVS), and they send the information to SSA's National Computer Center. SSA then uploads the data to the SSA mainframe along with all other enumeration data, and we assign the newborn a Social Security number (SSN) and issue a Social Security card. Respondents can also use these modalities to request a change in their SSN records. The respondents for this collection are applicants for original and replacement Social Security cards, or individuals who wish to change information in their SSN records, who use any of the modalities described above.

Type of Request: Revision of an OMB-approved information collection,

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Respondents who do not have to provide parents' SSNs	12,000,000	1	8.5	1,700,000
Respondents whom we ask to provide parents' SSNs (when applying for original SSN cards for children under age 18)	400,000	1	9	60,000

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Applicants age 12 or older who need to answer additional questions so SSA can determine whether we previously assigned an SSN	1,500,000	1	9.5	237,500
Applicants asking for a replacement SSN card beyond the new allowable limits (i.e., who must provide additional documentation to accompany the application)	900	1	60	900
Authorization to SSA to obtain personal information cover letter	500	1	15	125
Authorization to SSA to obtain personal information follow-up cover letter	500	1	15	125
Totals	13,901,900			1,998,650

Cost Burden: The State BVSs incur costs of approximately $9.8 million for transmitting data to SSA's mainframe. However, SSA reimburses the states for these costs.

4. Workers' Compensation/Public Disability Questionnaire—20 CFR 404.408—0960–0247. Section 224 of the Social Security Act (Act) provides for the reduction of disability insurance benefits (DIB) when the combination of DIB and any workers' compensation (WC) or certain Federal, State or local public disability benefits (PDB) exceeds 80 percent of the worker's pre-disability earnings. SSA field office staff conducts face-to-face interviews with applicants using the electronic WC/PDB screens in the Modernized Claims System (MCS) to determine if the worker's receipt of WC or PDB payments will cause a reduction of DIB. The respondents are applicants for the Title II DIB.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
MCS	248,000	1	15	62,000

5. Medicaid Use Report—20 CFR 416.268—0960–0267. Section 20 CFR 416.268 of the Code of Federal Regulations requires SSA to determine eligibility for (1) Special SSI cash payments; and for (2) special SSI eligibility status for a person who works despite a disabling condition. It also explains how, to qualify for special SSI eligibility status, an individual must establish that termination of eligibility for benefits under Title XIX of the Act would seriously inhibit the ability to continue employment. SSA uses the information required by this regulation to determine if an individual is entitled to special Title XVI SSI payments and, consequently, to Medicaid. The respondents are SSI recipients for whom SSA has stopped payments based on earnings.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
20 CFR 416.268	60,000	1	3	3,000

II. SSA submitted the information collection below to OMB for clearance. Your comments regarding the information collection would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than September 29, 2014. Individuals can obtain copies of the OMB clearance package by writing to *OR.Reports.Clearance@ssa.gov.*

Medical Permit Parking Application—41 CFR 101–20–101–40—0960–0624. SSA employees and contractors with a qualifying medical condition who park at SSA-owned and leased facilities may apply to receive a medical parking permit. SSA uses three forms for this program: (1) SSA–3192, the Application and Statement, which an individual completes when first applying for the medical parking space; (2) SSA–3193, the Physician's Report, which the applicant's physician completes to verify the medical condition; and (3) SSA–3194, Renewal Certification, which medical parking permit holders complete to verify their continued need for the permit. The respondents are SSA employees and contractors seeking medical parking permits and their physicians.

Note: Because SSA employees are Federal workers exempt from the requirements of the PRA, the burden below is only for SSA contractors and physicians (of both SSA employees and contractors).

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–3192	290	1	30	145

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–3193	580	1	90	870
SSA–3194	93	1	5	8
Totals	963			1,023

Dated: August 25, 2014.

Faye Lipsky,

Reports Clearance Director, Social Security Administration.

[FR Doc. 2014–20470 Filed 8–27–14; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 8853]

Culturally Significant Objects Imported for Exhibition Determinations: ''Small Treasures: Rembrandt, Vermeer, Hals, and Their Contemporaries''

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 ''Small Treasures: Rembrandt, Vermeer, Hals, and Their Contemporaries,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the North Carolina Museum of Art, Raleigh, North Carolina, from on or about October 12, 2014, until on or about January 4, 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 21, 2014.

Evan Ryan,

Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–20525 Filed 8–27–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 8854]

Meeting of Advisory Committee on International Communications and Information Policy

The Department of State's Advisory Committee on International Communications and Information Policy (ACICIP) will hold a public meeting on September 26, 2014 from 2:00 p.m. to 5:00 p.m. in the Loy Henderson Auditorium of the Harry S Truman (HST) Building of the U.S. Department of State. The Truman Building is located at 2201 C Street NW., Washington, DC 20520.

The committee provides a formal channel for regular consultation and coordination on major economic, social and legal issues and problems in international communications and information policy, especially as these issues and problems involve users of information and communications services, providers of such services, technology research and development, foreign industrial and regulatory policy, the activities of international organizations with regard to communications and information, and developing country issues.

The meeting will be led by Ambassador Daniel A. Sepulveda, U.S. Coordinator for International Communications and Information Policy. The meeting's agenda will include discussions pertaining to various upcoming international telecommunications meetings and conferences, as well as efforts focused on the Information and Communications Technology (ICT) aspects of international disaster response.

Members of the public may submit suggestions and comments to the ACICIP. Comments concerning topics to be addressed in the agenda should be received by the ACICIP Executive Secretary (contact information below) at least ten working days prior to the date of the meeting. All comments must be submitted in written form and should not exceed one page. Resource limitations preclude acknowledging or replying to submissions.

While the meeting is open to the public, admittance to the building is only by means of a pre-clearance. For placement on the pre-clearance list, please submit the following information no later than 5:00 p.m. on Monday, September 22, 2014. (Please note that this information is required by Diplomatic Security for each entrance into HST and must therefore be re-submitted for each ACICIP meeting):

I. State That You Are Requesting Pre-Clearance to a Meeting

II. Provide the Following Information

1. Name of meeting and its date and time
2. Visitor's full name
3. Visitor's organization/company affiliation
4. Date of Birth
5. Citizenship
6. Acceptable forms of identification for entry into the building include:
   - U.S. driver's license with photo
   - Passport
   - U.S. government agency ID
7. ID number on the form of ID that the visitor will show upon entry
8. Whether the visitor has a need for reasonable accommodation. Such requests received after September 19, 2014, might not be possible to fulfill.

Send the above information to Joseph Burton by fax (202) 647–5957 or email *BurtonKJ@state.gov.*

Please note that registrations will be accepted to the capacity of the meeting room. All visitors for this meeting must use the 23rd Street entrance. The valid ID bearing the number provided with your pre-clearance request will be required for admittance. Non-U.S. government attendees must be escorted by Department of State personnel at all times when in the building.

Personal data is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law

107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State–36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

For further information, please contact Joseph Burton, Executive Secretary of the Committee, at (202) 647–5231 or *BurtonKJ@state.gov.*

General information about ACICIP and the mission of International Communications and Information Policy is available at: *http://www.state.gov/e/eb/adcom/acicip/index.htm.*

Dated: August 1, 2014.

Joseph Burton,

ACICIP Executive Secretary, Department of State.

[FR Doc. 2014–20519 Filed 8–27–14; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[Public Notice: 8855]

Provision of Certain Temporary Sanctions Relief

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The United States Government (USG) is renewing temporary waivers of certain sanctions to allow for a discrete range of transactions related to the provision of satellite connectivity services to the Islamic Republic of Iran Broadcasting (IRIB). The USG is renewing these waivers based on Iran's commitment to ensure that harmful uplink satellite interference does not emanate from its territory, and verification by the USG that harmful uplink satellite interference is not currently emanating from the territory of Iran.

DATES: *Effective Date:* The effective dates of these waiver actions are as described in the determinations set forth below.

FOR FURTHER INFORMATION CONTACT: On general issues: John Hughes, Office of Economic Sanctions Policy and Implementation, Department of State, Telephone: (202) 647–7489.

The Secretary of State took the following actions:

Acting under the authorities vested in me as Secretary of State, I hereby make the following determinations and certifications:

Pursuant to Sections 1244(i), 1246(e) and 1247(f) of the Iran Freedom and Counter-Proliferation Act of 2012 (subtitle D of title XII of Public Law 112–239, 22 U.S.C. 8801 *et seq.*) (IFCA) and the Delegation of Certain Functions and Authorities under IFCA, 78 Fed. Reg. 35545 (June 13, 2013), I determine that it is vital to the national security of the United States to waive the imposition of sanctions pursuant to:

1. Section 1244(c)(1) of IFCA [1] to the extent required for:

a. Transactions involving the provision of ground connectivity services using earth stations and fiber optic connections outside of Iran and the provision and management of satellite capacity for sale or resale to the Islamic Republic of Iran Broadcasting (IRIB), where such ground connectivity services and satellite capacity are to be used for the provision to Iran of public international telecommunications services, and

b. transactions involving the provision of the following related administrative services to, or for the benefit of, the IRIB, to the extent such services are necessary to establish and maintain ground and satellite connectivity with IRIB: Standard operational support, including coordinating with in-country personnel on matters such as configuring ground and earth station equipment to access space segment capacity; marketing services; billing services; and legal services, and excluding any transactions involving persons other than the IRIB on the SDN List.

2. Section 1246(a) of IFCA [2] to the extent required for the provision of underwriting services or insurance or reinsurance for:

a. Transactions involving the provision of ground connectivity services using earth stations and fiber optic connections outside of Iran and the provision and management of satellite capacity for sale or resale to the IRIB, where such ground connectivity services and satellite capacity are to be used for the provision to Iran of public international telecommunications services, and excluding any transactions involving persons other than the IRIB on the SDN List; and

b. transactions involving the provision of the following related administrative services to, or for the benefit of, Iran, to the extent such services are necessary to establish and maintain ground and satellite connectivity with IRIB: Standard operational support, including coordinating with in-country personnel on matters such as configuring ground and earth station equipment to access space segment capacity; marketing services; billing services; and legal services, and excluding any transactions involving persons other than the IRIB on the SDN List.

3. Section 1247(a) of IFCA [3] to the extent required for transactions by foreign financial institutions on behalf of IRIB involving:

a. The provision of ground connectivity services using earth stations and fiber optic connections outside of Iran and the provision and management of satellite capacity for sale or resale to the IRIB, where such ground connectivity services and satellite capacity are to be used for the provision to Iran of public international telecommunications services, and for associated services, and

b. transactions involving the provision of the following related administrative services to, or for the benefit of, Iran, to the extent such services are necessary to establish and maintain ground and satellite connectivity with IRIB: Standard operational support, including coordinating with in-country personnel on matters such as configuring ground and earth station equipment to access space segment capacity; marketing services; billing services; and legal services.

These waivers shall take effect upon transmittal to Congress.

(Signed John F. Kerry, Secretary of State)

Therefore, these sanctions have been waived as described in the determinations above. Relevant agencies and instrumentalities of the United States Government shall take all appropriate measures within their authority to carry out the provisions of this notice.

Dated: August 22, 2014.

Lisa J. Kubiske,

Acting Assistant Secretary for Economic and Business Affairs.

[FR Doc. 2014–20523 Filed 8–27–14; 8:45 am]

BILLING CODE 4710–07–P

[1] Pursuant to section 1244(c)(2)(C)(iii) of IFCA, the relevant sanction in Section 1244(c)(1) continues not to apply, by its terms, in the case of Iranian financial institutions that have not been designated for the imposition of sanctions in connection with Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction, support for international terrorism, or abuses of human rights (as described in section 1244(c)(3)).

[2] Pursuant to section 1246(a)(1)(C) of IFCA, the relevant sanction in Section 1246(a)(1) continues not to apply, by its terms, in the case of Iranian financial institutions that have not been designated for the imposition of sanctions in connection with Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction, support for international terrorism, or abuses of human rights (as described in section 1246(b)).

[3] Pursuant to section 1247(a) of IFCA, the relevant sanction in section 1247(a) still continues not to apply, by its terms, in the case of Iranian financial institutions that have not been designated for the imposition of sanctions in connection with Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction, support for international terrorism, or abuses of human rights (as described in section 1247(b)).

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2014–0033]

Agency Information Collection Activities: Request for Comments: Revision of a Currently Approved Collection; State Right-of-Way Operations Manuals, OMB Control Number 2125–0586.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a revision of a currently approved collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by October 27, 2014.

ADDRESSES: You may submit comments identified by DOT Docket ID 2014–0033 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Rosemary Jones, 202–366–2042, Office of Real Estate Services, Federal Highway Administration, Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: State Right-of-Way Operations Manuals.

OMB Control Number: 2125–0586.

Background: It is the responsibility of each State Department of Transportation (State) to acquire, manage and dispose of real property in compliance with the legal requirements of State and Federal laws and regulations. Part of providing assurance of compliance is to describe in a right-of-way procedural (operations) manual the organization, policies and procedures of the State to such an extent that these guide State employees, local acquiring agencies, and contractors who acquire and manage real property that is used for a federally funded transportation project. Procedural manuals assure the FHWA that the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) will be met. The State responsibility to prepare and maintain an up-to-date right-of-way procedural manual is set out in 23 CFR 710.201(c). Due to the amending of 23 CFR 710 regulations, a lengthy and in-depth update of each manual will be required. The revisions are prompted by enactment of the *Moving Ahead for Progress in the 21st Century Act* (MAP–21). The regulation allows States flexibility in determining how to meet the manual requirement. This flexibility allows States to prepare manuals in the format of their choosing, to the level of detail necessitated by State complexities. Each State decides how it will provide service to individuals and businesses affected by Federal or federally-assisted projects, while at the same time reducing the burden of government regulation. States are required to update manuals to reflect changes in Federal requirements for programs administered under Title 23 U.S.C. The State manuals may be submitted to FHWA electronically or made available by posting on the State Web site.

Respondents: 52 State Departments of Transportation, including the District of Columbia and Puerto Rico.

Frequency: A one-time collection due to regulatory revisions. Then States update their manuals on an annually basis and certify every 5 years.

Estimated Average Burden per Response: 225 hours per respondent.

Estimated Total Annual Burden Hours: 225 hours for each of the 52 State Departments of Transportation. The total is 11,700 burden hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: August 25, 2014.

Michael Howell,

Information Collection Officer.

[FR Doc. 2014–20517 Filed 8–27–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0326]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Atwood Forest Products, Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on an application for exemption from Atwood Forest Products, Inc. (Atwood) to allow the use of a camera system installed at the sides and rear of up to 15 of its commercial motor vehicles (CMV) in lieu of rear-vision mirrors as specified in the Federal Motor Carrier Safety Regulations (FMCSR). Section 393.80 of the FMCSRs currently requires every bus, truck, and truck tractor to be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear along both sides of the vehicle. All such mirrors must, at a minimum, meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 111 in effect at the time the vehicle was manufactured. The exemption would enable Atwood to install the camera system on its vehicles for use in an evaluation study, in a location that will offer the best opportunity to optimize data to evaluate the safety and economic benefits of eliminating outside mirrors.

DATES: Comments must be received on or before September 29, 2014.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FMCSA–2014–0326 by any of the following methods:

- Web site: *http://www.regulations.gov.* Follow the instructions for submitting comments on the Federal electronic docket site.

- Fax: 1–202–493–2251.
- Mail: Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- Hand Delivery: Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the ''Public Participation'' heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the ''Privacy Act'' heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to Room W12–140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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 (65 FR 19476) or you may visit *http://www.regulations.gov.*

Public participation: The *http://www.regulations.gov* Web site is generally available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the ''help'' section of the *http://www.regulations.gov* Web site and also at the DOT's *http://docketsinfo.dot.gov* Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Huntley, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–5370; Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

Section 4007 of the Transportation Equity Act for the 21st Century (TEA–21) [Pub. L. 105–178, June 9, 1998, 112 Stat. 401] amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from the Federal Motor Carrier Safety Regulations (FMCSRs). On August 20, 2004, FMCSA published a final rule (69 FR 51589) implementing section 4007. Under this rule, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

Background

Atwood Application for Exemption

Atwood applied for an exemption from 49 CFR 393.80 to allow the use of a camera system installed at the sides and rear of CMVs in lieu of rear-vision mirrors as specified in the FMCSRs. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.80 of the FMCSRs currently requires every bus, truck, and truck tractor to be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear along both sides of the vehicle. All such mirrors must, at a minimum, meet the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 111 in effect at the time the vehicle was manufactured. The purpose of FMVSS No. 111 is to reduce the number of deaths and injuries that occur when the driver of a motor vehicle does not have a clear and reasonably unobstructed view to the rear.

In its application, Atwood states:

> Atwood Forest Products, Inc. is making this request because we are coordinating device development and installation of rear cameras in up to fifteen (15) commercial motor vehicles and trailers. The camera equipment to be installed is going to be located at rear of trailers and at sides of motor vehicles. A monitor is to be located in the cab . . . Regulations currently require that mirrors be installed on each side of [a] tractor. Our system will remove outside mirrors and install cameras at the rear of trailers and cabs and motor vehicles with monitors inside the cabs of tractors.

Atwood contends that without the proposed temporary exemption, it will not be able to deploy cameras and monitors in its vehicles because they will be fined for violating the current regulation, which requires rear-vision mirrors. With the exemption, Atwood states that it ''will be able to install the camera systems in a location which will offer the best opportunity to optimize the data and evaluate the benefits of such a system'' which would eliminate the need for the currently required outside mirrors.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on Atwood's application for an exemption from 49 CFR 393.80. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: August 21, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–20498 Filed 8–27–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0071]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

In accordance with Part 235 of Title 49 Code of Federal Regulations and 49 U.S.C. 20502(a), this document provides the public notice that by a document dated June 5, 2014, the National Railroad Passenger Corporation (Amtrak) petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of a signal system. FRA assigned the petition Docket Number FRA–2014–0071.

Applicant: National Railroad Passenger Corporation, Mr. E. Keith Holt, Deputy Chief Engineer, Communications & Signals, Engineering Department, 4th Floor, 30th and Market Streets, Philadelphia, PA 19104.

Amtrak seeks approval of the proposed discontinuance and removal of automatic block signals and replacement of them with a cab signal-only system between County Interlocking, Milepost (MP) 32.8, in New Brunswick, NJ, and Ham Interlocking, MP 55.7, in Trenton, NJ, on Amtrak's Northeast Division West, formerly the New York Division. The tracks involved are Main Tracks 1 through 4. All four main tracks will be signaled in both directions using a cab signal without wayside signals system.

The reason given for the proposed changes is that this work is associated with the work being done under a high-speed rail grant from FRA for Amtrak to make improvements in the affected area and eventually raise passenger train speeds up to 160 mph.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by October 14, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

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

Ron Hynes,

Director, Office of Safety Assurance and Compliance.

[FR Doc. 2014–20510 Filed 8–27–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0079]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

In accordance with Title 49 Code of Federal Regulations Part 235 and 49 U.S.C. 20502(a), this document provides the public notice that by a document dated July 14, 2014, Watco Companies LLC (Watco), as the owner and operator of the Blue Ridge Southern Railroad LLC (BLU), has petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of a signal system. FRA assigned the petition Docket Number FRA–2014–0079.

Applicant: Watco Companies LLC, Mr. Anthony Cox, Vice President of Engineering, 315 East Third Street, Pittsburg, KS 66762.

Watco seeks approval of the proposed discontinuance of the automatic block signal system, between Asheville, Milepost (MP) 1.00, and East Naples, NC, MP 14.7.

The reason given for the proposed changes is that train traffic is expected to be light on this section of track with only one train per day using the line, with no increases in train traffic in the foreseeable future.

A copy of the petition, as well as any written communications concerning the petition, is available for online review at: *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal Holidays.

Communications received by October 14, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered, as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if

submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on August 25, 2014.

Ron Hynes,

Director, Office of Safety Assurance and Compliance.

[FR Doc. 2014–20511 Filed 8–27–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2003–15513]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document received on April 16, 2014, Sunflour Railroad Inc./Denver Rock Island Railroad has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 223.11, *Requirements for existing locomotives.* FRA assigned the petition Docket Number FRA–2003–15513.

The Sunflour Railroad Inc./Denver Rock Island Railroad (SNR) of Commerce City, Colorado, petitioned for a permanent waiver of compliance for one locomotive (SNR 61) from 49 CFR 223.11(c), which requires certified glazing in all windows. The locomotive is equipped with automotive-type safety glass that is in good condition with no discoloration. SNR operates over 26.3 miles of excepted track in primarily rural territory at speeds not exceeding 10 mph. There has been no instance of vandalism from the time the original waiver was granted in 2003. As stated in the original petition for waiver in 2003, SNR considers that the expense of retrofitting the locomotive to comply with FRA safety glazing standards would impose an undue financial burden on the company to protect against situations it does not encounter.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by October 14, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

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

Ron Hynes,

Director, Office of Safety Assurance and Compliance.

[FR Doc. 2014–20507 Filed 8–27–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2002–13490]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated May 20, 2014, the Lake Superior Railroad Museum (LSRM) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 223.11, *Requirements for existing locomotives.* FRA assigned the petition Docket Number FRA–2002–13490.

The LSRM, formerly the Lake Superior Museum of Transportation, of Duluth, MN, is a nonprofit corporation under the provisions of Section 501(c)(3) of the Internal Revenue Code. The LSRM collects and displays significant historical railroad equipment and, as part of its interpretation program, operates excursion trains with selected antique items of rolling stock. The LSRM has petitioned for a permanent waiver of compliance for its Erie Mining diesel locomotive, Number 4211, from the railroad safety glazing standards contained at 49 CFR part 223, which require certified glazing in all windows and a minimum of four emergency windows. This locomotive was built by General Motors in 1956 and was restored to operation by museum staff and volunteers. The railroad operates on 26-mile line of the North Shore Scenic Railroad between Duluth and Two Harbors, MN. The LSRM indicates that there has been no instance of vandalism and professes financial burden in retrofitting the locomotive to comply with FRA safety glazing standards.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

• *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
• *Fax:* 202–493–2251.
• *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
• *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by October 14, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

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

Ron Hynes,

Director, Office of Safety Assurance and Compliance.

[FR Doc. 2014–20506 Filed 8–27–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0152]

Petition To Amend Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a letter dated July 23, 2014, the National Railroad Passenger Corporation (Amtrak) has petitioned the Federal Railroad Administration (FRA) for an extension of a previously approved waiver granted in Docket Number FRA–2010–0152 on May 11, 2010, that provided relief from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 240, Qualification and Certification of Locomotive Engineers for a period of 5 years. The relief was granted to Amtrak contingent on participation in the Confidential Close Call Reporting System (C3RS) pilot project.

On January 24, 2013, Amtrak modified the C3RS Implementing Memorandum of Understanding (IMOU) provisions to extend boundaries for relief and include additional protection for tenant operations within the limits of Amtrak's Sunnyside Yard. FRA granted relief for the changes on May 8, 2013.

The July 23, 2014, petition states that the current IMOU, dated May 11, 2010, and subsequent amendments that govern the pilot program will be replaced with a new IMOU. Amtrak, employees represented by the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the Sheet Metal, Air, Rail and Transportation Workers Transportation Division (SMART–TD), and FRA intend to sign the new IMOU that will be effective on December 1, 2014, replacing the original IMOU as current relief expires.

The new IMOU is based on a revised template provided by FRA and will provide provisions similar to the current IMOU plus Article 3.2 that will extend protections to tenant locomotive engineers and conductors in tenant/host operations.

Amtrak, BLET, and SMART–TD seek to shield the reporting employees and the railroad from punitive sanctions that would otherwise arise as provided in 49 CFR 240.307, *Revocation of certification,* to encourage locomotive engineer reporting of close calls and to protect locomotive engineers and Amtrak from discipline or sanctions arising from the incidents reported pursuant to the new IMOU.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

• *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
• *Fax:* 202–493–2251.
• *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
• *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received within October 14, 2014 of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

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

Ron Hynes,

Director, Office of Safety Assurance and Compliance.

[FR Doc. 2014–20508 Filed 8–27–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2012–0054]

Petition To Amend Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a letter dated July 23, 2014, the National Railroad Passenger Corporation (Amtrak) has petitioned the Federal Railroad Administration (FRA) for an amendment of a previously approved waiver granted in Docket Number FRA–2012–0054 on December 13, 2012, that provided relief from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 242, Qualification and Certification of Conductors, for a period of 5 years. The relief was granted to Amtrak contingent on participation in the Confidential Close Call Reporting System (C3RS) pilot project.

On January 24, 2013, Amtrak modified the C3RS Implementing Memorandum of Understanding (IMOU) provisions to extend boundaries for relief and include additional protection for tenant operations within the limits of Amtrak's Sunnyside Yard. FRA granted relief for the changes on May 8, 2013.

The July 23, 2014, petition states that the current IMOU, dated May 11, 2010, and subsequent amendments that govern the pilot program will be replaced with a new IMOU. Amtrak, employees represented by the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the Sheet Metal, Air, Rail and Transportation Workers Transportation Division (SMART–TD), and FRA intend to sign the new IMOU that will be effective on December 1, 2014, replacing the original IMOU as current relief expires.

The new IMOU is based on a revised template provided by FRA and will provide provisions similar to the current IMOU plus Article 3.2 that will extend protections to tenant locomotive engineers and conductors in tenant/host operations.

Amtrak, BLET, and SMART–TD seek to shield the reporting employees and the railroad from punitive sanctions that would otherwise arise as provided in 49 CFR 242.403, *Criteria for revoking certification,* to encourage locomotive engineer reporting of close calls and to protect locomotive engineers and Amtrak from discipline or sanctions arising from the incidents reported pursuant to the new IMOU.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- Fax: 202–493–2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received within October 14, 2014 of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

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

Ron Hynes,

Director, Office of Safety Assurance and Compliance.

[FR Doc. 2014–20509 Filed 8–27–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

August 25, 2014.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before September 29, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collections, 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 submissions may be obtained by emailing *PRA@treasury.gov,* calling (202) 622–1295, or viewing the entire information collection request at *www.reginfo.gov.*

Internal Revenue Service (IRS)

OMB Number: 1545–1420.

Type of Review: Revision of a currently approved collection.

Title: Claim for Refund of Excise Taxes.

Form: Form 8849.

Abstract: Internal Revenue Code sections 6402, 6404, 6511 and sections 301.6402–2, 301.6404–1, and 301.6404–3 of the regulations, allow for refunds of taxes (except income taxes) or refund, abatement, or credit of interest, penalties, and additions to tax in the event of errors or certain actions by IRS. Form 8849 is used by taxpayers to claim refunds of excise taxes. Changes were made to Form 8849's Schedule 3 as a result of the expiration of credits for biodiesel and renewable diesel, and alternative fuel and alternative fuel mixtures after December 31, 2013. These credits had previously expired at the end of 2011 and were extended retroactively in 2013. As a result of the expiration, Schedule 3 is only used to claim the Alternative Fuel Credit, for Liquefied Hydrogen.

Affected Public: Businesses or other for-profits; Not-for-profit institutions; Individuals or households; Farms; State, local, or tribal governments.

Estimated Annual Burden Hours: 923,026.

OMB Number: 1545–2200.

Type of Review: Extension without change of a currently approved collection.

Title: Form 8944—Preparer Hardship Waiver Request; Form 8948—Preparer Explanation for Not Filing Electronically.

Form: Form 8944, Form 8948.

Abstract: Specified tax return preparers use Form 8944 to request an undue hardship waiver from the Internal Revenue Code section 6011(e)(3) requirement to electronically file returns of income tax imposed by subtitle A on individuals, estates, and trusts. Form 8948 is used only by specified tax return preparers to explain why a particular return is being filed on paper. The form is used by specified tax return preparers to identify returns that meet allowable exceptions to the electronic filing requirement.

Affected Public: Businesses or other for-profits.

Estimated Annual Burden Hours: 18,270,900.

Brenda Simms,

Treasury PRA Clearance Officer.

[FR Doc. 2014–20529 Filed 8–27–14; 8:45 am]

BILLING CODE 4810–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

August 25, 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 29, 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.*

Community Development Financial Institutions (CDFI) Fund

OMB Number: 1559–0042.

Type of Review: Extension of a currently approved collection.

Title: Capacity Building Initiative.

Abstract: Pursuant to the Community Development Banking and Financial Institutions Act of 1994 (the Act), as amended (12 U.S.C. 4701 et seq.), the CDFI Fund provides training and technical assistance to Community Development Financial Institutions (CDFIs) and similar entities in order to enhance their ability to make loans and investments and provide services for the benefit of designated investment areas and targeted populations. The information collected will be used to identify specific topics for training and technical assistance and develop course content which is tailored to the needs and capacity levels of recipients. The requested information is necessary to support effective use of Federal resources.

Affected Public: Businesses or other for-profits; not-for-profit institutions.

Estimated Annual Burden Hours: 9,000.

Brenda Simms,

Treasury PRA Clearance Officer.

[FR Doc. 2014–20512 Filed 8–27–14; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Proposed Information Collection (Center for Verification and Evaluation [CVE] Verification Program) Activity: Comment Request

AGENCY: The Department of Veterans Affairs (VA) Office of Small and Disadvantaged Business Utilization (OSDBU).

ACTION: Notice.

SUMMARY: VA OSDBU, 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 new collection of information, including each extension 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 (1) determine the adequacy of the CVE pre-verification process, (2) determine the efficiency of the verification process through its determination stage, (3) identify pitfalls in the verification program through participants who decided not to go through the process again.

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 Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Milagros Ortiz, OSDBU, 00SB, or email to: *milagros.ortiz@va.gov.* Please refer to ''OMB Control No. 2900–NEW (CVE Verification Program)'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Milagros Ortiz at (202) 461–4279 or Fax (202) 461–4301.

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, OMB invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OMB's functions, including whether the information will have practical utility; (2) the accuracy of OMB'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: CVE Verification Program.

OMB Control Number: 2900–NEW.

Type of Review: New collection.

Abstract: The Office of Small and Disadvantaged Business Utilization (OSDBU) CVE is required to measure the effectiveness of different stages of the afore-mentioned verification process and how it fulfills Veterans' needs. The stages to be measured are the pre-application, post-determination, and exit. To collect this processing information, CVE will solicit voluntary opinions of verification applicants. The results will be used to improve different areas of this program.

Affected Public: Service-disabled Veteran-owned small business (SDVOSB) owners and Veteran-owned small business (VOSB) owners that have gone through the verification process (pre-application, post-determination, or exit stages).

Estimated Annual Burden: 150 hours.

Estimated Average Burden per Respondent: 3 minutes.

Frequency of Response: Every other year (the verification status lasts for 2 years).

Estimated Number of Respondents: 250 per month (3,000 per year).

Dated: August 22, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–20411 Filed 8–27–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0104]

Proposed Information Collection (Report of Accidental Injury in Support of Claim for Compensation or Pension/ Statement of Witness to Accident) 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 this notice. This notice solicits comments on the information needed to support a claim for disability benefits based on an accidental injury.

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 Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0104'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Report of Accidental Injury in Support of Claim for Compensation or Pension/Statement of Witness to Accident, VA Form 21P–4176.

OMB Control Number: 2900–0104.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21P–4176 is used to support a claim for disability benefits based on an accidental injury that a veteran incurred while in the line of duty. VA will use the data collected to determine whether the injury was accidental or a result of willful misconduct by the Veteran.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,200 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 4,400.

Dated: August 25, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–20471 Filed 8–27–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0031]

Agency Information Collection (Veteran's Supplemental Application for Assistance in Acquiring Specially Adapted Housing) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before September 29, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0031'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0031.''

SUPPLEMENTARY INFORMATION:

Title: Veteran's Supplemental Application for Assistance in Acquiring Specially Adapted Housing, VA Form 26–4555c.

OMB Control Number: 2900–0031.

Type of Review: Revision of a currently approved collection.

Abstract: Veterans complete VA Form 26–4555c to apply for specially adapted housing grant. VA will use the data collected to determine if it is economically feasible for a veteran to reside in specially adapted housing and to compute the proper grant amount.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on May 30, 2014, at page 31182.

Affected Public: Individuals or households.

Estimated Annual Burden: 350 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,400.

Dated: August 22, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–20436 Filed 8–27–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0108]

Proposed Information Collection (Report of Income From Property or Business) 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 this notice. This notice solicits comments on information needed to determine a claimant's continued entitlement to income-based benefits.

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 Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0108'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Report of Income from Property or Business, VA Form 21–4185.

OMB Control Number: 2900–0108.

Type of Review: Revision of a currently approved collection.

Abstract: Claimants complete VA Form 21–4185 to report income and expenses that derived from rental property and/or operation of a business. VA uses the information to determine whether the claimant is eligible for VA benefits and, if eligibility exists, the proper rate of payment.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,500 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 7,000.

Dated: August 25, 2014.

By direction of the Secretary:

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–20476 Filed 8–27–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0781)]

Proposed Information Collection (Disability Benefits Questionnaires–Group 4) 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 revision, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to obtain medical evidence to adjudicate a claim for disability benefits.

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 Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0781'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

a. Cranial Nerve Conditions Disability Benefits Questionnaire, VA Form 21–0960–C–3.

b. Narcolepsy Disability Benefits Questionnaire, VA Form 21–0960–C–6.

c. Peripheral Nerve Conditions (Not Including Diabetic Sensory-Motor Peripheral Neuropathy) Disability Benefits Questionnaire, VA Form 21–0960C–10.

d. Fibromyalgia Disability Benefits Questionnaire, VA Form 21–0960–C–7.

e. Seizure Disorders (Epilepsy) Disability Benefits Questionnaire, VA Form 21–0960–C–11.

f. Oral and Dental Conditions Including Mouth, Lips and Tongue

(Other than Temporomandibular Joint Conditions) Disability Benefits Questionnaire, VA Form 21–0960–D–1.

g. Endocrine Diseases (other than Thyroid, Parathyroid or Diabetes Mellitus) Disability Benefits Questionnaire, VA Form 21–0960–E–2.

h. Thyroid & Parathyroid Conditions Disability Benefits Questionnaire, VA Form 21–0960–E–3.

l. Hernias (Including Abdominal, Inguinal, and Femoral Hernias) Disability Benefits Questionnaire, VA Form 21–0960–H–1.

m. HIV-Related Illnesses Disability Benefits Questionnaire, VA Form 21–0960–I–2.

n. Infectious Diseases (other than HIV-Related Illness, Chronic Fatigue Syndrome, and Tuberculosis) Disability Benefits Questionnaire, VA Form 21–0960I–3.

o. Systemic Lupus Erythematosus (SLE) and Other Autoimmune Diseases Disability Benefits Questionnaire, VA Form 21–0960–I–4.

p. Nutritional Deficiencies Disability Benefits Questionnaire, VA Form 21–0960–I–5.

q. Urinary Tract (including Bladder & Urethra) Conditions (excluding Male Reproductive System) Disability Benefits Questionnaire, VA Form 21–0960–J–4.

r. Respiratory Conditions (other than Tuberculosis and Sleep Apnea) Disability Benefits Questionnaire, VA Form 21–0960–L–1.

s. Loss of Sense of Smell and/or Taste Disability Benefits Questionnaire, VA Form 21–0960–N–3.

t. Sinusitis/Rhinitis and Other Conditions of the Nose, Throat, Larynx, and Pharynx Disability Benefits Questionnaire, VA Form 21–0960–N–4.

u. Chronic Fatigue Syndrome Disability Benefits Questionnaire, VA Form 21–0960–Q–1.

OMB Control Number: 2900–0781.

Type of Review: Revised collection.

Abstract: Data collected on VA Form 21–0960 series will be used obtain information from claimants treating physician that is necessary to adjudicate a claim for disability benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 53,750 hours.

(a) VAF 21–0960–C–3—5,000
(b) VAF 21–0960–C–6—1,250
(c) VAF 21–0960–C–7—1,250
(d) VAF 21–0960–C–11—1,250
(e) VAF 21–0960–D–1—1,250
(f) VAF 21–0960–E–2—2,500
(g) VAF 21–0960–E–3—2,500
(h) VAF 21–0960–H–1—3,750
(i) VAF 21–0960–I–2—1,250
(j) VAF 21–0960–I–3—2,500
(k) VAF 21–0960–I–4—2,500
(l) VAF 21–0960–I–5—1,250
(m) VAF 21–0960–J–4—3,750
(n) VAF 21–0960–L–1—10,000
(o) VAF 21–0960–N–3—1,250
(p) VAF 21–0960–N–4—10,000
(q) VAF 21–0960–Q–1—2,500

Estimated Average Burden per Respondent:

(a) VAF 21–0960–C–3—30 minutes
(b) VAF 21–0960–C–6—15 minutes
(c) VAF 21–0960–C–7—15 minutes
(d) VAF 21–0960–C–11—15 minutes
(e) VAF 21–0960–D–1—15 minutes
(f) VAF 21–0960–E–2—15 minutes
(g) VAF 21–0960–E–3—15 minutes
(h) VAF 21–0960–H–1—15 minutes
(i) VAF 21–0960–I–2—15 minutes
(j) VAF 21–0960–I–3—15 minutes
(k) VAF 21–0960–I–4—30 minutes
(l) VAF 21–0960–I–5—15 minutes
(m) VAF 21–0960–J–4—15 minutes
(n) VAF 21–0960–L–1—30 minutes
(o) VAF 21–0960–N–3—15 minutes
(p) VAF 21–0960–N–4—30 minutes
(q) VAF 21–0960–Q–1—15 minutes

Frequency of Response: On occasion.

Estimated Number of Respondents: TOTAL: 160,000.

(a) VAF 21–0960–C–3—10,000
(b) VAF 21–0960–C–6—5,000
(c) VAF 21–0960–C–7—5,000
(d) VAF 21–0960–C–11—5,000
(e) VAF 21–0960–D–1—5,000
(f) VAF 21–0960–E–2—10,000
(g) VAF 21–0960–E–3—10,000
(h) VAF 21–0960–H–1—15,000
(i) VAF 21–0960–I–2—5,000
(j) VAF 21–0960–I–3—10,000
(k) VAF 21–0960–I–4—5,000
(l) VAF 21–0960–I–5—5,000
(m) VAF 21–0960–J–4—15,000
(n) VAF 21–0960–L–1—20,000
(o) VAF 21–0960–N–3—5,000
(p) VAF 21–0960–N–4—20,000
(q) VAF 21–0960–Q–1—10,000

Dated: August 25, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–20472 Filed 8–27–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Research Advisory Committee on Gulf War Veterans' Illnesses; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App.2 that the Research Advisory Committee on Gulf War Veterans' Illnesses will meet on September 22 and 23, 2014, in the greater Washington, DC, area. On Monday, September 22, the meeting will be held in 810 Vermont Avenue NW., Room 230, Washington, DC, from 9:00 a.m. until 5:15 p.m. On Tuesday, September 23, the meeting will be held at the VHA National Conference Center, 2011 Crystal Drive, Suite 150, Arlington, Virginia from 9:00 a.m. until 1:00 p.m. All sessions will be open to the public, although space will be limited on September 23. For interested parties who cannot attend in person, there will be a toll-free telephone number.

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on proposed research studies, research plans, and research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Gulf War.

The Committee will review VA program activities related to Gulf War Veterans' illnesses, and updates on relevant scientific research published since the last Committee meeting. Presentations on September 22 will include updates on the VA Gulf War Research Program, followed by research presentations on a treatment for pain, neuroimaging in Gulf War Veterans, and drug trials in animal models. The Committee will devote September 23 to a discussion of Committee activities.

The meeting will include time reserved for public comments on both days in the afternoon. A sign-up sheet for 5-minute comments will be available at the meeting. Individuals who wish to address the Committee may submit a 1–2 page summary of their comments for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Dr. Roberta White at *rwhite@bu.edu.*

Because the meeting is being held in a government building, a photo I.D. must be presented as part of the clearance process. Therefore, any person attending should allow an additional 15 minutes to complete this process before the meeting begins. Any member of the public seeking additional information should contact Dr. White, Scientific Director, at (617) 638–4620 or Dr. Victor Kalasinsky, Designated Federal Officer, at (202) 443–5682.

Dated: August 25, 2014.

Rebecca Schiller,

Committee Management Officer.

[FR Doc. 2014–20484 Filed 8–27–14; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 79 Thursday,

No. 167 August 28, 2014

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2014–0017; FF09M21200–134–FXMB1231099BPP0]

RIN 1018–AZ80

Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final early-season frameworks from which the States, Puerto Rico, and the Virgin Islands may select season dates, limits, and other options for the 2014–15 migratory bird hunting seasons. Early seasons are those that generally open prior to October 1, and include seasons in Alaska, Hawaii, Puerto Rico, and the Virgin Islands. The effect of this final rule is to facilitate the selection of hunting seasons by the States and Territories to further the annual establishment of the early-season migratory bird hunting regulations.

DATES: This rule takes effect on August 28, 2014.

ADDRESSES: States and Territories should send their season selections to: Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041–3803. You may inspect comments during normal business hours at the Service's office at 5275 Leesburg Pike, Falls Church, Virginia, or at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2014–0017.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS: MB, 5275 Leesburg Pike, Falls Church, VA 22041–3803; (703) 358–1967.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 2014

On April 30, 2014, we published in the **Federal Register** (79 FR 24512) a proposal to amend 50 CFR part 20. The proposal provided a background and overview of the migratory bird hunting regulations process, and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2014–15 regulatory cycle relating to open public meetings and **Federal Register** notifications were also identified in the April 30 proposed rule. Further, we explained that all sections of subsequent documents outlining hunting frameworks and guidelines were organized under numbered headings. Subsequent documents will refer only to numbered items requiring attention. Therefore, it is important to note that we omit those items requiring no attention, and remaining numbered items might be discontinuous or appear incomplete.

On June 4, 2014, we published in the **Federal Register** (79 FR 32418) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations. The June 4 supplement also provided detailed information on the 2014–15 regulatory schedule and announced the Service Regulations Committee (SRC) and Flyway Council meetings.

On July 31, 2014, we published in the **Federal Register** (79 FR 44580) a third document specifically dealing with the proposed frameworks for early-season regulations. We published the proposed frameworks for late-season regulations (primarily hunting seasons that start after October 1 and most waterfowl seasons not already established) in a late August 2014, **Federal Register**.

This document is the fifth in a series of proposed, supplemental, and final rulemaking documents. It establishes final frameworks from which States may select season dates, shooting hours, and daily bag and possession limits for the 2014–15 season. These selections will be published in the **Federal Register** as amendments to §§ 20.101 through 20.107, and § 20.109 of title 50 CFR part 20.

Population Status and Harvest

Information on the status of waterfowl and information on the status and harvest of migratory shore and upland game birds, including detailed information on methodologies and results, is available at the address indicated under **FOR FURTHER INFORMATION CONTACT** or from our Web site at *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html*

Review of Public Comments

The preliminary proposed rulemaking (April 30 **Federal Register**) opened the public comment period for migratory game bird hunting regulations. Comments concerning early-season issues are summarized below and numbered in the order used in the April 30 **Federal Register** document. Only the numbered items pertaining to early-seasons issues for which we received written comments are included. Consequently, the issues do not follow in consecutive numerical or alphabetical order.

We received recommendations from all four Flyway Councils. Some recommendations supported continuation of last year's frameworks. Due to the comprehensive nature of the annual review of the frameworks performed by the Councils, support for continuation of last year's frameworks is assumed for items for which no recommendations were received. Council recommendations for changes in the frameworks are summarized below.

General

Written Comments: A commenter protested the entire migratory bird hunting regulations process, the killing of all migratory birds, and status and habitat data on which the migratory bird hunting regulations are based.

Service Response: Our long-term objectives continue to include providing opportunities to harvest portions of certain migratory game bird populations and to limit harvests to levels compatible with each population's ability to maintain healthy, viable numbers. Having taken into account the zones of temperature and the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, we believe that the hunting seasons provided for herein are compatible with the current status of migratory bird populations and long-term population goals. Additionally, we are obligated to, and do, give serious consideration to all information received as public comment. We believe that the Flyway-Council system of migratory bird management has been a longstanding, successful example of State-Federal cooperative management since its establishment in 1952. However, as always, we continue to seek new ways to streamline and improve the process.

1. Ducks

Categories used to discuss issues related to duck harvest management are: (A) General Harvest Strategy; (B) Regulatory Alternatives, including specification of framework dates, season lengths, and bag limits; (C) Zones and Split Seasons; and (D) Special Seasons/Species Management. The categories correspond to previously published issues/discussions, and only those containing substantial recommendations are discussed below.

D. Special Seasons/Species Management

i. September Teal Seasons

Council Recommendations: The Mississippi Flyway Council recommended that Iowa, Minnesota, Michigan, and Wisconsin be granted special September teal hunting seasons for an experimental 3-year period beginning in September 2014. The Council recommended that the framework for these seasons follow the established teal harvest strategy (i.e., 9 or 16 days with up to 6 bird daily limits) with sunrise to sunset shooting hours. Further, they recommended that the Service work with these States to develop a mutually acceptable evaluation plan prior to June 2014. In the event that this recommendation is not approved or Iowa declines the opportunity, the Council recommended that Iowa be allowed to retain their early September duck season.

The Central Flyway Council recommended allowing an experimental September teal season in the portion of Nebraska not currently open to September teal hunting. Criteria for the experimental season would be the same as for other non-production States, and the State of Nebraska will work with the Service to develop an evaluation plan for the experiment.

Service Response: We appreciate the long-standing interest by the Flyway Councils to pursue additional teal harvest opportunity. With this interest in mind, in 2009, the Flyways and Service began to assess the collective results of all teal harvest, including harvest during special September seasons. The Teal Harvest Potential Working Group conducted this assessment work, which included a thorough assessment of the harvest potential for both blue-winged and green-winged teal, as well as an assessment of the impacts of current special September seasons on these two species. Cinnamon teal were subsequently included in this assessment.

In the April 9, 2013, **Federal Register** (78 FR 21200), we stated that the final report of the Teal Harvest Potential Working Group (*http://www.fws.gov/migratorybirds/NewReportsPublications/Teal/Final%20Teal%20Assessment%20Report%20Mar%2012%202013.pdf*) indicated that additional opportunity could be provided for blue-winged teal and green-winged teal. Therefore, last year, we supported recommendations from the Atlantic, Mississippi, and Central Flyway Councils to increase the daily bag limit from 4 to 6 teal in the aggregate during the Special September teal season in 2013–14. However, at that time, we did not support additional changes to the structure of the September teal season until specific management objectives for teal had been articulated and a comprehensive, cross-flyway approach to developing and evaluating other potential avenues by which additional teal harvest opportunity could be provided had been completed. We recognized, however, that this comprehensive approach could include addition of new hunting seasons (e.g., September teal seasons in northern States) as well as expanded hunting opportunities (e.g., season lengths, bag limits) in States with existing teal seasons.

After the February SRC meeting, in the April 30, 2014, **Federal Register** (79 FR 24518), we indicated that we were willing to consider proposals to conduct experimental September teal seasons in production States if fully evaluated for impacts to teal and non-target species. Thus, we agree with the Mississippi Flyway Council's recommendation to allow an experimental special September teal season in Minnesota, Wisconsin, Michigan, and Iowa, and the Central Flyway Council's recommendation to allow an experimental season in the production area of Nebraska (generally north of the Platte River). During the 3-year experiment, a 16-day season with a 6-teal daily bag limit will be offered if the blue-winged teal population estimate from the traditional survey area (i.e., strata 1–18, 20–50, and 75–77) is > 4.7 million birds, and a 9-day season will be offered when the blue-winged teal estimate is between 3.3 and 4.7 million birds. We will work with the five affected States to develop evaluation plans and associated memoranda of agreement (MOA) for these experiments. The plan will consist of a 3-year evaluation of hunter performance (via spy blind studies) with regard to attempt rates on non-target species during the experimental September teal season.

Before the season is approved operationally, the participating States must demonstrate negligible impacts to non-target species, defined as a non-target attempt rate no greater than 0.25 and non-target kill rate no greater than 0.10. The season will not be approved for operational status if the experiment determines that (1) the upper 90 percent confidence limit on the attempt rate at non-target species exceeds 0.25, or (2) the kill of non-target species exceeds 10 percent of the kill of teal and non-target species combined. Additional specifics regarding the evaluations will be contained in the MOAs (available at the address indicated under **ADDRESSES**). Further, if any of the participating States wish to allow pre-sunrise shooting hours during the special September teal season experiment, this evaluation must examine attempt rates on non-target species during both the period 30 minutes prior to sunrise and the post-sunrise period. Nebraska should conduct their experiment independent from the four States in the Mississippi Flyway.

If Iowa decides to participate in this experiment, Iowa must suspend their 5-day September duck season for the duration of their participation. Iowa has requested, and we concur, that upon conclusion of the experiment they be given the opportunity to revert back to a 5-day September duck season if they so desire, regardless of the results of the experiment. However, if Iowa decides to retain their 5-day September duck season, or revert to it after the experiment, they will not be allowed to implement a September teal season in subsequent years. States should submit annual progress reports for this evaluation and a final report must be submitted and accepted by the Service before we consider making such seasons operational.

Regarding the regulations for this year, utilizing the criteria developed for the teal season harvest strategy, this year's estimate of 8.5 million blue-winged teal from the traditional survey area indicates that a 16-day September teal season in the Atlantic, Central, and Mississippi Flyways is appropriate for 2014.

We prepared an environmental assessment (EA) on the new teal hunting opportunities. Specifics of the five alternatives we analyzed and a copy of the EA can be found on our Web site at *http://www.fws.gov/migratorybirds,* or at *http://www.regulations.gov.*

ii. September Teal/Wood Duck Seasons

Council Recommendations: The Atlantic Flyway Council recommended that the daily bag limit for teal in Florida during the September teal/wood duck season be a total of 6 birds with no more than 2 wood ducks (the current total bag is 4 birds with no more than 2 wood ducks). The Council further recommended that Florida be permitted to add additional teal-only days to their September teal/wood duck season. In years when the teal harvest strategy calls for a 9-day teal season, Florida would maintain their current 5-day teal/wood duck season. In years when the teal harvest strategy calls for a 16-day teal season, Florida would add 4

additional teal-only days to their current 5-day teal/wood duck season.

The Mississippi Flyway Council recommended that the teal bag limit during Kentucky and Tennessee's September teal/wood duck seasons be the same as that permitted in other States with September teal-only seasons. The Council further recommended that States with September teal/wood duck seasons (Kentucky and Tennessee) be permitted to add additional teal-only days to their September teal/wood duck seasons. In years when the teal harvest strategy calls for a 9-day teal season, those States would maintain their current 5-day wood duck/teal season. In years when the teal harvest strategy calls for a 16-day teal season, those States would add 4 additional teal-only days to their current 5-day teal/wood duck season.

Written Comments: Over 100 individual commenters primarily from Tennessee, Kentucky, and Florida expressed support for additional teal-only days and an increase in the teal daily bag limit in Tennessee, Kentucky, and Florida.

Service Response: Given the results from the previously referenced final report of the Teal Harvest Potential Working Group indicating that additional opportunity could be provided for blue-winged teal and green-winged teal (see discussion in D. Special Seasons/Species Management, i. September Teal Seasons), we concur with the Atlantic and Mississippi Flyway Councils' recommendations to allow 4 additional teal-only days during their September teal/wood duck season in Florida, Kentucky, and Tennessee when the teal harvest strategy provides for a 16-day Special September teal season. The 4 additional days must be consecutive and be held contiguously (i.e., no split) with the wood duck/teal portion of this special season. Furthermore, this change must be accompanied by an extensive public outreach effort to alert hunters to the differential regulations for the two time periods during the special season, especially with regard to wood ducks. Finally, this change is contingent on completion of a 3-year evaluation of hunter performance (via spy blind studies) with regard to attempt rates on non-target species during the ''teal-only'' portion of this special season.

Before the ''teal only'' portion of this season is approved operationally, the States must demonstrate negligible impacts to non-target species, defined as a non-target attempt rate no greater than 0.25 and non-target kill rate no greater than 0.10. The ''teal only'' portion of this season will not be approved for operational status if the experiment determines that (1) the upper 90 percent confidence limit on the attempt rate at non-target species exceeds 0.25, or (2) the kill of non-target species exceeds 10 percent of the kill of teal and non-target species combined. Additional specifics regarding the evaluations will be contained in the MOAs (available at the address indicated under **ADDRESSES**). If any of the 3 States wishes to retain pre-sunrise shooting hours during the ''teal only'' portion of the season, this evaluation must examine attempt rates on non-target species during both the period 30 minutes prior to sunrise and the post-sunrise period. This special season will not be expanded to other States.

We prepared an environmental assessment (EA) on the new teal hunting opportunities. Specifics of the five alternatives we analyzed and a copy of the EA can be found on our Web site at *http://www.fws.gov/migratorybirds,* or at *http://www.regulations.gov.*

4. Canada Geese

A. Special Seasons

Council Recommendations: The Pacific Flyway Council recommended increasing the daily bag limit from 5 to 15 Canada geese in Pacific County, Washington. The Council also pointed out the need to eliminate several previously approved framework restrictions in Wyoming and Idaho.

Service Response: We agree with the Pacific Flyway Council's request to increase the Canada goose daily bag limit in Pacific County, Washington, and eliminate several previously approved framework restrictions in Wyoming and Idaho. The special early Canada goose hunting season is generally designed to reduce or control overabundant resident Canada goose populations. Increasing the daily bag limit from 5 to 15 geese in Pacific County, Washington, may help reduce or control existing populations of resident Canada geese, particularly those non-migratory (resident) dark-breasted Canada geese. Resident dark-breasted Canada geese are a result of the release in the mid-1970s of a transplanted flock of dusky Canada geese held in captivity since 1958. These transplanted geese hybridized with native, non-migratory western Canada geese and are similar in appearance to migratory dusky Canada geese for which there are especially restrictive regulations to minimize incidental harvest. While there are no migratory dusky Canada geese present in these areas in September, harvest of dark-breasted resident Canada geese during the regular hunting season can result in violation and premature closure of the regular Canada goose hunting season if these geese are misidentified as migratory dusky Canada geese.

B. Regular Seasons

Council Recommendations: The Mississippi Flyway Council recommended that the framework opening date for all species of geese for the regular goose seasons in the Lower Peninsula of Michigan and Wisconsin be September 16, 2014, and in the Upper Peninsula of Michigan be September 11, 2014.

Service Response: We concur with recommended framework opening dates. Michigan, beginning in 1998, and Wisconsin, beginning in 1989, have opened their regular Canada goose seasons prior to the Flyway-wide framework opening date to address resident goose management concerns in these States. As we have previously stated (73 FR 50678, August 27, 2008), we agree with the objective to increase harvest pressure on resident Canada geese in the Mississippi Flyway and will continue to consider the opening dates in both States as exceptions to the general Flyway opening date, to be reconsidered annually. The framework closing date for the early goose season in the Upper Peninsula of Michigan is September 10. By changing the framework opening date for the regular season to September 11 in the Upper Peninsula of Michigan there will be no need to close goose hunting in that area for 5 days and thus lose the ability to maintain harvest pressure on resident Canada geese. We note that the most recent resident Canada goose estimate for the Mississippi Flyway was a record high 1,767,900 geese during the spring of 2012, 8 percent higher than the 2011 estimate of 1,629,800 geese, and well above the Flyway's population goal of 1.18 to 1.40 million birds.

C. Special Late Seasons

Council Recommendations: The Atlantic Flyway Council recommended that Rhode Island be approved for minor expansion of the late season hunting zone boundary for Canada geese.

Service Response: We concur with the Council's recommended minor late season hunting zone expansion in Rhode Island. Resident Canada geese are overabundant in the Atlantic Flyway, and their numbers continue to increase in Rhode Island despite special early and late seasons designed to control them. No harvest of migrant Canada geese has been documented during Rhode Island's special late season for

resident Canada geese, and we expect that this expansion will increase harvest pressure on resident geese without impacting migrant Canada geese.

9. Sandhill Cranes

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended that Kentucky be allowed a 1-year continuation of their sandhill crane season for the 2014–15 season under harvest guidelines approved for their experimental season.

The Central and Pacific Flyway Councils recommended the expansion of an existing Rocky Mountain Population (RMP) sandhill crane hunting unit in southwestern Montana (the Dillon/Twin Bridges/Cardwell hunt area to include all of Madison and Gallatin Counties). The Councils also recommended using the 2014 RMP sandhill crane harvest allocation of 676 birds as proposed in the allocation formula using the 3-year running population average for 2011–13.

Service Response: We agree with the recommendation to allow Kentucky a 1-year continuation of their sandhill crane season. Although data from the third year of the experimental season are not yet available for review and incorporation into their assessment and final report, data from the first and second years indicate that harvest has been within the anticipated harvest analyzed in the 2011 environmental assessment. We look forward to receiving the final report this winter and will make a decision on the season's continuation next summer.

We also agree with the Central and Pacific Flyway Councils' recommendations on the RMP sandhill crane hunt area expansion in southwestern Montana and harvest allocation of 676 birds for the 2014–15 season, as outlined in the RMP sandhill crane management plan's hunt area requirements and harvest allocation formula. The objective for RMP sandhill cranes is to manage for a stable population index of 17,000–21,000 cranes determined by an average of the three most recent, reliable September (fall pre-migration) surveys. Additionally, the RMP management plan allows for the regulated harvest of cranes when the 3-year average of the population indices exceeds 15,000 cranes. In 2013, 20,360 cranes were counted in the September survey, an increase from the previous year's count of 15,417 cranes. The most recent 3-year average for the RMP sandhill crane fall index was 17,757, a slight decrease from the previous 3-year average of 17,992.

14. Woodcock

In 2011, we implemented an interim harvest strategy for woodcock for a period of 5 years (2011–15) (76 FR 19876, April 8, 2011). The interim harvest strategy provides a transparent framework for making regulatory decisions for woodcock season length and bag limit while we work to improve monitoring and assessment protocols for this species. Utilizing the criteria developed for the interim strategy, the 3-year average for the Singing Ground Survey indices and associated confidence intervals fall within the ''moderate package'' for both the Eastern and Central Management Regions. As such, a ''moderate season'' for both management regions for the 2014–15 woodcock hunting season is appropriate. Specifics of the interim harvest strategy can be found at *http://www.fws.gov/migratorybirds/NewsPublicationsReports.html.*

15. Band-Tailed Pigeons

Last year, the Pacific Flyway Council recommended reducing the daily bag limit for the Interior population of band-tailed pigeons from 5 birds to 2 (season length was unchanged at about 30 days), and the Central Flyway Council recommended no change. The Pacific Flyway Council also expressed concern about the status of the population and what an appropriate framework may be, and expressed concern about the inequity between frameworks between the Pacific Coast and Interior populations given similar population trajectories. While we did not change the Federal frameworks, we did reiterate our longstanding practice of giving considerable deference to harvest strategies developed in cooperative Flyway management plans. We further stated that a harvest strategy does not exist for the Interior population of band-tailed pigeons even though the development of one was identified as a high priority when the management plan was adopted in 2001. Thus, we recommended that the two Flyway Councils discuss this issue and advise us of the results of these deliberations at our June 2014 regulatory meeting. It is our desire to see adoption of a mutually acceptable harvest strategy for this population as soon as possible. We also note that both Arizona and Utah opted for more restrictive regulations last year than the Federal frameworks allow. While we recognize the pro-active nature of these voluntary State restrictions in part of the species' range, the actions do not fully address population-wide concerns expressed by the Pacific Flyway Council.

Despite our request, the Pacific and Central Flyway Councils did not reach consensus on what an appropriate framework may be (although both the Pacific and Central Flyways recommended no change in the Federal framework this year, leaving the option for restriction up to individual States), and indicated that development of a harvest strategy was not forthcoming. We have taken a close look at the limited data, and believe further investigation is warranted to ensure harvest is commensurate with population status. We recognize the need and difficulty in obtaining additional data for this population, but believe that there are analytical techniques that may allow use of available information to quantify the harvest potential of this population and better inform what an appropriate framework may be. We recommend that the Council's work together and with the Service's Division of Migratory Bird Management to review available information and conduct an assessment of the harvest potential of this population. We request they advise us of the results of this assessment and develop a regulatory recommendation using this information at our June 2015 regulatory meeting.

16. Mourning Doves

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended use of the ''standard'' season framework comprised of a 90-day season and 15-bird daily bag limit for States within the Eastern Management Unit. The daily bag limit could be composed of mourning doves and white-winged doves, singly or in combination.

The Mississippi and Central Flyway Councils recommend the use of the ''standard'' season package of a 15-bird daily bag limit and a 70-day season for the 2014–15 mourning dove season in the States within the Central Management Unit.

The Pacific Flyway Council recommended use of the ''standard'' season framework for States in the Western Management Unit (WMU) population of doves. In Idaho, Nevada, Oregon, Utah, and Washington, the season length would be no more than 60 consecutive days with a daily bag limit of 15 mourning and white-winged doves in the aggregate. In Arizona and California, the season length would be no more than 60 consecutive days, which could be split between two periods, September 1–15 and November 1–January 15. In Arizona, during the first segment of the season, the daily bag limit would be 15 mourning and white-

winged doves in the aggregate, of which no more than 10 could be white-winged doves. During the remainder of the season, the daily bag limit would be 15 mourning doves. In California, the daily bag limit would be 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves.

The Atlantic, Mississippi, Central, and Pacific Flyway Councils also recommended that the Service use a 3-year running average to calculate the predicted dove abundance in the annual assessment of the status of mourning doves in support of the regulation-setting process under the dove harvest strategy beginning with the 2015–16 hunting season.

Service Response: Last year, we approved implementation of the national mourning dove harvest strategy, as developed by the Mourning Dove Task Force, for the 2014–15 hunting season (78 FR 52658, August 23, 2013). This strategy replaced the interim harvest strategies that had been in place since 2009. A copy of the new strategy is available at available on our Web site at *http://www.fws.gov/migratorybirds/NewReportsPublications/Dove/MODO%20Harvest%20Strategy%202014.pdf,* or at *http://www.regulations.gov.*

We also support modification of this national harvest strategy such that a 3-year running average is used to calculate each year's abundance estimate and calculate predicted dove abundance in the annual assessment of the status of mourning doves beginning with the 2015–16 hunting season as recommended by all four flyway Councils and vetted through the Mourning Dove Task Force. This Task Force continues to be a useful venue for developing issues for consideration and potential modification to the National Strategy.

This year, based on the harvest strategies and current population status, we agree with the recommended selection of the ''standard'' season frameworks for doves in the Eastern, Central, and Western Management Units.

18. Alaska

Council Recommendations: The Pacific Flyway Council recommended several changes in the Alaska early season frameworks. Specifically, they recommended:

1. Splitting the ''Dark Geese'' framework into separate frameworks for Canada geese and white-fronted geese.

2. For both Canada geese and white-fronted geese, the basic framework for season dates, outside dates, zones, and daily bag and possession limits remains the same as it was under ''Dark Geese.''

3. In Unit 18, in western Alaska, white-fronted geese daily bag and possession limits would be increased from a dark goose daily bag limit of 6 birds, 18 in possession, to a white-fronted goose daily bag limit of 8 birds, 24 in possession.

4. In Units 6B, 6C, and Hawkins and Hinchinbrook Islands in 6D, if dusky Canada geese exceed the population threshold to return to Action Level 1 status (3-year average based on May 2011, 2012, and 2014 surveys), then implement Action Level 1 regulations as stated in the Pacific Flyway Council's management plan for dusky geese, and eliminate requirements for a special permit hunt and harvest quota, but maintain possession limits at 2 times the daily bag limit.

Service Response: We agree with the Pacific Flyway Council's recommended changes in the Alaska early season frameworks, including elimination of requirements for a special permit hunt and harvest quota in Units 6B, 6C, and Hawkins and Hinchinbrook Islands in 6D. The 3-year (2011–13) moving average fall population of Pacific white-fronted geese was 628,198 geese, and is well above the population objective of 300,000 geese as identified in the Pacific Flyway Council's management plan for this population. The Yukon-Kuskowim Delta (Unit 18) supports over 95 percent of the breeding population of Pacific white-fronted geese.

With regard to the Action Level regulations as described in the Council's management plan for dusky Canada geese, the dusky Canada goose population estimate for 2014 was 15,049 geese and represents an increase from the 2012 estimate of 13,660 geese (there was no estimate available in 2013). The recent 3-year (2011–14) average population estimate was 13,503 geese, which is above the threshold of 12,500 geese necessary to remove Action Level 2 harvest restrictions and return to Action Level 1 harvest regulations, which do not require a special permit hunt and harvest quota for dusky Canada geese.

National Environmental Policy Act (NEPA)

The programmatic document, ''Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (EIS 20130139),'' filed with the Environmental Protection Agency (EPA) on May 24, 2013, addresses NEPA compliance by the Service for issuance of the annual framework regulations for hunting of migratory game bird species. We published a notice of availability in the **Federal Register** on May 31, 2013 (78 FR 32686), and our Record of Decision on July 26, 2013 (78 FR 45376). We also address NEPA compliance for waterfowl hunting frameworks through the annual preparation of separate environmental assessments, the most recent being ''Duck Hunting Regulations for 2014–15,'' with its corresponding August 2014, finding of no significant impact. In addition, an August 1985 environmental assessment entitled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available from the person indicated under the caption **FOR FURTHER INFORMATION CONTACT**.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), provides that, ''The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act'' (and) shall ''insure that any action authorized, funded, or carried 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 [critical] habitat. * * *.'' Consequently, we conducted formal consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion, which concluded that the regulations are not likely to jeopardize the continued existence of any endangered or threatened species. Additionally, these findings may have caused modification of some regulatory measures previously proposed, and the final frameworks reflect any such modifications. Our biological opinions resulting from this section 7 consultation are public documents available for public inspection at the address indicated under **ADDRESSES**.

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. OIRA has reviewed this rule and has determined that this rule is significant because it would have an annual effect of $100 million or more on the economy.

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.

An updated economic analysis was prepared for the 2013–14 season. This analysis was based on data from the newly released 2011 National Hunting and Fishing Survey, the most recent year for which data are available (see discussion in Regulatory Flexibility Act section below). This analysis estimated consumer surplus for three alternatives for duck hunting (estimates for other species are not quantified due to lack of data). The alternatives were: (1) Issue restrictive regulations allowing fewer days than those issued during the 2012–13 season, (2) issue moderate regulations allowing more days than those in alternative 1, and (3) issue liberal regulations identical to the regulations in the 2012–13 season. For the 2013–14 season, we chose Alternative 3, with an estimated consumer surplus across all flyways of $317.8–$416.8 million. For the 2014–15 season, we have also chosen alternative 3. We also chose alternative 3 for the 2009–10, the 2010–11, the 2011–12, and the 2012–13 seasons. The 2013–14 analysis is part of the record for this rule and is available at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2014–0017.

Regulatory Flexibility Act

The annual migratory bird hunting regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail as part of the 1981 cost-benefit analysis. This analysis was revised annually from 1990–95. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was subsequently updated in 1996, 1998, 2004, 2008, and 2013. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The 2013 Analysis was based on the 2011 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend approximately $1.5 billion at small businesses in 2013. Copies of the Analysis are available upon request from the Division of Migratory Bird Management (see **FOR FURTHER INFORMATION CONTACT**) or from our Web site at *http://www.fws.gov/migratorybirds/NewReportsPublications/SpecialTopics/SpecialTopics.html#HuntingRegs* or at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2014–0017.

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule will have an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we are not deferring the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

This final rule does not contain any new information collection that requires approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. OMB has reviewed and approved the information collection requirements associated with migratory bird surveys and assigned the following OMB control numbers:

- 1018–0010—Mourning Dove Call Count Survey (discontinued 7/29/2014).
- 1018–0019—North American Woodcock Singing Ground Survey (expires 4/30/2015).
- 1018–0023—Migratory Bird Surveys (expires 6/30/2017). Includes Migratory Bird Harvest Information Program, Migratory Bird Hunter Surveys, Sandhill Crane Survey, and Parts Collection Survey.

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.,* that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this rule, has determined that this rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, this rule, authorized by the Migratory Bird Treaty Act (16 U.S.C. 703–711), does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, this rule allows hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

Energy Effects—Executive Order 13211

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this rule is a significant regulatory action under Executive Order 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

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, and 512 DM 2, we have evaluated possible effects on Federally-recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, in the April 30 **Federal Register**, we solicited proposals for special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2014–15 migratory bird hunting season. The resulting proposals were contained in a separate August 11, 2014, proposed rule (79 FR 46940). By virtue of these actions, we have consulted with affected Tribes.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and tribes to determine which seasons meet their individual needs. Any State or Indian tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, we intend that the public be given the greatest possible opportunity to comment. Thus, when the preliminary proposed rulemaking was published, we established what we believed were the longest periods possible for public comment. In doing this, we recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, States would have insufficient time to select season dates and limits; to communicate those selections to us; and to establish and publicize the necessary regulations and procedures to implement their decisions. We therefore find that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

Therefore, under authority of the Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703–711), we prescribe final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and hunting areas, from which State conservation agency officials will select hunting season dates and other options. Upon receipt of season selections from these officials, we will publish a final rulemaking amending 50 CFR part 20 to reflect seasons, limits, and shooting hours for the conterminous United States for the 2014–15 season.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 2014–15 hunting season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

Dated: August 13, 2014.

Michael J. Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

Final Regulations Frameworks for 2014–15 Early Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Department of the Interior approved the following frameworks, which prescribe season lengths, bag limits, shooting hours, and outside dates within which States may select hunting seasons for certain migratory game birds between September 1, 2014, and March 10, 2015. These frameworks are summarized below.

General

Dates: All outside dates noted below are inclusive.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are three times the daily bag limit.

Permits: For some species of migratory birds, the Service authorizes the use of permits to regulate harvest or monitor their take by sport hunters, or both. In many cases (e.g., tundra swans, some sandhill crane populations), the Service determines the amount of harvest that may be taken during hunting seasons during its formal regulations-setting process, and the States then issue permits to hunters at levels predicted to result in the amount of take authorized by the Service. Thus, although issued by States, the permits would not be valid unless the Service approved such take in its regulations.

These Federally authorized, State-issued permits are issued to individuals, and only the individual whose name and address appears on the permit at the time of issuance is authorized to take migratory birds at levels specified in the permit, in accordance with provisions of both Federal and State regulations governing the hunting season. The permit must be carried by the permittee when exercising its provisions and must be presented to any law enforcement officer upon request. The permit is not transferrable or assignable to another individual, and may not be sold, bartered, traded, or otherwise provided to another person. If the permit is altered or defaced in any way, the permit becomes invalid.

Flyways and Management Units

Waterfowl Flyways

Atlantic Flyway—includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway—includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway—includes Colorado (east of the Continental Divide), Kansas, Montana (Counties of Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all Counties east thereof), Nebraska, New Mexico (east of the Continental Divide except the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Pacific Flyway—includes Alaska, Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and those portions of Colorado, Montana, New Mexico, and Wyoming not included in the Central Flyway.

Management Units

Mourning Dove Management Units

Eastern Management Unit—All States east of the Mississippi River, and Louisiana.

Central Management Unit—Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

Western Management Unit—Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

Woodcock Management Regions

Eastern Management Region—Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Central Management Region—Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

Other geographic descriptions are contained in a later portion of this document.

Definitions

Dark geese: Canada geese, white-fronted geese, brant (except in Alaska, California, Oregon, Washington, and the Atlantic Flyway), and all other goose species, except light geese.

Light geese: snow (including blue) geese and Ross's geese.

Waterfowl Seasons in the Atlantic Flyway

In the Atlantic Flyway States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, and Pennsylvania, where Sunday hunting is prohibited Statewide by State law, all Sundays are closed to all take of migratory waterfowl (including mergansers and coots).

Special September Teal Season

Outside Dates: Between September 1 and September 30, an open season on all species of teal may be selected by the following States in areas delineated by State regulations:

Atlantic Flyway—Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia.

Mississippi Flyway—Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin. The seasons in Iowa, Michigan, Minnesota, and Wisconsin are experimental.

Central Flyway—Colorado (part), Kansas, Nebraska, New Mexico (part), Oklahoma, and Texas. The season in the northern portion of Nebraska is experimental.

Hunting Seasons and Daily Bag Limits: Not to exceed 16 consecutive hunting days in the Atlantic, Mississippi, and Central Flyways. The daily bag limit is 6 teal.

Shooting Hours:

Atlantic Flyway—One-half hour before sunrise to sunset, except in South Carolina, where the hours are from sunrise to sunset.

Mississippi and Central Flyways—One-half hour before sunrise to sunset, except in the States of Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, where the hours are from sunrise to sunset.

Special September Duck Seasons

Florida, Kentucky and Tennessee: In lieu of a special September teal season, a 5-consecutive-day season may be selected in September. The daily bag limit may not exceed 6 teal and wood ducks in the aggregate, of which no more than 2 may be wood ducks. In addition, a 4-consecutive-day experimental season may be selected in September either immediately before or immediately after the 5-consecutive day teal/wood duck season. The daily bag limit is 6 teal.

Iowa: In lieu of an experimental special September teal season, Iowa may hold up to 5 days of its regular duck hunting season in September. All ducks that are legal during the regular duck season may be taken during the September segment of the season. The September season segment may commence no earlier than the Saturday nearest September 20 (September 20). The daily bag and possession limits will be the same as those in effect last year but are subject to change during the late-season regulations process. The remainder of the regular duck season may not begin before October 10.

Special Youth Waterfowl Hunting Days

Outside Dates: States may select 2 days per duck-hunting zone, designated as ''Youth Waterfowl Hunting Days,'' in addition to their regular duck seasons. The days must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

Daily Bag Limits: The daily bag limits may include ducks, geese, mergansers, coots, and gallinules and will be the same as those allowed in the regular season. Flyway species and area restrictions will remain in effect.

Shooting Hours: One-half hour before sunrise to sunset.

Participation Restrictions: Youth hunters must be 15 years of age or younger. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day.

Scoters, Eiders, and Long-tailed Ducks (Atlantic Flyway)

Outside Dates: Between September 15 and January 31.

Hunting Seasons and Daily Bag Limits: Not to exceed 107 days, with a daily bag limit of 7, singly or in the aggregate, of the listed sea duck species, of which no more than 4 may be scoters.

Daily Bag Limits During the Regular Duck Season: Within the special sea duck areas, during the regular duck season in the Atlantic Flyway, States may choose to allow the above sea duck limits in addition to the limits applying to other ducks during the regular duck season. In all other areas, sea ducks may be taken only during the regular open season for ducks and are part of the regular duck season daily bag (not to exceed 4 scoters) and possession limits.

Areas: In all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States.

Special Early Canada Goose Seasons

Atlantic Flyway

General Seasons

A Canada goose season of up to 15 days during September 1–15 may be selected for the Eastern Unit of Maryland. Seasons not to exceed 30 days during September 1–30 may be selected for Connecticut, Florida, Georgia, New Jersey, New York (Long Island Zone only), North Carolina, Rhode Island, and South Carolina. Seasons may not exceed 25 days during September 1–25 in the remainder of the Flyway. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Daily Bag Limits: Not to exceed 15 Canada geese.

Shooting Hours: One-half hour before sunrise to sunset, except that during any general season, shooting hours may extend to one-half hour after sunset if all other waterfowl seasons are closed in the specific applicable area.

Mississippi Flyway

General Seasons

Canada goose seasons of up to 15 days during September 1–15 may be selected, except in the Upper Peninsula in Michigan, where the season may not extend beyond September 10, and in Minnesota, where a season of up to 22 days during September 1–22 may be selected. The daily bag limit may not exceed 5 Canada geese, except in designated areas of Minnesota where the daily bag limit may not exceed 10 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

A Canada goose season of up to 10 consecutive days during September 1–10 may be selected by Michigan for Huron, Saginaw, and Tuscola Counties, except that the Shiawassee National Wildlife Refuge, Shiawassee River State Game Area Refuge, and the Fish Point Wildlife Area Refuge will remain closed. The daily bag limit may not exceed 5 Canada geese.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset if all other waterfowl and crane seasons are closed in the specific applicable area.

Central Flyway

General Seasons

In Kansas, Nebraska, Oklahoma, South Dakota, and Texas, Canada goose seasons of up to 30 days during September 1–30 may be selected. In Colorado, New Mexico, North Dakota, Montana, and Wyoming, Canada goose seasons of up to 15 days during September 1–15 may be selected. The daily bag limit may not exceed 5 Canada geese, except in Kansas, Nebraska, and Oklahoma, where the daily bag limit may not exceed 8 Canada geese and in North Dakota and South Dakota, where the daily bag limit may not exceed 15 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Shooting Hours: One-half hour before sunrise to sunset, except that during September 1–15 shooting hours may extend to one-half hour after sunset if all other waterfowl and crane seasons are closed in the specific applicable area.

Pacific Flyway

General Seasons

California may select a 9-day season in Humboldt County during September 1–15. The daily bag limit is 2.

Colorado may select a 9-day season during September 1–15. The daily bag limit is 4.

Oregon may select a 15-day season during September 1–15. In addition, Oregon may select a 15-day season in the Northwest Zone during September 1–20. The daily bag limit is 5.

Idaho may select a 7-day season during September 1–15. The daily bag limit is 2.

Washington may select a 15-day season during September 1–15. The daily bag limit is 5, except in Pacific County where the daily bag limit is 15.

Wyoming may select an 8-day season during September 1–15. The daily bag limit is 3.

Areas open to hunting of Canada geese in each State must be described, delineated, and designated as such in each State's hunting regulations.

Regular Goose Seasons

Mississippi Flyway

Regular goose seasons may open as early as September 11 in the Upper Peninsula of Michigan and September 16 in Wisconsin and the Lower Peninsula of Michigan. Season lengths, bag and possession limits, and other provisions will be established during the late-season regulations process.

Sandhill Cranes

Regular Seasons in the Mississippi Flyway

Outside Dates: Between September 1 and February 28.

Hunting Seasons: A season not to exceed 37 consecutive days may be selected in the designated portion of northwestern Minnesota (Northwest Goose Zone).

Daily Bag Limit: 2 sandhill cranes.

Permits: Each person participating in the regular sandhill crane season must have a valid Federal or State sandhill crane hunting permit.

Experimental Seasons in the Mississippi Flyway

Outside Dates: Between September 1 and January 31.

Hunting Seasons: A season not to exceed 30 consecutive days may be selected in Kentucky and a season not to exceed 60 consecutive days may be selected in Tennessee.

Daily Bag Limit: Not to exceed 2 daily and 2 per season in Kentucky. Not to exceed 3 daily and 3 per season in Tennessee.

Permits: Each person participating in the regular sandhill crane season must have a valid Federal or State sandhill crane hunting permit.

Other Provisions: Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Mississippi Flyway Council.

Regular Seasons in the Central Flyway

Outside Dates: Between September 1 and February 28.

Hunting Seasons: Seasons not to exceed 37 consecutive days may be selected in designated portions of Texas (Area 2). Seasons not to exceed 58 consecutive days may be selected in designated portions of the following States: Colorado, Kansas, Montana, North Dakota, South Dakota, and Wyoming. Seasons not to exceed 93 consecutive days may be selected in designated portions of the following States: New Mexico, Oklahoma, and Texas.

Daily Bag Limits: 3 sandhill cranes, except 2 sandhill cranes in designated portions of North Dakota (Area 2) and Texas (Area 2).

Permits: Each person participating in the regular sandhill crane season must have a valid Federal or State sandhill crane hunting permit.

Special Seasons in the Central and Pacific Flyways

Arizona, Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming may select seasons for hunting sandhill cranes within the range of the Rocky Mountain Population (RMP) subject to the following conditions:

Outside Dates: Between September 1 and January 31.

Hunting Seasons: The season in any State or zone may not exceed 30 consecutive days.

Bag limits: Not to exceed 3 daily and 9 per season.

Permits: Participants must have a valid permit, issued by the appropriate State, in their possession while hunting.

Other Provisions: Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Central and Pacific Flyway Councils, with the following exceptions:

A. In Utah, 100 percent of the harvest will be assigned to the RMP quota;

B. In Arizona, monitoring the racial composition of the harvest must be conducted at 3-year intervals;

C. In Idaho, 100 percent of the harvest will be assigned to the RMP quota; and

D. In New Mexico, the season in the Estancia Valley is experimental, with a requirement to monitor the level and racial composition of the harvest; greater sandhill cranes in the harvest will be assigned to the RMP quota.

Special Seasons in the Pacific Flyway

Arizona may select a season for hunting sandhill cranes within the range of the Lower Colorado River Population (LCR) of sandhill cranes, subject to the following conditions:

Outside Dates: Between January 1 and January 31.

Hunting Seasons: The season may not exceed 3 days.

Bag limits: Not to exceed 1 daily and 1 per season.

Permits: Participants must have a valid permit, issued by the appropriate State, in their possession while hunting.

Other provisions: The season is experimental. Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Pacific Flyway Council.

Common Moorhens and Purple Gallinules

Outside Dates: Between September 1 and the last Sunday in January (January 25) in the Atlantic, Mississippi, and Central Flyways. States in the Pacific Flyway have been allowed to select their hunting seasons between the outside dates for the season on ducks; therefore, they are late-season frameworks, and no frameworks are provided in this document.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 70 days in the Atlantic, Mississippi, and Central Flyways. Seasons may be split into 2 segments. The daily bag limit is 15 common moorhens and purple gallinules, singly or in the aggregate of the two species.

Zoning: Seasons may be selected by zones established for duck hunting.

Rails

Outside Dates: States included herein may select seasons between September 1 and the last Sunday in January (January 25) on clapper, king, sora, and Virginia rails.

Hunting Seasons: Seasons may not exceed 70 days, and may be split into 2 segments.

Daily Bag Limits:

Clapper and King Rails—In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, 10, singly or in the aggregate of the two species. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, 15, singly or in the aggregate of the two species.

Sora and Virginia Rails—In the Atlantic, Mississippi, and Central Flyways and the Pacific Flyway portions of Colorado, Montana, New Mexico, and Wyoming, 25 rails, singly or in the aggregate of the two species. The season is closed in the remainder of the Pacific Flyway.

Snipe

Outside Dates: Between September 1 and February 28, except in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia, where the season must end no later than January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 107 days and may be split into two segments. The daily bag limit is 8 snipe.

Zoning: Seasons may be selected by zones established for duck hunting.

American Woodcock

Outside Dates: States in the Eastern Management Region may select hunting seasons between October 1 and January 31. States in the Central Management Region may select hunting seasons between the Saturday nearest September 22 (September 20) and January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 45 days in the Eastern Region and 45 days in the Central Region. The daily bag limit is 3. Seasons may be split into two segments.

Zoning: New Jersey may select seasons in each of two zones. The season in each zone may not exceed 36 days.

Band-Tailed Pigeons

Pacific Coast States (California, Oregon, Washington, and Nevada)

Outside Dates: Between September 15 and January 1.

Hunting Seasons and Daily Bag Limits: Not more than 9 consecutive days, with a daily bag limit of 2.

Zoning: California may select hunting seasons not to exceed 9 consecutive days in each of two zones. The season in the North Zone must close by October 3.

Four-Corners States (Arizona, Colorado, New Mexico, and Utah)

Outside Dates: Between September 1 and November 30.

Hunting Seasons and Daily Bag Limits: Not more than 30 consecutive days, with a daily bag limit of 5.

Zoning: New Mexico may select hunting seasons not to exceed 20 consecutive days in each of two zones. The season in the South Zone may not open until October 1.

Doves

Outside Dates: Between September 1 and January 15, except as otherwise provided, States may select hunting seasons and daily bag limits as follows:

Eastern Management Unit

Hunting Seasons and Daily Bag Limits: Not more than 90 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods. Regulations for bag and possession limits, season length, and shooting hours must be uniform within specific hunting zones.

Central Management Unit

For all States except Texas: Hunting Seasons and Daily Bag Limits: Not more than 70 days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods.

Texas:

Hunting Seasons and Daily Bag Limits: Not more than 70 days, with a daily bag limit of 15 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 2 may be white-tipped doves.

Zoning and Split Seasons: Texas may select hunting seasons for each of three zones subject to the following conditions:

A. The hunting season may be split into not more than two periods, except in that portion of Texas in which the special white-winged dove season is allowed, where a limited take of mourning and white-tipped doves may also occur during that special season (see Special White-winged Dove Area).

B. A season may be selected for the North and Central Zones between September 1 and January 25; and for the South Zone between the Friday nearest September 20 (September 19), but not earlier than September 17, and January 25.

C. Except as noted above, regulations for bag and possession limits, season length, and shooting hours must be uniform within each hunting zone.

Special White-Winged Dove Area in Texas:

In addition, Texas may select a hunting season of not more than 4 days for the Special White-winged Dove Area of the South Zone between September 1 and September 19. The daily bag limit may not exceed 15 white-winged, mourning, and white-tipped doves in the aggregate, of which no more than 2 may be mourning doves and no more than 2 may be white-tipped doves.

Western Management Unit

Hunting Seasons and Daily Bag Limits:

Idaho, Nevada, Oregon, Utah, and Washington—Not more than 60 consecutive days, with a daily bag limit of 15 mourning and white-winged doves in the aggregate.

Arizona and California—Not more than 60 days, which may be split between two periods, September 1–15 and November 1–January 15. In Arizona, during the first segment of the season, the daily bag limit is 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves. During the remainder of the season, the daily bag limit is 15 mourning doves. In California, the daily bag limit is 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves.

Alaska

Outside Dates: Between September 1 and January 26.

Hunting Seasons: Alaska may select 107 consecutive days for waterfowl, sandhill cranes, and common snipe in each of 5 zones. The season may be split without penalty in the Kodiak Zone. The seasons in each zone must be concurrent.

Closures: The hunting season is closed on emperor geese, spectacled eiders, and Steller's eiders.

Daily Bag and Possession Limits:

Ducks—Except as noted, a basic daily bag limit of 7 ducks. Daily bag limits in the North Zone are 10, and in the Gulf Coast Zone, they are 8. The basic limits may include no more than 1 canvasback daily and may not include sea ducks.

In addition to the basic duck limits, Alaska may select sea duck limits of 10 daily, singly or in the aggregate, including no more than 6 each of either harlequin or long-tailed ducks. Sea ducks include scoters, common and king eiders, harlequin ducks, long-tailed ducks, and common and red-breasted mergansers.

Light Geese—The daily bag limit is 4.

Canada Geese—The daily bag limit is 4 with the following exceptions:

A. In Units 5 and 6, the taking of Canada geese is permitted from September 28 through December 16.

B. On Middleton Island in Unit 6, a special, permit-only Canada goose season may be offered. A mandatory goose identification class is required. Hunters must check in and check out. The bag limit is 1 daily and 1 in possession. The season will close if incidental harvest includes 5 dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value five or less) with a bill length between 40 and 50 millimeters.

C. In Units 6–B, 6–C, and on Hinchinbrook and Hawkins Islands in Unit 6–D, the possession limit is two times the daily bag limit.

D. In Units 9, 10, 17, and 18, the daily bag limit is 6 Canada geese.

White-fronted Geese—The daily bag limit is 4 with the following exceptions:

A. In Units 9, 10, and 17, the daily bag limit is 6 white-fronted geese.

B. In Unit 18, the daily bag limit is 8 white-fronted geese.

Brant—The daily bag limit is 2.

Snipe—The daily bag limit is 8.

Sandhill cranes—The daily bag limit is 2 in the Southeast, Gulf Coast, Kodiak, and Aleutian Zones, and Unit 17 in the North Zone. In the remainder of the North Zone (outside Unit 17), the daily bag limit is 3.

Tundra Swans—Open seasons for tundra swans may be selected subject to the following conditions:

A. All seasons are by registration permit only.

B. All season framework dates are September 1–October 31.

C. In Unit 17, no more than 200 permits may be issued during this operational season. No more than 3 tundra swans may be authorized per permit, with no more than 1 permit may be issued per hunter per season.

D. In Unit 18, no more than 500 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

E. In Unit 22, no more than 300 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

F. In Unit 23, no more than 300 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

Hawaii

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 65 days (75 under the alternative) for mourning doves.

Bag Limits: Not to exceed 15 (12 under the alternative) mourning doves.

Note: Mourning doves may be taken in Hawaii in accordance with shooting hours and other regulations set by the State of Hawaii, and subject to the applicable provisions of 50 CFR part 20.

Puerto Rico

Doves and Pigeons

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 days.

Daily Bag and Possession Limits: Not to exceed 20 Zenaida, mourning, and white-winged doves in the aggregate, of which not more than 10 may be Zenaida doves and 3 may be mourning doves. Not to exceed 5 scaly-naped pigeons.

Closed Seasons: The season is closed on the white-crowned pigeon and the plain pigeon, which are protected by the Commonwealth of Puerto Rico.

Closed Areas: There is no open season on doves or pigeons in the following areas: Municipality of Culebra, Desecheo Island, Mona Island, El Verde Closure Area, and Cidra Municipality and adjacent areas.

Ducks, Coots, Moorhens, Gallinules, and Snipe

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 55 days may be selected for hunting ducks, common moorhens, and common snipe. The season may be split into two segments.

Daily Bag Limits:

Ducks—Not to exceed 6.

Common moorhens—Not to exceed 6.

Common snipe—Not to exceed 8.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck, which are protected by the Commonwealth of Puerto Rico. The season also is closed on the purple gallinule, American coot, and Caribbean coot.

Closed Areas: There is no open season on ducks, common moorhens, and common snipe in the Municipality of Culebra and on Desecheo Island.

Virgin Islands

Doves and Pigeons

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 days for Zenaida doves.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves.

Closed Seasons: No open season is prescribed for ground or quail doves or pigeons.

Closed Areas: There is no open season for migratory game birds on Ruth Cay (just south of St. Croix).

Local Names for Certain Birds: Zenaida dove, also known as mountain dove; bridled quail-dove, also known as Barbary dove or partridge; common ground-dove, also known as stone dove, tobacco dove, rola, or tortolita; scaly-naped pigeon, also known as red-necked or scaled pigeon.

Ducks

Outside Dates: Between December 1 and January 31.

Hunting Seasons: Not more than 55 consecutive days.

Daily Bag Limits: Not to exceed 6.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck.

Special Falconry Regulations

Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29. These States may select an extended season for taking migratory game birds in accordance with the following:

Extended Seasons: For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area. Each extended season may be divided into a maximum of 3 segments.

Framework Dates: Seasons must fall between September 1 and March 10.

Daily Bag Limits: Falconry daily bag limits for all permitted migratory game birds must not exceed 3 birds, singly or in the aggregate, during extended falconry seasons, any special or experimental seasons, and regular hunting seasons in all States, including those that do not select an extended falconry season.

Regular Seasons: General hunting regulations, including seasons and hunting hours, apply to falconry in each State listed in 50 CFR 21.29. Regular season bag limits do not apply to falconry. The falconry bag limit is not in addition to gun limits.

Area, Unit, and Zone Descriptions

Doves

Alabama

South Zone—Baldwin, Barbour, Coffee, Covington, Dale, Escambia, Geneva, Henry, Houston, and Mobile Counties.

North Zone—Remainder of the State.

California

White-winged Dove Open Areas—Imperial, Riverside, and San Bernardino Counties.

Florida

Northwest Zone—The Counties of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, Washington, Leon (except that portion north of U.S. 27 and east of State Road 155), Jefferson (south of U.S. 27, west of State Road 59 and north of U.S. 98), and Wakulla (except that portion south of U.S. 98 and east of the St. Marks River).

South Zone—Remainder of State.

Louisiana

North Zone—That portion of the State north of a line extending east from the Texas border along State Highway 12 to U.S. Highway 190, east along U.S. 190 to Interstate Highway 12, east along Interstate 12 to Interstate Highway 10, then east along Interstate Highway 10 to the Mississippi border.

South Zone—The remainder of the State.

Mississippi

North Zone—That portion of the State north and west of a line extending west from the Alabama State line along U.S. Highway 84 to its junction with State Highway 35, then south along State Highway 35 to the Louisiana State line.

South Zone—The remainder of Mississippi.

Texas

North Zone—That portion of the State north of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to TX 20; west along TX 20 to TX 148; north along TX 148 to I–10 at Fort Hancock; east along I–10 to I–20; northeast along I–20 to I–30 at Fort Worth; northeast along I–30 to the Texas–Arkansas State line.

South Zone—That portion of the State south and west of a line beginning at the International Bridge south of Del Rio, proceeding east on U.S. 90 to State Loop 1604 west of San Antonio; then south, east, and north along Loop 1604 to Interstate Highway 10 east of San Antonio; then east on I–10 to Orange, Texas.

Special White-winged Dove Area in the South Zone— That portion of the state south and west of a line beginning at the International Toll Bridge in Del Rio; then northeast along U.S. Highway 277 Spur to Highway 90 in Del Rio; thence east along U.S. Highway 90 to State Loop 1604; thence along Loop 1604 south and east to Interstate Highway 37; thence south along Interstate Highway 37 to U.S. Highway 181 in Corpus Christi; thence north and east along U.S. 181 to the Corpus Christi Ship Channel, thence eastwards along the south shore of the Corpus Christi Ship Channel to the Gulf of Mexico.

Central Zone—That portion of the State lying between the North and South Zones.

Band-Tailed Pigeons

California

North Zone—Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity Counties.

South Zone—The remainder of the State.

New Mexico

North Zone—North of a line following U.S. 60 from the Arizona State line east to I–25 at Socorro and then south along I–25 from Socorro to the Texas State line.

South Zone—The remainder of the State.

Washington

Western Washington—The State of Washington excluding those portions lying east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

Woodcock

New Jersey

North Zone—That portion of the State north of NJ 70.

South Zone—The remainder of the State.

Special September Canada Goose Seasons

Atlantic Flyway

Connecticut

North Zone—That portion of the State north of I–95.

South Zone—The remainder of the State.

Maryland

Eastern Unit—Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; and that part of Anne Arundel County east

of Interstate 895, Interstate 97 and Route 3; that part of Prince George's County east of Route 3 and Route 301; and that part of Charles County east of Route 301 to the Virginia State line.

Western Unit—Allegany, Baltimore, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington Counties and that part of Anne Arundel County west of Interstate 895, Interstate 97 and Route 3; that part of Prince George's County west of Route 3 and Route 301; and that part of Charles County west of Route 301 to the Virginia State line.

Massachusetts

Western Zone—That portion of the State west of a line extending south from the Vermont border on I–91 to MA 9, west on MA 9 to MA 10, south on MA 10 to U.S. 202, south on U.S. 202 to the Connecticut border.

Central Zone—That portion of the State east of the Berkshire Zone and west of a line extending south from the New Hampshire border on I–95 to U.S. 1, south on U.S. 1 to I–93, south on I–93 to MA 3, south on MA 3 to U.S. 6, west on U.S. 6 to MA 28, west on MA 28 to I–195, west to the Rhode Island border; except the waters, and the lands 150 yards inland from the high-water mark, of the Assonet River upstream to the MA 24 bridge, and the Taunton River upstream to the Center St.–Elm St. bridge will be in the Coastal Zone.

Coastal Zone—That portion of Massachusetts east and south of the Central Zone.

New York

Lake Champlain Goose Area—The same as the Lake Champlain Waterfowl Hunting Zone, which is that area of New York State lying east and north of a continuous line extending along Route 11 from the New York–Canada International boundary south to Route 9B, south along Route 9B to Route 9, south along Route 9 to Route 22 south of Keeseville, south along Route 22 to the west shore of South Bay along and around the shoreline of South Bay to Route 22 on the east shore of South Bay, southeast along Route 22 to Route 4, northeast along Route 4 to the New York–Vermont boundary.

Northeast Goose Area—The same as the Northeastern Waterfowl Hunting Zone, which is that area of New York State lying north of a continuous line extending from Lake Ontario east along the north shore of the Salmon River to Interstate 81, south along Interstate Route 81 to Route 31, east along Route 31 to Route 13, north along Route 13 to Route 49, east along Route 49 to Route 365, east along Route 365 to Route 28, east along Route 28 to Route 29, east along Route 29 to Route 22 at Greenwich Junction, north along Route 22 to Washington County Route 153, east along CR 153 to the New York–Vermont boundary, exclusive of the Lake Champlain Zone.

East Central Goose Area—That area of New York State lying inside of a continuous line extending from Interstate Route 81 in Cicero, east along Route 31 to Route 13, north along Route 13 to Route 49, east along Route 49 to Route 365, east along Route 365 to Route 28, east along Route 28 to Route 29, east along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge, southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146 at Altamont, west along Route 146 to Albany County Route 252, northwest along Route 252 to Schenectady County Route 131, north along Route 131 to Route 7, west along Route 7 to Route 10 at Richmondville, south on Route 10 to Route 23 at Stamford, west along Route 23 to Route 7 in Oneonta, southwest along Route 7 to Route 79 to Interstate Route 88 near Harpursville, west along Route 88 to Interstate Route 81, north along Route 81 to the point of beginning.

West Central Goose Area—That area of New York State lying within a continuous line beginning at the point where the northerly extension of Route 269 (County Line Road on the Niagara–Orleans County boundary) meets the International boundary with Canada, south to the shore of Lake Ontario at the eastern boundary of Golden Hill State Park, south along the extension of Route 269 and Route 269 to Route 104 at Jeddo, west along Route 104 to Niagara County Route 271, south along Route 271 to Route 31E at Middleport, south along Route 31E to Route 31, west along Route 31 to Griswold Street, south along Griswold Street to Ditch Road, south along Ditch Road to Foot Road, south along Foot Road to the north bank of Tonawanda Creek, west along the north bank of Tonawanda Creek to Route 93, south along Route 93 to Route 5, east along Route 5 to Crittenden–Murrays Corners Road, south on Crittenden–Murrays Corners Road to the NYS Thruway, east along the Thruway 90 to Route 98 (at Thruway Exit 48) in Batavia, south along Route 98 to Route 20, east along Route 20 to Route 19 in Pavilion Center, south along Route 19 to Route 63, southeast along Route 63 to Route 246, south along Route 246 to Route 39 in Perry, northeast along Route 39 to Route 20A, northeast along Route 20A to Route 20, east along Route 20 to Route 364 (near Canandaigua), south and east along Route 364 to Yates County Route 18 (Italy Valley Road), southwest along Route 18 to Yates County Route 34, east along Route 34 to Yates County Route 32, south along Route 32 to Steuben County Route 122, south along Route 122 to Route 53, south along Route 53 to Steuben County Route 74, east along Route 74 to Route 54A (near Pulteney), south along Route 54A to Steuben County Route 87, east along Route 87 to Steuben County Route 96, east along Route 96 to Steuben County Route 114, east along Route 114 to Schuyler County Route 23, east and southeast along Route 23 to Schuyler County Route 28, southeast along Route 28 to Route 409 at Watkins Glen, south along Route 409 to Route 14, south along Route 14 to Route 224 at Montour Falls, east along Route 224 to Route 228 in Odessa, north along Route 228 to Route 79 in Mecklenburg, east along Route 79 to Route 366 in Ithaca, northeast along Route 366 to Route 13, northeast along Route 13 to Interstate Route 81 in Cortland, north along Route 81 to the north shore of the Salmon River to shore of Lake Ontario, extending generally northwest in a straight line to the nearest point of the International boundary with Canada, south and west along the International boundary to the point of beginning.

Hudson Valley Goose Area—That area of New York State lying within a continuous line extending from Route 4 at the New York-Vermont boundary, west and south along Route 4 to Route 149 at Fort Ann, west on Route 149 to Route 9, south along Route 9 to Interstate Route 87 (at Exit 20 in Glens Falls), south along Route 87 to Route 29, west along Route 29 to Route 147 at Kimball Corners, south along Route 147 to Schenectady County Route 40 (West Glenville Road), west along Route 40 to Touareuna Road, south along Touareuna Road to Schenectady County Route 59, south along Route 59 to State Route 5, east along Route 5 to the Lock 9 bridge, southwest along the Lock 9 bridge to Route 5S, southeast along Route 5S to

Schenectady County Route 58, southwest along Route 58 to the NYS Thruway, south along the Thruway to Route 7, southwest along Route 7 to Schenectady County Route 103, south along Route 103 to Route 406, east along Route 406 to Schenectady County Route 99 (Windy Hill Road), south along Route 99 to Dunnsville Road, south along Dunnsville Road to Route 397, southwest along Route 397 to Route 146 at Altamont, southeast along Route 146 to Main Street in Altamont, west along Main Street to Route 156, southeast along Route 156 to Albany County Route 307, southeast along Route 307 to Route 85A, southwest along Route 85A to Route 85, south along Route 85 to Route 443, southeast along Route 443 to Albany County Route 301 at Clarksville, southeast along Route 301 to Route 32, south along Route 32 to Route 23 at Cairo, west along Route 23 to Joseph Chadderdon Road, southeast along Joseph Chadderdon Road to Hearts Content Road (Greene County Route 31), southeast along Route 31 to Route 32, south along Route 32 to Greene County Route 23A, east along Route 23A to Interstate Route 87 (the NYS Thruway), south along Route 87 to Route 28 (Exit 19) near Kingston, northwest on Route 28 to Route 209, southwest on Route 209 to the New York-Pennsylvania boundary, southeast along the New York-Pennsylvania boundary to the New York-New Jersey boundary, southeast along the New York-New Jersey boundary to Route 210 near Greenwood Lake, northeast along Route 210 to Orange County Route 5, northeast along Orange County Route 5 to Route 105 in the Village of Monroe, east and north along Route 105 to Route 32, northeast along Route 32 to Orange County Route 107 (Quaker Avenue), east along Route 107 to Route 9W, north along Route 9W to the south bank of Moodna Creek, southeast along the south bank of Moodna Creek to the New Windsor-Cornwall town boundary, northeast along the New Windsor-Cornwall town boundary to the Orange-Dutchess County boundary (middle of the Hudson River), north along the county boundary to Interstate Route 84, east along Route 84 to the Dutchess-Putnam County boundary, east along the county boundary to the New York-Connecticut boundary, north along the New York-Connecticut boundary to the New York-Massachusetts boundary, north along the New York-Massachusetts boundary to the New York-Vermont boundary, north to the point of beginning.

Eastern Long Island Goose Area (NAP High Harvest Area)—That area of Suffolk County lying east of a continuous line extending due south from the New York-Connecticut boundary to the northernmost end of Roanoke Avenue in the Town of Riverhead; then south on Roanoke Avenue (which becomes County Route 73) to State Route 25; then west on Route 25 to Peconic Avenue; then south on Peconic Avenue to County Route (CR) 104 (Riverleigh Avenue); then south on CR 104 to CR 31 (Old Riverhead Road); then south on CR 31 to Oak Street; then south on Oak Street to Potunk Lane; then west on Stevens Lane; then south on Jessup Avenue (in Westhampton Beach) to Dune Road (CR 89); then due south to international waters.

Western Long Island Goose Area (RP Area)—That area of Westchester County and its tidal waters southeast of Interstate Route 95 and that area of Nassau and Suffolk Counties lying west of a continuous line extending due south from the New York-Connecticut boundary to the northernmost end of the Sunken Meadow State Parkway; then south on the Sunken Meadow Parkway to the Sagtikos State Parkway; then south on the Sagtikos Parkway to the Robert Moses State Parkway; then south on the Robert Moses Parkway to its southernmost end; then due south to international waters.

Central Long Island Goose Area (NAP Low Harvest Area)—That area of Suffolk County lying between the Western and Eastern Long Island Goose Areas, as defined above.

South Goose Area—The remainder of New York State, excluding New York City.

Pennsylvania

Southern James Bay Population (SJBP) Zone—The area north of I–80 and west of I–79, including in the city of Erie west of Bay Front Parkway to and including the Lake Erie Duck Zone (Lake Erie, Presque Isle, and the area within 150 yards of the Lake Erie Shoreline).

Vermont

Lake Champlain Zone—The U.S. portion of Lake Champlain and that area north and west of the line extending from the New York border along U.S. 4 to VT 22A at Fair Haven; VT 22A to U.S. 7 at Vergennes; U.S. 7 to VT 78 at Swanton; VT 78 to VT 36; VT 36 to Maquam Bay on Lake Champlain; along and around the shoreline of Maquam Bay and Hog Island to VT 78 at the West Swanton Bridge; VT 78 to VT 2 in Alburg; VT 2 to the Richelieu River in Alburg; along the east shore of the Richelieu River to the Canadian border.

Interior Zone—That portion of Vermont east of the Lake Champlain Zone and west of a line extending from the Massachusetts border at Interstate 91; north along Interstate 91 to US 2; east along US 2 to VT 102; north along VT 102 to VT 253; north along VT 253 to the Canadian border.

Connecticut River Zone—The remaining portion of Vermont east of the Interior Zone.

Mississippi Flyway

Arkansas

Early Canada Goose Area—Baxter, Benton, Boone, Carroll, Clark, Conway, Crawford, Faulkner, Franklin, Garland, Hempstead, Hot Springs, Howard, Johnson, Lafayette, Little River, Logan, Madison, Marion, Miller, Montgomery, Newton, Perry, Pike, Polk, Pope, Pulaski, Saline, Searcy, Sebastian, Sevier, Scott, Van Buren, Washington, and Yell Counties.

Illinois

North September Canada Goose Zone—That portion of the State north of a line extending west from the Indiana border along Interstate 80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central September Canada Goose Zone—That portion of the State south of the North September Canada Goose Zone line to a line extending west from the Indiana border along I–70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 3, south along Illinois Route 3 to St. Leo's Road, south along St. Leo's road to Modoc Road, west along Modoc Road to Modoc Ferry Road, southwest along Modoc Ferry Road to Levee Road, southeast along Levee Road to County Route 12 (Modoc Ferry entrance Road), south along County Route 12 to the Modoc Ferry route and southwest on the Modoc Ferry route across the Mississippi River to the Missouri border.

South September Canada Goose Zone—That portion of the State south and east of a line extending west from the Indiana border along Interstate 70, south along U.S. Highway 45, to Illinois Route 13, west along Illinois Route 13 to Greenbriar Road, north on Greenbriar Road to Sycamore Road, west on Sycamore Road to N. Reed Station Road,

south on N. Reed Station Road to Illinois Route 13, west along Illinois Route 13 to Illinois Route 127, south along Illinois Route 127 to State Forest Road (1025 N), west along State Forest Road to Illinois Route 3, north along Illinois Route 3 to the south bank of the Big Muddy River, west along the south bank of the Big Muddy River to the Mississippi River, west across the Mississippi River to the Missouri border.

South Central September Canada Goose Zone—The remainder of the State between the south border of the Central Zone and the North border of the South Zone.

Iowa

North Zone—That portion of the State north of U.S. Highway 20.

South Zone—The remainder of Iowa.

Cedar Rapids/Iowa City Goose Zone—Includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; then south and east along County Road E2W to Highway 920; then north along Highway 920 to County Road E16; then east along County Road E16 to County Road W58; then south along County Road W58 to County Road E34; then east along County Road E34 to Highway 13; then south along Highway 13 to Highway 30; then east along Highway 30 to Highway 1; then south along Highway 1 to Morse Road in Johnson County; then east along Morse Road to Wapsi Avenue; then south along Wapsi Avenue to Lower West Branch Road; then west along Lower West Branch Road to Taft Avenue; then south along Taft Avenue to County Road F62; then west along County Road F62 to Kansas Avenue; then north along Kansas Avenue to Black Diamond Road; then west on Black Diamond Road to Jasper Avenue; then north along Jasper Avenue to Rohert Road; then west along Rohert Road to Ivy Avenue; then north along Ivy Avenue to 340th Street; then west along 340th Street to Half Moon Avenue; then north along Half Moon Avenue to Highway 6; then west along Highway 6 to Echo Avenue; then north along Echo Avenue to 250th Street; then east on 250th Street to Green Castle Avenue; then north along Green Castle Avenue to County Road F12; then west along County Road F12 to County Road W30; then north along County Road W30 to Highway 151; then north along the Linn-Benton County line to the point of beginning.

Des Moines Goose Zone—Includes those portions of Polk, Warren, Madison and Dallas Counties bounded as follows: Beginning at the intersection of Northwest 158th Avenue and County Road R38 in Polk County; then south along R38 to Northwest 142nd Avenue; then east along Northwest 142nd Avenue to Northeast 126th Avenue; then east along Northeast 126th Avenue to Northeast 46th Street; then south along Northeast 46th Street to Highway 931; then east along Highway 931 to Northeast 80th Street; then south along Northeast 80th Street to Southeast 6th Avenue; then west along Southeast 6th Avenue to Highway 65; then south and west along Highway 65 to Highway 69 in Warren County; then south along Highway 69 to County Road G24; then west along County Road G24 to Highway 28; then southwest along Highway 28 to 43rd Avenue; then north along 43rd Avenue to Ford Street; then west along Ford Street to Filmore Street; then west along Filmore Street to 10th Avenue; then south along 10th Avenue to 155th Street in Madison County; then west along 155th Street to Cumming Road; then north along Cumming Road to Badger Creek Avenue; then north along Badger Creek Avenue to County Road F90 in Dallas County; then east along County Road F90 to County Road R22; then north along County Road R22 to Highway 44; then east along Highway 44 to County Road R30; then north along County Road R30 to County Road F31; then east along County Road F31 to Highway 17; then north along Highway 17 to Highway 415 in Polk County; then east along Highway 415 to Northwest 158th Avenue; then east along Northwest 158th Avenue to the point of beginning.

Cedar Falls/Waterloo Goose Zone—Includes those portions of Black Hawk County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County, then south along County Road V49 to County Road D38, then west along County Road D38 to State Highway 21, then south along State Highway 21 to County Road D35, then west along County Road D35 to Grundy Road, then north along Grundy Road to County Road D19, then west along County Road D19 to Butler Road, then north along Butler Road to County Road C57, then north and east along County Road C57 to U.S. Highway 63, then south along U.S. Highway 63 to County Road C66, then east along County Road C66 to the point of beginning.

Michigan

North Zone—Same as North duck zone.

Middle Zone—Same as Middle duck zone.

South Zone—Same as South duck zone.

Minnesota

Northwest Goose Zone—That portion of the State encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Intensive Harvest Zone—That portion of the State encompassed by a line extending east from the junction of US 2 and the North Dakota border, US 2 east to MN 32 N, MN 32 N to MN 92 S, MN 92 S to MN 200 E, MN 200 E to US 71 S, US 71 S to US 10 E, US 10 E to MN 101 S, MN 101 S to Interstate 94 E, Interstate 94 E to US 494 S, US 494 S to US 212 W, US 212 W to MN 23 S, MN 23 S to US 14 W, US 14 W to the South Dakota border, South Dakota Border north to the North Dakota border, North Dakota border north to US 2 E.

Rest of State: Remainder of Minnesota.

Wisconsin

Early-Season Subzone A—That portion of the State encompassed by a line beginning at the intersection of U.S. Highway 141 and the Michigan border near Niagara, then south along U.S. 141 to State Highway 22, west and southwest along State 22 to U.S. 45, south along U.S. 45 to State 22, west and south along State 22 to State 110, south along State 110 to U.S. 10, south along U.S. 10 to State 49, south along State 49 to State 23, west along State 23 to State 73, south along State 73 to State 60, west along State 60 to State 23, south along State 23 to State 11, east along State 11 to State 78, then south along State 78 to the Illinois border.

Early-Season Subzone B—The remainder of the State.

Central Flyway

North Dakota

Missouri River Canada Goose Zone—The area within and bounded by a line starting where ND Hwy 6 crosses the South Dakota border; then north on ND Hwy 6 to I–94; then west on I–94 to ND Hwy 49; then north on ND Hwy 49 to ND Hwy 200; then north on Mercer County Rd. 21 to the section line between sections 8 and 9 (T146N–

R87W); then north on that section line to the southern shoreline to Lake Sakakawea; then east along the southern shoreline (including Mallard Island) of Lake Sakakawea to U.S. Hwy 83; then south on U.S. Hwy 83 to ND Hwy 200; then east on ND Hwy 200 to ND Hwy 41; then south on ND Hwy 41 to U.S. Hwy 83; then south on U.S. Hwy 83 to I–94; then east on I–94 to U.S. Hwy 83; then south on U.S. Hwy 83 to the South Dakota border; then west along the South Dakota border to ND Hwy 6.

Rest of State—Remainder of North Dakota.

South Dakota

Special Early Canada Goose Unit—The Counties of Campbell, Marshall, Roberts, Day, Clark, Codington, Grant, Hamlin, Deuel, Walworth; that portion of of Perrkins County west of State Highway 75 and south of State Highway 20; that portion of Dewey County north of Bureau of Indian Affairs Road 8, Bureau of Indian Affairs Road 9, and the section of U.S. Highway 212 east of the Bureau of Indian Affairs Road 8 junction; that portion of Potter County east of U.S. Highway 83; that portion of Sully County east of U.S. Highway 83; portions of Hyde, Buffalo, Brule, and Charles Mix counties north and east of a line beginning at the Hughes-Hyde County line on State Highway 34, east to Lees Boulevard, southeast to the State Highway 34, east 7 miles to 350th Avenue, south to Interstate 90 on 350th Avenue, south and east on State Highway 50 to Geddes, east on 285th Street to U.S. Highway 281, and north on U.S. Highway 281 to the Charles Mix-Douglas County boundary; that portion of Bon Homme County north of State Highway 50; McPherson, Edmunds, Kingsbury, Brookings, Lake, Moody, Miner, Faulk, Hand, Jerauld, Douglas, Hutchinson, Turner, Lincoln, Union, Clay, Yankton, Aurora, Beadle, Davison, Hanson, Sanborn, Spink, Brown, Harding, Butte, Lawrence, Meade, Shannon, Jackson, Mellette, Todd, Jones, Haakon, Corson, Ziebach, McCook, and Minnehaha Counties.

Texas

Eastern Goose Zone—East of a line from the International Toll Bridge at Laredo, north following IH–35 and 35W to Fort Worth, northwest along U.S. Hwy. 81 and 287 to Bowie, north along U.S. Hwy. 81 to the Texas-Oklahoma State line.

Pacific Flyway

Oregon

Northwest Zone—Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Polk, Multnomah, Tillamook, Washington, and Yamhill Counties.

Southwest Zone—Coos, Curry, Douglas, Jackson, Josephine, and Klamath Counties.

East Zone—Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, and Wasco Counties.

Washington

Area 1—Skagit, Island, and Snohomish Counties.

Area 2A (SW Quota Zone)—Clark County, except portions south of the Washougal River; Cowlitz County; and Wahkiakum County.

Area 2B (SW Quota Zone)—Pacific County.

Area 3—All areas west of the Pacific Crest Trail and west of the Big White Salmon River that are not included in Areas 1, 2A, and 2B.

Area 4—Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla Counties.

Area 5—All areas east of the Pacific Crest Trail and east of the Big White Salmon River that are not included in Area 4.

Ducks

Atlantic Flyway

New York

Lake Champlain Zone—The U.S. portion of Lake Champlain and that area east and north of a line extending along NY 9B from the Canadian border to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont border.

Long Island Zone—That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I–95, and their tidal waters.

Western Zone—That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, and south along I–81 to the Pennsylvania border.

Northeastern Zone—That area north of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to I–87, north along I–87 to U.S. 9 (at Exit 20), north along U.S. 9 to NY 149, east along NY 149 to U.S. 4, north along U.S. 4 to the Vermont border, exclusive of the Lake Champlain Zone.

Southeastern Zone—The remaining portion of New York.

Maryland

Special Teal Season Area— Calvert, Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; that part of Anne Arundel County east of Interstate 895, Interstate 97, and Route 3; that part of Prince Georges County east of Route 3 and Route 301; and that part of Charles County east of Route 301 to the Virginia State Line.

Mississippi Flyway

Indiana

North Zone—That part of Indiana north of a line extending east from the Illinois border along State Road 18 to U.S. 31; north along U.S. 31 to U.S. 24; east along U.S. 24 to Huntington; southeast along U.S. 224; south along State Road 5; and east along State Road 124 to the Ohio border.

Central Zone—That part of Indiana south of the North Zone boundary and north of the South Zone boundary.

South Zone—That part of Indiana south of a line extending east from the Illinois border along U.S. 40; south along U.S. 41; east along State Road 58; south along State Road 37 to Bedford; and east along U.S. 50 to the Ohio border.

Iowa

North Zone—That portion of Iowa north of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, east along State Highway 175 to State Highway 37, southeast along State Highway 37 to State Highway 183, northeast along State Highway 183 to State Highway 141, east along State Highway 141 to U.S. Highway 30, and along U.S. Highway 30 to the Illinois border.

Missouri River Zone—That portion of Iowa west of a line beginning on the South Dakota-Iowa border at Interstate 29, southeast along Interstate 29 to State Highway 175, and west along State Highway 175 to the Iowa-Nebraska border.

South Zone—The remainder of Iowa.

Michigan

North Zone: The Upper Peninsula.

Middle Zone: That portion of the Lower Peninsula north of a line beginning at the Wisconsin State line in Lake Michigan due west of the mouth of Stony Creek in Oceana County; then due east to, and easterly and southerly along the south shore of Stony Creek to Scenic Drive, easterly and southerly along Scenic Drive to Stony Lake Road, easterly along Stony Lake and Garfield

Roads to Michigan Highway 20, east along Michigan 20 to U.S. Highway 10 Business Route (BR) in the city of Midland, easterly along U.S. 10 BR to U.S. 10, easterly along U.S. 10 to Interstate Highway 75/U.S. Highway 23, northerly along I–75/U.S. 23 to the U.S. 23 exit at Standish, easterly along U.S. 23 to the centerline of the Au Gres River, then southerly along the centerline of the Au Gres River to Saginaw Bay, then on a line directly east 10 miles into Saginaw Bay, and from that point on a line directly northeast to the Canadian border.

South Zone: The remainder of Michigan.

Wisconsin

North Zone: That portion of the State north of a line extending east from the Minnesota State line along U.S. Highway 10 into Portage County to County Highway HH, east on County Highway HH to State Highway 66 and then east on State Highway 66 to U.S. Highway 10, continuing east on U.S. Highway 10 to U.S. Highway 41, then north on U.S. Highway 41 to the Michigan State line.

Mississippi River Zone: That area encompassed by a line beginning at the intersection of the Burlington Northern & Santa Fe Railway and the Illinois State line in Grant County and extending northerly along the Burlington Northern & Santa Fe Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota State line.

South Zone: The remainder of Wisconsin.

Central Flyway

Colorado

Special Teal Season Area—Lake and Chaffee Counties and that portion of the State east of Interstate Highway 25.

Kansas

High Plains Zone—That portion of the State west of U.S. 283.

Early Zone—That part of Kansas bounded by a line from the Nebraska-Kansas State line south on K–128 to its junction with U.S.–36, then east on U.S.–36 to its junction with K–199, then south on K–199 to its junction with Republic County 30 Rd, then south on Republic County 30 Rd to its junction with K–148, then east on K–148 to its junction with Republic County 50 Rd, then south on Republic County 50 Rd to its junction with Cloud County 40th Rd, then south on Cloud County 40th Rd to its junction with K–9, then west on K–9 to its junction with U.S.–24, then west on U.S.–24 to its junction with U.S.–281, then north on U.S.–281 to its junction with U.S.–36, then west on U.S.–36 to its junction with U.S.–183, then south on U.S.–183 to its junction with U.S.–24, then west on U.S.–24 to its junction with K–18, then southeast on K–18 to its junction with U.S.–183, then south on U.S.–183 to its junction with K–4, then east on K–4 to its junction with I–135, then south on I–135 to its junction with K–61, then southwest on K–61 to McPherson County 14th Avenue, then south on McPherson County 14th Avenue to its junction with Arapaho Rd, then west on Arapaho Rd to its junction with K–61, then southwest on K–61 to its junction with K–96, then northwest on K–96 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with K–19, then east on K–19 to its junction with U.S.–281, then south on U.S.–281 to its junction with U.S.–54, then west on U.S.–54 to its junction with U.S.–183, then north on U.S.–183 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with Ford County Rd 126, then south on Ford County Rd 126 to its junction with U.S.–400, then northwest on U.S.–400 to its junction with U.S.–283, then north on U.S.–283 to its junction with the Nebraska-Kansas State line, then east along the Nebraska-Kansas State line to its junction with K–128.

Late Zone—That part of Kansas bounded by a line from the Nebraska-Kansas State line south on K–128 to its junction with U.S.–36, then east on U.S.–36 to its junction with K–199, then south on K–199 to its junction with Republic County 30 Rd, then south on Republic County 30 Rd to its junction with K–148, then east on K–148 to its junction with Republic County 50 Rd, then south on Republic County 50 Rd to its junction with Cloud County 40th Rd, then south on Cloud County 40th Rd to its junction with K–9, then west on K–9 to its junction with U.S.–24, then west on U.S.–24 to its junction with U.S.–281, then north on U.S.–281 to its junction with U.S.–36, then west on U.S.–36 to its junction with U.S.–183, then south on U.S.–183 to its junction with U.S.–24, then west on U.S.–24 to its junction with K–18, then southeast on K–18 to its junction with U.S.–183, then south on U.S.–183 to its junction with K–4, then east on K–4 to its junction with I–135, then south on I–135 to its junction with K–61, then southwest on K–61 to 14th Avenue, then south on 14th Avenue to its junction with Arapaho Rd, then west on Arapaho Rd to its junction with K–61, then southwest on K–61 to its junction with K–96, then northwest on K–96 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with K–19, then east on K–19 to its junction with U.S.–281, then south on U.S.–281 to its junction with U.S.–54, then west on U.S.–54 to its junction with U.S.–183, then north on U.S.–183 to its junction with U.S.–56, then southwest on U.S.–56 to its junction with Ford County Rd 126, then south on Ford County Rd 126 to its junction with U.S.–400, then northwest on U.S.–400 to its junction with U.S.–283, then south on U.S.–283 to its junction with the Oklahoma-Kansas State line, then east along the Oklahoma-Kansas State line to its junction with U.S.–77, then north on U.S.–77 to its junction with Butler County, NE 150th Street, then east on Butler County, NE 150th Street to its junction with U.S.–35, then northeast on U.S.–35 to its junction with K–68, then east on K–68 to the Kansas-Missouri State line, then north along the Kansas-Missouri State line to its junction with the Nebraska State line, then west along the Kansas-Nebraska State line to its junction with K–128.

Southeast Zone—That part of Kansas bounded by a line from the Missouri-Kansas State line west on K–68 to its junction with U.S.–35, then southwest on U.S.–35 to its junction with Butler County, NE 150th Street, then west on NE 150th Street until its junction with K–77, then south on K–77 to the Oklahoma-Kansas State line, then east along the Kansas-Oklahoma State line to its junction with the Missouri State line, then north along the Kansas-Missouri State line to its junction with K–68.

Nebraska

Special Teal Season Area (south)—That portion of the State south of a line beginning at the Wyoming State line; east along U.S. 26 to Nebraska Highway L62A east to U.S. 385; south to U.S. 26; east to NE 92; east along NE 92 to NE 61; south along NE 61 to U.S. 30; east along U.S. 30 to the Iowa border.

Special Teal Season Area (north)—The remainder of the State.

High Plains—That portion of Nebraska lying west of a line beginning at the South Dakota-Nebraska border on U.S. Hwy. 183; south on U.S. Hwy. 183 to U.S. Hwy. 20; west on U.S. Hwy. 20 to NE Hwy. 7; south on NE Hwy. 7 to NE Hwy. 91; southwest on NE Hwy. 91 to NE Hwy. 2; southeast on NE Hwy. 2 to NE Hwy. 92; west on NE Hwy. 92 to NE Hwy. 40; south on NE Hwy. 40 to NE Hwy. 47; south on NE Hwy. 47 to NE Hwy. 23; east on NE Hwy. 23 to U.S. Hwy. 283; and south on U.S. Hwy. 283 to the Kansas-Nebraska border.

Zone 1—Area bounded by designated Federal and State highways and

political boundaries beginning at the South Dakota-Nebraska border west of NE Hwy. 26E Spur and north of NE Hwy. 12; those portions of Dixon, Cedar and Knox Counties north of NE Hwy. 12; that portion of Keya Paha County east of U.S. Hwy. 183; and all of Boyd County. Both banks of the Niobrara River in Keya Paha and Boyd counties east of U.S. Hwy. 183 shall be included in Zone 1.

Zone 2—The area south of Zone 1 and north of Zone 3.

Zone 3—Area bounded by designated Federal and State highways, County Roads, and political boundaries beginning at the Wyoming-Nebraska border at the intersection of the Interstate Canal; east along northern borders of Scotts Bluff and Morrill Counties to Broadwater Road; south to Morrill County Rd 94; east to County Rd 135; south to County Rd 88; southeast to County Rd 151; south to County Rd 80; east to County Rd 161; south to County Rd 76; east to County Rd 165; south to Country Rd 167; south to U.S. Hwy. 26; east to County Rd 171; north to County Rd 68; east to County Rd 183; south to County Rd 64; east to County Rd 189; north to County Rd 70; east to County Rd 201; south to County Rd 60A; east to County Rd 203; south to County Rd 52; east to Keith County Line; east along the northern boundaries of Keith and Lincoln Counties to NE Hwy. 97; south to U.S. Hwy 83; south to E Hall School Rd; east to N Airport Road; south to U.S. Hwy. 30; east to Merrick County Rd 13; north to County Rd O; east to NE Hwy. 14; north to NE Hwy. 52; west and north to NE Hwy. 91; west to U.S. Hwy. 281; south to NE Hwy. 22; west to NE Hwy. 11; northwest to NE Hwy. 91; west to U.S. Hwy. 183; south to Round Valley Rd; west to Sargent River Rd; west to Sargent Rd; west to Milburn Rd; north to Blaine County Line; east to Loup County Line; north to NE Hwy. 91; west to North Loup Spur Rd; north to North Loup River Rd; east to Pleasant Valley/Worth Rd; east to Loup County Line; north to Loup-Brown county line; east along northern boundaries of Loup and Garfield Counties to Cedar River Rd; south to NE Hwy. 70; east to U.S. Hwy. 281; north to NE Hwy. 70; east to NE Hwy. 14; south to NE Hwy. 39; southeast to NE Hwy. 22; east to U.S. Hwy. 81; southeast to U.S. Hwy. 30; east to U.S. Hwy. 75; north to the Washington County line; east to the Iowa-Nebraska border; south to the Missouri-Nebraska border; south to Kansas-Nebraska border; west along Kansas-Nebraska border to Colorado-Nebraska border; north and west to Wyoming-Nebraska border; north to intersection of Interstate Canal; and excluding that area in Zone 4.

Zone 4—Area encompassed by designated Federal and State highways and County Roads beginning at the intersection of NE Hwy. 8 and U.S. Hwy. 75; north to U.S. Hwy. 136; east to the intersection of U.S. Hwy. 136 and the Steamboat Trace (Trace); north along the Trace to the intersection with Federal Levee R–562; north along Federal Levee R–562 to the intersection with the Trace; north along the Trace/Burlington Northern Railroad right-of-way to NE Hwy. 2; west to U.S. Hwy. 75; north to NE Hwy. 2; west to NE Hwy. 43; north to U.S. Hwy. 34; east to NE Hwy. 63; north to NE Hwy. 66; north and west to U.S. Hwy. 77; north to NE Hwy. 92; west to NE Hwy. Spur 12F; south to Butler County Rd 30; east to County Rd X; south to County Rd 27; west to County Rd W; south to County Rd 26; east to County Rd X; south to County Rd 21 (Seward County Line); west to NE Hwy. 15; north to County Rd 34; west to County Rd J; south to NE Hwy. 92; west to U.S. Hwy. 81; south to NE Hwy. 66; west to Polk County Rd C; north to NE Hwy. 92; west to U.S. Hwy. 30; west to Merrick County Rd 17; south to Hordlake Road; southeast to Prairie Island Road; southeast to Hamilton County Rd T; south to NE Hwy. 66; west to NE Hwy. 14; south to County Rd 22; west to County Rd M; south to County Rd 21; west to County Rd K; south to U.S. Hwy. 34; west to NE Hwy. 2; south to U.S. Hwy. I–80; west to Gunbarrel Rd (Hall/Hamilton county line); south to Giltner Rd; west to U.S. Hwy. 281; south to U.S. Hwy. 34; west to NE Hwy. 10; north to Kearney County Rd R and Phelps County Rd 742; west to U.S. Hwy. 283; south to U.S. Hwy 34; east to U.S. Hwy. 136; east to U.S. Hwy. 183; north to NE Hwy. 4; east to NE Hwy. 10; south to U.S. Hwy. 136; east to NE Hwy. 14; south to NE Hwy. 8; east to U.S. Hwy. 81; north to NE Hwy. 4; east to NE Hwy. 15; south to U.S. Hwy. 136; east to NE Hwy. 103; south to NE Hwy. 8; east to U.S. Hwy. 75.

New Mexico (Central Flyway Portion)

North Zone—That portion of the State north of I–40 and U.S. 54.

South Zone—The remainder of New Mexico.

Pacific Flyway

California

Northeastern Zone—In that portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to Main Street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada State line; north along the California-Nevada State line to the junction of the California-Nevada-Oregon State lines west along the California-Oregon State line to the point of origin.

Colorado River Zone—Those portions of San Bernardino, Riverside, and Imperial Counties east of a line extending from the Nevada border south along U.S. 95 to Vidal Junction; south on a road known as ''Aqueduct Road'' in San Bernardino County through the town of Rice to the San Bernardino-Riverside County line; south on a road known in Riverside County as the ''Desert Center to Rice Road'' to the town of Desert Center; east 31 miles on I–10 to the Wiley Well Road; south on this road to Wiley Well; southeast along the Army-Milpitas Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe-Brawley paved road to the Ogilby and Tumco Mine Road; south on this road to U.S. 80; east 7 miles on U.S. 80 to the Andrade-Algodones Road; south on this paved road to the Mexican border at Algodones, Mexico.

Southern Zone—That portion of southern California (but excluding the Colorado River Zone) south and east of a line extending from the Pacific Ocean east along the Santa Maria River to CA 166 near the City of Santa Maria; east on CA 166 to CA 99; south on CA 99 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to CA 178 at Walker Pass; east on CA 178 to U.S. 395 at the town of Inyokern; south on U.S. 395 to CA 58; east on CA 58 to I–15; east on I–15 to CA 127; north on CA 127 to the Nevada border.

Southern San Joaquin Valley Temporary Zone—All of Kings and Tulare Counties and that portion of Kern County north of the Southern Zone.

Balance-of-the-State Zone—The remainder of California not included in the Northeastern, Southern, and Colorado River Zones, and the Southern San Joaquin Valley Temporary Zone.

Canada Geese

Michigan

North Zone—Same as North duck zone.

Middle Zone—Same as Middle duck zone.

South Zone—Same as South duck zone.

Tuscola/Huron Goose Management Unit (GMU): Those portions of Tuscola and Huron Counties bounded on the south by Michigan Highway 138 and Bay City Road, on the east by Colwood and Bay Port Roads, on the north by Kilmanagh Road and a line extending directly west off the end of Kilmanagh Road into Saginaw Bay to the west boundary, and on the west by the Tuscola-Bay County line and a line extending directly north off the end of the Tuscola-Bay County line into Saginaw Bay to the north boundary.

Allegan County GMU: That area encompassed by a line beginning at the junction of 136th Avenue and Interstate Highway 196 in Lake Town Township and extending easterly along 136th Avenue to Michigan Highway 40, southerly along Michigan 40 through the city of Allegan to 108th Avenue in Trowbridge Township, westerly along 108th Avenue to 46th Street, northerly along 46th Street to 109th Avenue, westerly along 109th Avenue to I–196 in Casco Township, then northerly along I–196 to the point of beginning.

Saginaw County GMU: That portion of Saginaw County bounded by Michigan Highway 46 on the north; Michigan 52 on the west; Michigan 57 on the south; and Michigan 13 on the east.

Muskegon Wastewater GMU: That portion of Muskegon County within the boundaries of the Muskegon County wastewater system, east of the Muskegon State Game Area, in sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, and 32, T10N R14W, and sections 1, 2, 10, 11, 12, 13, 14, 24, and 25, T10N R15W, as posted.

Wisconsin

Same zones as for ducks but in addition:

Horicon Zone: That area encompassed by a line beginning at the intersection of State 21 and the Fox River in Winnebago County and extending westerly along State 21 to the west boundary of Winnebago County, southerly along the west boundary of Winnebago County to the north boundary of Green Lake County, westerly along the north boundaries of Green Lake and Marquette Counties to State 22, southerly along State 22 to State 33, westerly along State 33 to I–39, southerly along I–39 to I–90/94, southerly along I–90/94 to State 60, easterly along State 60 to State 83, northerly along State 83 to State 175, northerly along State 175 to State 33, easterly along State 33 to U.S. 45, northerly along U.S. 45 to the east shore of the Fond Du Lac River, northerly along the east shore of the Fond Du Lac River to Lake Winnebago, northerly along the western shoreline of Lake Winnebago to the Fox River, then westerly along the Fox River to State 21.

Exterior Zone: That portion of the State not included in the Horicon Zone.

Mississippi River Subzone: That area encompassed by a line beginning at the intersection of the Burlington Northern & Santa Fe Railway and the Illinois State line in Grant County and extending northerly along the Burlington Northern & Santa Fe Railway to the city limit of Prescott in Pierce County, then west along the Prescott city limit to the Minnesota State line.

Brown County Subzone: That area encompassed by a line beginning at the intersection of the Fox River with Green Bay in Brown County and extending southerly along the Fox River to State 29, northwesterly along State 29 to the Brown County line, south, east, and north along the Brown County line to Green Bay, due west to the midpoint of the Green Bay Ship Channel, then southwesterly along the Green Bay Ship Channel to the Fox River.

Sandhill Cranes

Mississippi Flyway

Minnesota

Northwest Goose Zone—That portion of the State encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Tennessee

Hunt Zone—That portion of the State south of Interstate 40 and east of State Highway 56.

Closed Zone—Remainder of the State.

Central Flyway

Colorado—The Central Flyway portion of the State except the San Luis Valley (Alamosa, Conejos, Costilla, Hinsdale, Mineral, Rio Grande, and Saguache Counties east of the Continental Divide) and North Park (Jackson County).

Kansas—That portion of the State west of a line beginning at the Oklahoma border, north on I–35 to Wichita, north on I–135 to Salina, and north on U.S. 81 to the Nebraska border.

Montana—The Central Flyway portion of the State except for that area south and west of Interstate 90, which is closed to sandhill crane hunting.

New Mexico

Regular-Season Open Area—Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties.

Middle Rio Grande Valley Area—The Central Flyway portion of New Mexico in Socorro and Valencia Counties.

Estancia Valley Area—Those portions of Santa Fe, Torrance and Bernallilo Counties within an area bounded on the west by New Mexico Highway 55 beginning at Mountainair north to NM 337, north to NM 14, north to I–25; on the north by I–25 east to U.S. 285; on the east by U.S. 285 south to U.S. 60; and on the south by U.S. 60 from U.S. 285 west to NM 55 in Mountainair.

Southwest Zone—Area bounded on the south by the New Mexico/Mexico border; on the west by the New Mexico/Arizona border north to Interstate 10; on the north by Interstate 10 east to U.S. 180, north to N.M. 26, east to N.M. 27, north to N.M. 152, and east to Interstate 25; on the east by Interstate 25 south to Interstate 10, west to the Luna county line, and south to the New Mexico/Mexico border.

North Dakota

Area 1—That portion of the State west of U.S. 281.

Area 2—That portion of the State east of U.S. 281.

Oklahoma—That portion of the State west of I–35.

South Dakota—That portion of the State west of U.S. 281.

Texas

Zone A—That portion of Texas lying west of a line beginning at the international toll bridge at Laredo, then northeast along U.S. Highway 81 to its junction with Interstate Highway 35 in

Laredo, then north along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 at Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas-Oklahoma State line.

Zone B—That portion of Texas lying within boundaries beginning at the junction of U.S. Highway 81 and the Texas-Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with Interstate Highway 35W in Fort Worth, then southwest along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, then northwest along Interstate Highway 10 to its junction with U.S. Highway 83 in the town of Junction, then north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, then east along U.S. Highway 62 to the Texas-Oklahoma State line, then south along the Texas-Oklahoma State line to the south bank of the Red River, then eastward along the vegetation line on the south bank of the Red River to U.S. Highway 81.

Zone C—The remainder of the State, except for the closed areas.

Closed areas—(A) That portion of the State lying east and north of a line beginning at the junction of U.S. Highway 81 and the Texas-Oklahoma State line, then southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, then southeast along U.S. Highway 287 to its junction with Interstate Highway 35W in Fort Worth, then southwest along Interstate Highway 35 to its junction with U.S. Highway 290 East in Austin, then east along U.S. Highway 290 to its junction with Interstate Loop 610 in Harris County, then south and east along Interstate Loop 610 to its junction with Interstate Highway 45 in Houston, then south on Interstate Highway 45 to State Highway 342, then to the shore of the Gulf of Mexico, and then north and east along the shore of the Gulf of Mexico to the Texas-Louisiana State line.

(B) That portion of the State lying within the boundaries of a line beginning at the Kleberg-Nueces County line and the shore of the Gulf of Mexico, then west along the County line to Park Road 22 in Nueces County, then north and west along Park Road 22 to its junction with State Highway 358 in Corpus Christi, then west and north along State Highway 358 to its junction with State Highway 286, then north along State Highway 286 to its junction with Interstate Highway 37, then east along Interstate Highway 37 to its junction with U.S. Highway 181, then north and west along U.S. Highway 181 to its junction with U.S. Highway 77 in Sinton, then north and east along U.S. Highway 77 to its junction with U.S. Highway 87 in Victoria, then south and east along U.S. Highway 87 to its junction with State Highway 35 at Port Lavaca, then north and east along State Highway 35 to the south end of the Lavaca Bay Causeway, then south and east along the shore of Lavaca Bay to its junction with the Port Lavaca Ship Channel, then south and east along the Lavaca Bay Ship Channel to the Gulf of Mexico, and then south and west along the shore of the Gulf of Mexico to the Kleberg-Nueces County line.

Wyoming

Regular Season Open Area—Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties.

Riverton-Boysen Unit—Portions of Fremont County.

Park and Big Horn County Unit—All of Big Horn, Hot Springs, Park and Washakie Counties.

Pacific Flyway

Arizona

Special Season Area—Game Management Units 28, 30A, 30B, 31, and 32.

Idaho

Special Season Area—See State regulations.

Montana

Special Season Area—See State regulations.

Utah

Special Season Area—Rich, Cache, and Unitah Counties and that portion of Box Elder County beginning on the Utah-Idaho State line at the Box Elder-Cache County line; west on the State line to the Pocatello Valley County Road; south on the Pocatello Valley County Road to I–15; southeast on I–15 to SR–83; south on SR–83 to Lamp Junction; west and south on the Promontory Point County Road to the tip of Promontory Point; south from Promontory Point to the Box Elder-Weber County line; east on the Box Elder-Weber County line to the Box Elder-Cache County line; north on the Box Elder-Cache County line to the Utah-Idaho State line.

Wyoming

Bear River Area—That portion of Lincoln County described in State regulations.

Salt River Area—That portion of Lincoln County described in State regulations.

Farson-Eden Area—Those portions of Sweetwater and Sublette Counties described in State regulations.

Uinta County Area—That portion of Uinta County described in State regulations.

All Migratory Game Birds in Alaska

North Zone—State Game Management Units 11–13 and 17–26.

Gulf Coast Zone—State Game Management Units 5–7, 9, 14–16, and 10 (Unimak Island only).

Southeast Zone—State Game Management Units 1–4.

Pribilof and Aleutian Islands Zone—State Game Management Unit 10 (except Unimak Island).

Kodiak Zone—State Game Management Unit 8.

All Migratory Game Birds in the Virgin Islands

Ruth Cay Closure Area—The island of Ruth Cay, just south of St. Croix.

All Migratory Game Birds in Puerto Rico

Municipality of Culebra Closure Area—All of the municipality of Culebra.

Desecheo Island Closure Area—All of Desecheo Island.

Mona Island Closure Area—All of Mona Island.

El Verde Closure Area—Those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for 1 kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public.

Cidra Municipality and adjacent areas—All of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: Beginning on Highway 172 as it leaves the municipality of Cidra on the west edge, north to Highway 156,

east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality boundary to the point of the beginning.

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Part III

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 622

Fisheries of the Caribbean, Gulf, and South Atlantic; Aquaculture; Proposed Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 622

[Docket No. 080225276–4124–01]

RIN 0648–AS65

Fisheries of the Caribbean, Gulf, and South Atlantic; Aquaculture

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement the Fishery Management Plan for Regulating Offshore Aquaculture in the Gulf of Mexico (FMP), as prepared by the Gulf of Mexico Fishery Management Council (Council). The FMP entered into effect by operation of law on September 3, 2009. If implemented, this rule would establish a comprehensive regulatory program for managing the development of an environmentally sound and economically sustainable aquaculture industry in Federal waters of the Gulf of Mexico (Gulf), *i.e.,* the U.S. exclusive economic zone (EEZ). The purpose of this rule is to increase the yield of Federal fisheries in the Gulf by supplementing the harvest of wild caught species with cultured product.

DATES: Written comments on this proposed rule must be received on or before October 27, 2014.

ADDRESSES: You may submit comments on the proposed rule, identified by ''NOAA–NMFS–2008–0233,'' by any of the following methods:

- *Electronic Submissions:* Submit electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2008-0233,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Jess Beck-Stimpert, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

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

Electronic copies of the FMP, which includes a final programmatic environmental impact statement (FPEIS), an initial regulatory flexibility analysis (IRFA), and a regulatory impact review (RIR) may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov.*

Comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted in writing to Anik Clemens, Southeast Regional Office, NMFS, 263 13th Ave South, St. Petersburg, FL 33701; and the Office of Management and Budget (OMB), by email at *OIRASubmission@omb.eop.gov,* or by fax to 202–395–7285.

FOR FURTHER INFORMATION CONTACT: Jess Beck-Stimpert, 727–824–5301.

SUPPLEMENTARY INFORMATION: Aquaculture in the Gulf will be managed under the FMP. The FMP was prepared by the Council and is being implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).\n

Background

Worldwide demand for protein is increasing and fisheries production from wild stocks will not likely be adequate to supply the world demand for fisheries products without supplementation through aquaculture. In the United States, approximately 84 percent of all seafood consumed is currently imported from other countries, creating an annual trade deficit of over 9 billion dollars. It is estimated by 2025, 2 million more metric tons of seafood will be needed over and above what is consumed today. Aquaculture is one method to meet current and future demands for seafood.

It has been NOAA's long-standing interpretation that the Magnuson-Stevens Act provides authority to regulate aquaculture, and thus, that fishery management councils have the authority to prepare a fishery management plan covering all aspects of aquaculture in the EEZ. The Magnuson-Stevens Act defines a ''fishery,'' a key term establishing the reach of Magnuson-Stevens Act regulatory authority, as ''one or more stocks of fish . . . and any fishing for such stocks.'' 16 U.S.C. 1802(13). ''Stock of fish'' means ''a species, subspecies, geographical grouping, or other category of fish capable of management as a unit.'' 16 U.S.C. 1802(42). ''Fishing'' is defined as ''the catching, taking or harvesting of fish;'' ''any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish;'' and ''any operations at sea in support of, or in preparation for, any activity described in'' the definition. 16 U.S.C. 1802(16).

Because the Magnuson-Stevens Act contains no definition of ''harvesting,'' NMFS looks to the ordinary meaning of that word. ''Harvest'' is ''the act or process of gathering in a crop.'' Merriam-Webster Dictionary (2011). ''Crop'' is defined as ''the produce of cultivated plants, esp. cereals, vegetables, and fruit;'' ''the amount of such produce in any particular season;'' or ''the yield of some other farm produce: the lamb crop.'' World English Dictionary (2011). Together, these definitions provide a sound basis for concluding that ''fishing'' includes the catch, take, or harvest of cultured stocks, and thus, that aquaculture activities are within the scope of the term ''fishery'' as used in the Magnuson-Stevens Act. Further, the fact that the definition of ''fishing'' includes not just harvesting itself, but also activities expected to result in harvesting fish, and operations at sea in support of such activities, provides a sound basis for concluding that ''fishing'' as used in the Magnuson-Stevens Act encompasses, in addition to harvesting the fish from aquaculture operations, other activities at sea that are integral to aquaculture operations, such as stocking and growing fish in net pens and cages at sea.

Prior to the FMP, there was no process for accommodating commercial-scale offshore aquaculture in the Gulf of Mexico EEZ, other than live rock aquaculture, which is authorized under Amendments 2 and 3 to the Fishery Management Plan for Coral and Coral Reefs of the Gulf. NMFS may issue an exempted fishing permit (EFP) to conduct offshore aquaculture in Federal waters; however, an EFP is of limited duration and is not intended for commercial production of fish and shellfish. The Council developed the FMP under the authority of the Magnuson-Stevens Act to authorize the development of commercial aquaculture operations in Federal waters of the Gulf. The FMP was initiated to provide a comprehensive framework for

authorizing and regulating offshore aquaculture activities. The FMP also establishes a programmatic approach for evaluating the potential impacts of proposed aquaculture operations in the Gulf.

Gulf Aquaculture Permits

If implemented, the rule would require persons to apply for and obtain a Gulf aquaculture permit. This permit would authorize the operation of an offshore aquaculture facility in the Gulf EEZ and allow the sale of allowable aquaculture species cultured at an offshore aquaculture facility in the Gulf EEZ. Persons issued a Gulf aquaculture permit also would be authorized to harvest, or designate hatchery personnel or other entities to harvest, and retain live wild broodstock of an allowable aquaculture species, and to possess or transport cultured species in, to, or from an offshore aquaculture facility in the Gulf EEZ. Permit eligibility would be limited to U.S. citizens and permanent resident aliens. Gulf aquaculture permits would be transferable as long as the geographic location of the aquaculture facility site was unchanged and all applicable permit requirements were completed and updated at the time of transfer. The Gulf aquaculture permit would be effective for 10 years, and could be renewed in 5 year increments thereafter. The permit would initially cost $10,000, and a $1,000 fee would be assessed annually. The renewal period for a Gulf Aquaculture permit is 5 years; a renewal application would cost $5,000. These fees are based on the NOAA Finance Handbook. A Gulf aquaculture permit must be prominently displayed and available at the aquaculture facility.

A dealer who receives species cultured at an offshore aquaculture facility in the EEZ would be required to have a Gulf aquaculture dealer permit. As defined in 50 CFR 600.10, dealer means the person who first receives fish by way of purchase, barter, or trade. The cost of a Gulf aquaculture dealer permit would be $50.00 if this is the only permit that is applied for, or $12.50 if this permit is applied for in conjunction with another type of permit. Dealer permits would be issued annually and must be prominently displayed and available on the dealer's premises. A Gulf aquaculture dealer permit is not transferable.

Electronic System Requirements, Account Setup, and Information

The administrative functions associated with this aquaculture program, such as account setup, landing transactions, and reporting, are designed to be accomplished online; therefore, all participants would need access to a computer and the Internet to participate. NMFS would mail permittees information and instructions for using the online system and setting up an online aquaculture account, upon issuance of a Gulf aquaculture permit or a Gulf aquaculture dealer permit. Assistance with online functions would be available from the Permits Office, Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

Additionally, as a backup to the online system during catastrophic conditions, the NMFS Southeast Regional Administrator (RA) would provide each aquaculture permittee with paper forms for complying with the basic required reporting requirements of the aquaculture program. The RA would determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are affected by the catastrophic conditions. The RA would provide timely notice to affected participants and would authorize the affected participants' use of paper forms for the duration of the catastrophic conditions. Program functions would be limited under the paper-based system. Assistance in complying with the requirements of the paper-based system would be available via the Permits Office, Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

If some online functions are not available at the time of initial implementation of this aquaculture program, participants may comply by submitting the required information via email using the appropriate forms that are available on the Southeast Regional Office (SERO) Web site at *http://sero.nmfs.noaa.gov.* Once online functions are available, participants would have to comply by using the online system unless alternative methods are specified.

Application Requirements

Applications for a Gulf aquaculture permit will be available from the RA. Applicants would need to complete and submit the application form and all required supporting documents to the RA at least 180 days prior to the date the applicant desires the permit to be effective. Required information on the application form would include: Business, applicant, and hatchery contact information, documentation of U.S. citizenship or resident alien status, a baseline environmental assessment of the proposed site, a description of the geographic location and dimensions of the aquaculture facility and site, a description of the equipment, allowable aquaculture systems, and methods to be used for grow-out, a list of species to be cultured and estimated production levels, a copy of an emergency disaster plan (an emergency plan in the event of a disaster), and copies of currently valid Federal permits applicable to the proposed aquaculture operation.

The applicant also would be required to obtain an assurance bond sufficient to cover costs associated with removing all components of the aquaculture facility, including cultured animals. The Council determined that requiring an assurance bond is necessary and appropriate for the conservation and management of the fishery because it will reduce the potential for navigational hazards and long-term impacts on the environment that could result if structures and animals remain in the water after an operation terminates its business. See 16 U.S.C. 1853(b)(14).

The applicant would also be required to provide a document certifying that all broodstock or progeny of such broodstock were originally harvested from U.S. waters of the Gulf and were from the same population or sub-population where the facility is located, and that no genetically modified or transgenic animals would be used or possessed at the aquaculture facility. The Council is requiring this certification in order to minimize risks to wild stocks in the event that escapement of cultured animals occurs. This proposed prohibition on genetically modified and transgenic animals is consistent with the 2011 NOAA Marine Aquaculture Policy which supports the use of ''only native or naturalized species in Federal waters unless best available science demonstrates use of non-native or other species in Federal waters would not cause undue harm to wild species, habitats, or ecosystems in the event of an escape.'' Although the terms ''genetically modified'' and ''transgenic'' are used in this rulemaking, NOAA notes that many agencies in the U.S. Government, including the Food and Drug Administration (FDA), use the more scientifically precise term ''genetically engineered'' to refer to these animals. The FDA defines genetically engineered animals as those ''modified by rDNA techniques, including the entire lineage of animals that contain the modification. The term ''genetically engineered animal'' can refer to both animals with heritable rDNA constructs and animals with non-heritable rDNA constructs (*e.g.,* those modifications intended to be used as gene therapy).'' Genetic modification,

on the other hand, includes a number of different kinds of changes that can be introduced, for example, by altering ploidy, chemical or radiation mutagenesis, or any selective breeding or assisted reproductive technologies.

The applicant would also be required to provide a copy of the contractual agreement with a certified aquatic animal health expert. An aquatic animal health expert is defined as a licensed doctor of veterinary medicine or a person who is certified by the American Fisheries Society, Fish Health Section, as a ''Fish Pathologist'' or ''Fish Health Inspector.''

Public Comment Process Regarding Gulf Aquaculture Permit Applications

Once the RA has determined an application is complete, notification of receipt of the application would be published in the **Federal Register**. Interested persons would be given up to 45 days to comment on the application and comments would be requested during public testimony at a Council meeting. The RA would notify the applicant in advance of any Council meeting and offer the applicant an opportunity to appear in support of their application. After public comment ends, the RA would notify the applicant and the Council in writing of the decision to issue or deny the Gulf aquaculture permit. Reasons the RA may deny a permit might include: Failing to disclose material information; falsifying statements of material facts; issuing the permit would pose significant risk to marine resources, public health, or safety; issuing the permit would result in conflicts with established or potential oil and gas infrastructure, access to outer continental shelf (OCS) energy or marine mineral resources, safe transit to and from infrastructure and future geological and geophysical surveys; or the activity proposes activities inconsistent with the objectives of the FMP, Magnuson-Stevens Act, or other applicable laws. The RA also may consider revisions to the application made by the applicant in response to public comment before approving or denying the Gulf aquaculture permit.

Consultation With Other Federal Agencies

During the permit application process the RA will consult with the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement, and other Federal agencies as appropriate, to address and resolve any conflicts in use of the OCS, with special emphasis on OCS energy programs for resolving and documenting the proposed solution of existing conflicts.

Operational Requirements, Monitoring Requirements, and Restrictions

Permittees would have to abide by operational requirements, monitoring requirements, and restrictions, as specified in the regulations applicable to aquaculture (50 CFR part 622 and 40 CFR part 451). To ensure that Gulf Aquaculture permits are used, permittees would be required to place 25 percent of allowable aquaculture systems approved for use at a specific aquaculture facility in the water at the permitted site within 2 years of permit issuance and cultured fish would have to be placed in allowable aquaculture systems at the site within 3 years of permit issuance. Failure to comply with any of the operational requirements, monitoring requirements or restrictions would be grounds for revocation of the permit.

Fingerlings or other juvenile animals obtained for grow-out at an aquaculture facility in the EEZ could only be obtained from a hatchery located in the U.S. All broodstock used for spawning at a hatchery supplying fingerlings or other juvenile animals to an aquaculture facility in the Gulf EEZ would have to be certified by the hatchery owner as having been marked or tagged (*e.g.,* dart or internal wire tag). Prior to stocking fish in allowable aquaculture systems, the applicant would have to provide NMFS with a copy of an animal health certificate signed by an aquatic animal health expert certifying that the fish have been inspected and are visibly healthy and the source population tests negative for World Organization of Animal Health (OIE) pathogens specific to the cultured species or additional pathogens that are subsequently identified as reportable pathogens in the National Aquatic Animal Health Plan (NAAHP). This process must be repeated for each new stocking event. This requirement is intended to prevent the spread of pathogens and disease to wild fish and cultured fish at an aquaculture facility.

The use of biologics, pesticides, and drugs would have to comply with all applicable United States Department of Agriculture (USDA), Environmental Protection Agency (EPA), and FDA requirements. Use of aquaculture feeds would have to be conducted in compliance with EPA feed monitoring and management guidelines (40 CFR 451.21). Applicants also would have to comply with all monitoring and reporting requirements specified in their EPA National Pollutant Discharge Elimination System (NPDES) permit and their Army Corp of Engineer's (ACOE) Section 10 permit. Additionally, permittees would have to inspect allowable aquaculture systems for entanglements or interactions with marine mammals, protected species, and migratory birds. The frequency of inspections will be specified by NMFS as a condition of the permit. Permittees would also have to monitor and report environmental assessment data to NMFS in accordance with procedures specified by NMFS in guidance available on the SERO Web site.

At least 30 days before each time a permittee or the permittee's designee intends to harvest broodstock from the Gulf, including state waters, they would be required to submit a request for broodstock harvest to the RA. The request would have to include information on the number, size, and species to be harvested, the methods, gear, and vessels used for capturing, holding, and transporting broodstock, the date and specific location of intended harvest, and the location where the broodstock would be delivered. Only gear and methods specified in 50 CFR 600.725 for the respective fishery could be used for harvest—except rod-and-reel could be used to harvest red drum. The RA could deny a request to harvest broodstock if allowable methods or gear were not proposed for use, the number of broodstock was more than necessary for spawning and rearing activities, or on other grounds inconsistent with FMP objectives or other Federal laws. The RA would provide the permittee a written determination if a broodstock harvest request is denied. If a broodstock harvest request is approved, the permittee would be notified by the RA and required to submit a report to the RA within 15 days of the date of harvest summarizing the number, size, and species harvested, and the location where the broodstock were captured.

Remedial Actions by NMFS To Address Pathogen Episodes

NMFS, in cooperation with the USDA's Animal and Plant Health Inspection Service (APHIS), may order movement restrictions and/or removal of all cultured animals upon confirmation by USDA's APHIS reference laboratory that a reportable or emerging pathogen exists and poses a threat to the health of wild or cultured fish.

Remedial Actions by NMFS To Address Genetic Issues

NMFS may sample cultured animals to determine genetic lineage. If cultured animals are determined to be genetically

modified or transgenic, then NMFS would order the removal of all cultured animals for which such determination applies. These remedial actions by NMFS are intended to prevent or mitigate adverse impacts associated with aquaculture in the Gulf EEZ. In conducting the genetic testing to determine that all broodstock or progeny of such broodstock were originally harvested from U.S. waters of the Gulf, were from the same population or sub-population where the facility is located, and that juveniles stocked in cages are the progeny of wild broodstock, or other genetic testing necessary to carry out the requirements of the FMP, NMFS may enter into cooperative agreements with States, may delegate the testing authority to any State, or may contract with any non-Federal Government entities. As a condition of the permit, NMFS may also require the permittee to contract a non-Federal Government third party approved by the RA if the RA agrees to accept the third party testing results. The non-Federal Government third party may not be the same entity as the permittee.

Biological Reference Points, Status Determination Criteria, Annual Catch Limits and Accountability Measures

The primary goal of Federal fishery management, as described in National Standard 1 of the Magnuson-Stevens Act, is to conserve and manage U.S. fisheries to ''* * * prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.'' Optimum Yield (OY) is defined as the amount of fish that provide the greatest net benefits to the Nation, particularly with respect to food production and recreational opportunities and taking into account the protection of marine ecosystems. While economic and social factors are to be considered in defining the OY of each fishery, OY may not exceed the maximum sustainable yield (MSY), or the maximum amount of fish that can be removed without impairing the fishery's ability to replace removals through natural growth or replenishment. OY must prevent overfishing and, in the case of an overfished fishery, must provide for rebuilding stock biomass to a level consistent with that which would produce MSY. The Magnuson-Stevens Act also requires that annual catch limits (ACLs) and accountability measures (AMs) be established at a level that prevents overfishing and achieves OY.

The MSY and OY of each Council-managed fishery are currently limited by the fishery's biological potential. However, establishing an aquaculture fishery would increase total yield above and beyond that which can be produced solely from wild stocks. Increasing the seafood production potential of these fisheries will increase their contributions to national, regional, and local economies, and their capacity to meet the Nation's nutritional needs.

The National Standard 1 Guidelines set out standard approaches for specifying reference points and management measures, but also recognize that there may be circumstances, such as harvests from aquaculture operations, that do not fit these standard approaches. 50 CFR 600.310(h)(3). In these circumstances, the Council may propose alternative approaches for satisfying the National Standard 1 requirements of the Magnuson-Stevens Act.

Aquaculture operations would harvest all cultured fish and invertebrates produced, excluding losses due to natural mortality. Due to cultured versus wild stocks being harvested, it would not be possible to overharvest the cultured species. Thus, as contemplated by the National Standard 1 Guidelines, the Council selected an alternative approach to specifying reference points and management measures for the aquaculture fishery.

If implemented, this rule would establish an ACL for offshore aquaculture in the Gulf EEZ of 64 million lb (29 million kg), round weight, which is equal to OY and MSY specified by the Council. This maximum level of harvest represents the average landings of all marine species in the Gulf, except menhaden and shrimp, between 2000–2006. The Council determined that setting the MSY and OY at this level will allow for the future assessment of impacts of aquaculture as the industry grows to determine if the specified MSY and OY levels are adequately protecting wild stocks and habitat.

This rule would also limit a person, corporation, or other entity from producing more than 20 percent of the total annual ACL (12.8 million lb (5.8 million kg), round weight) for offshore aquaculture in the Gulf EEZ. The restrictions on production are intended to constrain landings to less than or equal to the ACL. If, however, the ACL is exceeded in a given year, NMFS would issue a control date, after which entry into the aquaculture fishery may be limited or prohibited. The control date would serve as an AM while the Council initiates a review of the OY proxy, ACL, and the Gulf aquaculture program.

The Council further specified overfished and overfishing criteria from existing FMPs for wild stocks, consistent with the provisions at 50 CFR 600.310(d)(7). It is conceivable that some level of aquaculture in the Gulf could result in adverse impacts to wild stocks, which could result in overfishing of wild stocks and depletion of wild stocks. Therefore, the most logical way to assess impacts of overharvest in aquaculture operations is not on the cultured fish actually harvested, but the wild stocks remaining in the surrounding environment. Overfishing and overfished thresholds for wild stocks have been approved by the Council for evaluating the status of managed stocks and stock complexes. These thresholds will be used by NMFS to determine if offshore aquaculture in the Gulf EEZ is adversely affecting wild populations, causing them to become overfished or undergo overfishing. This approach is consistent with 50 CFR 600.310(d)(7), which strongly encourages councils to designate a primary FMP for stocks identified in more than one fishery. In this case, the primary FMPs for overfished and overfishing determination purposes are the FMPs established to manage wild stocks. Consistency with the Magnuson-Stevens Act National Standards Section 6.12 of the FMP discusses the preferred alternatives in the FMP as they relate to the Magnuson-Stevens Act and the ten National Standards.

Measures To Enhance Enforceability

Permittees would be required to provide NMFS personnel and authorized officers access to their aquaculture facility and records in order to conduct inspections and determine compliance with applicable regulations relating to Gulf aquaculture in the EEZ. In conducting the inspections, NMFS may enter into cooperative agreements with States, may delegate the inspection authority to any State, or may contract with any non-Federal Government entities. As a condition of the permit, NMFS may also require the permittee to contract a non-Federal Government third party approved by the RA if the RA agrees to accept the third party inspection results. The non-Federal Government third party may not be the same entity as the permittee.

Permittees participating in the aquaculture program would be allowed to offload cultured fish at aquaculture dealers only between 6 a.m. and 6 p.m., local time. All fish landed would have to be maintained whole with heads and fins intact. Spiny lobster would have to be maintained whole with tail intact until landed ashore. Any cultured fish

harvested from an aquaculture facility and being transported would have to be accompanied by the applicable bill of lading through landing ashore and the first point of sale.

Any person transporting cultured fingerlings or other juvenile animals from a hatchery to an aquaculture facility, other than a hatchery that is integrated with an aquaculture facility, would be required to notify NMFS at least 72 hours prior to transport. NMFS also would have to be notified 72 hours prior to harvest of cultured fish at an aquaculture facility and 72 hours prior to the intended time of landing. The landing notification would include the time, date, and port of landing. This notification could be provided to NMFS by telephone or by accessing the Web-based form available on the Web site.

Any vessel transporting cultured animals to or from an aquaculture facility would be required to stow fishing gear below deck or in an area where it is not normally used or readily available for fishing. Possession of any wild fish, with the exception of broodstock associated with a hatchery in the Gulf EEZ, would be prohibited within the boundaries of an aquaculture facility's restricted access zone. Except when harvesting broodstock, the possession of wild fish aboard an aquaculture operation's transport and service vessels, vehicles, or aircraft would be prohibited. Stowage and possession requirements are intended to enhance enforcement by preventing the simultaneous possession of cultured and wild fish.

Species Allowed for Aquaculture

The FMP allows owners and operators of aquaculture facilities in the Gulf EEZ to culture all species native to the Gulf that are managed by the Council and included in a fishery management unit (FMU) under a current FMP, except those species in the shrimp and coral FMU's. Under the FMP, no genetically modified or transgenic animals could be cultured in the Gulf. The Council and NMFS are proposing this requirement to minimize the risk to wild stocks in the event that escapement of cultured animals occurs. The FMP states that the Council will request NMFS develop concurrent rulemaking to allow aquaculture of highly migratory species.

Allowable Aquaculture Systems for Grow-Out

Aquaculture systems (*e.g.,* cages or net pens) used for growing fish would be evaluated by the RA on a case-by-case basis. The structural integrity and ability of proposed aquaculture systems to withstand physical stresses associated with major storm events (*e.g.,* hurricanes) would be reviewed by the RA, using engineering analyses, computer and physical oceanographic models, or other required documentation. The RA also would evaluate the potential risks of proposed aquaculture systems to essential fish habitat, endangered or threatened species, marine mammals, wild fish stocks, public health, or safety. The RA may approve or deny a proposed aquaculture system after determination of significant risks. If the RA denies use of a proposed aquaculture system, then the applicant would be provided a written determination from the RA of such findings. Any allowable aquaculture system approved for use would have to be marked with a minimum of one properly functioning locating device (*e.g.,* GPS device) in the event that the allowable aquaculture system is damaged or lost. The U.S. Coast Guard also requires structures be marked with lights and signals to ensure compliance with private aids to navigation (33 CFR 66.01).

Siting Requirements and Conditions

Aquaculture facilities would be prohibited in Gulf EEZ marine protected areas, marine reserves, habitat areas of particular concern, Special Management Zones, permitted artificial reef areas, and coral areas specified in 50 CFR part 622. No aquaculture facility could be sited within 1.6 nm (3 km) of another aquaculture facility to minimize transmission of pathogens between facilities. NMFS notes there is no widely accepted standard for how far apart facilities should be sited and specifically seeks comment on this distance. Permit sites would have to be twice as large as the combined area of the allowable aquaculture systems (*e.g.,* cages and net pens) to allow for best management practices such as the rotation of systems for fallowing. NMFS also would evaluate additional siting criteria on a case-by-case basis. Criteria considered would include results of a baseline environmental assessment; site depth; frequency of harmful algal blooms or hypoxia; and location relative to marine mammal migratory pathways, important natural habitats, and fishing grounds. NMFS may deny use of a proposed aquaculture site if it poses significant risks to essential fish habitat, endangered or threatened species, would result in user conflicts with commercial or recreational fishermen or other marine resource users, the depth of the site is not sufficient for the allowable aquaculture system, substrate and currents at the site would inhibit the dispersal of wastes and effluents, the site would pose risk to the cultured species due to low dissolved oxygen or harmful algal blooms, or other grounds inconsistent with FMP objectives or applicable Federal laws.

Aquaculture Facility Restricted Access Zones

A restricted access zone would be established for each facility. Restricting access around aquaculture facilities would afford additional protection to an operation's equipment and allowable aquaculture systems, and increase safety by reducing potential encounters between fishing vessels and aquaculture facility equipment. The boundaries of the restricted access zone would correspond to the coordinates listed on the approved ACOE Section 10 permit for the site. Restricted access zone boundaries would have to be clearly marked with a floating device, such as a buoy. No recreational or commercial fishing, other than aquaculture, may occur within the restricted access zone. Only fishing vessels that have a copy of the aquaculture facility's permit with an original signature of the permittee would be allowed to operate in or transit through the restricted access zone.

Recordkeeping and Reporting Requirements

Gulf aquaculture permittees would be required to report to NMFS major escapement events; findings of reportable pathogens; and entanglements or interactions with marine mammals, protected species, or migratory birds. All of these events would have to be reported within 24 hours of discovery of the event. Major escapement is defined as the escape, within a 24-hour period, of 10 percent of the fish from a single allowable aquaculture system (*e.g.,* one cage or one net pen) or 5 percent or more of the fish from all allowable aquaculture systems combined, or the escape, within any 30-day period, of 10 percent or more of the fish from all allowable aquaculture systems combined. Reportable pathogens include any OIE pathogen or pathogens that are identified as reportable pathogens in the NAAHP. If no major escapement, finding of reportable pathogen, or entanglement or interaction occurs during a given fishing year, then a permittee would be required to submit by January 31 of the following year an annual report to the RA indicating no event occurred. If major escapement occurs, the permittee would be required to provide to NMFS contact and permit information, the duration and location of escapement, the cause(s) of

escapement, the quantity, size, and percent of fish that escaped, by species, actions being taken to address the escapement and prevent future escapements. If an entanglement or interaction occurs, the permittee would be required to submit to NMFS information on the date, time, and location of the event, the species involved, the number of mortalities or acute injuries, causes of entanglement or interaction, and steps being taken to address the entanglement or interaction. If reportable pathogens are discovered, the permittee would be required to provide NMFS information on the reportable pathogen present, the percent of cultured animals infected, the findings of the aquatic animal health expert, plans for confirmatory testing, testing results (when available), and actions being taken to address the pathogen episode.

In addition to the above-mentioned reporting requirements, permittees also would be required to provide to NMFS on a continuing basis valid copies of all state and Federal permits required for conducting offshore aquaculture and copies of state and Federal permits for each hatchery from which fingerlings or other juvenile animals are obtained. In addition, permittees would be required to report to NMFS if there is a change to the hatchery (or hatcheries) used for obtaining fingerlings or other juvenile animals. The NMFS notes that permittees are also required to report use of new animal drugs in accordance with 40 CFR 451.3.

For recordkeeping requirements, aquaculture facilities must maintain: Monitoring reports related to aquaculture activities required by state and Federal permits, a daily record of fish introduced or removed from each allowable aquaculture system, and original or copies of purchase invoices for feed, and sale records. These records would have to be provided to NMFS or authorized officers upon request, and be maintained for a period of 3 years.

Aquaculture dealers would be required to complete a landing transaction report when purchasing cultured fish from a Gulf aquaculture permit holder. The transaction report would include the date, time, and location of the transaction; the identity of the Gulf aquaculture permit holder, vessel transporting cultured fish to port, and dealer involved in the transaction; and the quantity, average price, and average weight of each species landed and sold.

Framework Procedures

The RA may modify MSY, OY, permit application requirements, operational requirements and restrictions, including monitoring requirements, allowable aquaculture system requirements, siting requirements, and recordkeeping and reporting requirements in accordance with the framework procedure in the Aquaculture FMP.

Availability of the FMP

Additional background and rationale for the measures discussed above are contained in the FMP. The availability of the FMP was announced in the **Federal Register** on June 4, 2009 (74 FR 26829). The comment period for the FMP closed on August 3, 2009. All comments received on the FMP or on this proposed rule during their respective comment periods will be addressed in the preamble of the final rule.

Classification

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

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

NMFS prepared a Draft Programmatic Environmental Impact Statement (DPEIS) for this amendment. A notice of availability for the DPEIS was published on September 12, 2008 (73 FR 53001). On June 26, 2009, a notice of availability was published for the final PEIS (74 FR 30569). On April 20, 2010, an explosion occurred on the Deepwater Horizon (DWH) MC252 oil rig, resulting in the release of millions of barrels of oil into the Gulf of Mexico (Gulf). In addition, Corexit 9500A dispersant was applied as part of the effort to contain the spill. On January 25, 2013 NMFS issued a Notice of Intent (78 FR 5403) to prepare a supplement to the Final Programmatic Environmental Impact Statement (SFPEIS) for the FMP to consider new information from the Deepwater Horizon MC252 blowout.

NMFS prepared an IRFA, as required by section 603 of the Regulatory Flexibility Act, for this proposed rule. The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the objectives of, and legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A copy of the full analysis is available from the Council (see **ADDRESSES**). A summary of the IRFA follows.

If implemented, the rule would establish a regional permitting process to manage the development of an environmentally sound and economically sustainable aquaculture industry in Federal waters of the Gulf. The Magnuson-Stevens Act provides the statutory basis for the proposed rule.

No duplicative, overlapping, or conflicting Federal rules have been identified.

If implemented, the rule would directly affect entities that seek to locate offshore aquaculture and hatchery operations in the Gulf EEZ, entities that seek to purchase cultured animals from those waters at the first point of sale, and entities that presently operate commercial fishing vessels in areas of the Gulf EEZ where offshore aquaculture and hatchery operations will be sited.

The rule would require entities that seek to locate offshore aquaculture and hatchery operations in the Gulf EEZ to apply for a Gulf aquaculture permit and, if approved, to comply with application and operational requirements and restrictions of that permit. Permits would be valid for 10 years. Approved entities could renew the permit at 5-year increments after the first 10 years in order to continue operations. The Council considered several alternatives to how long a permit is effective and NMFS specifically seeks comment on whether 10 years is appropriate.

In addition to these requirements, potential offshore aquaculture operations would be required to use allowable species native to the Gulf, allowable marine aquaculture systems, comply with siting requirements and conditions, mark the restricted access zones around their facilities, comply with specific recordkeeping and reporting requirements, and individually not produce more than 20 percent of the 64 million lb (29 million kg), round weight, of those species that would be allowed to be produced by all federally permitted offshore aquaculture operations in the Gulf EEZ combined. The average time to prepare an application and supporting documents (baseline environmental assessment, assurance bond, contract with aquatic animal health expert, emergency disaster plan) for a Gulf aquaculture permit is estimated to be 33 hours. The cost of the permit application would be $10,000 initially with a subsequent annual fee of $1,000. The cost of the permit was calculated consistent with the NOAA Finance Handbook. The skill levels associated with the preparation of the required documentation for an

aquaculture permit application and the recordkeeping and reporting requirements of an aquaculture operation are not expected to necessitate the expertise of personnel beyond those whom would be typically employed by a marine aquaculture business. The operational requirements specified by the rule, however, are expected to increase by an unknown amount the operating costs of an entity that engages in offshore aquaculture and hatchery operations in the Gulf EEZ relative to the operating costs that would be expected to occur under the other alternatives considered. With respect to the compliance requirements associated with operation siting and restricted access zone marking, these costs are unknowable, but are expected to fall within the customary costs of normal business operation.

The rule also would require any entity that intends to purchase cultured animals from the Gulf EEZ at the first point of sale to apply for and be issued a Gulf aquaculture dealer permit. The annual cost incurred by an entity that seeks to obtain such a permit would be $50.00 if this is the only permit that is applied for, or $12.50 if this permit is applied for in conjunction with another type of permit. Completion of the permit application is estimated to take only minimal time, because virtually all dealers would already have another Federal dealer permit, and NMFS intends to utilize that existing permit data. In most cases, the only additional information required would be to check the box requesting a Gulf aquaculture permit. No special skills are expected to be required to prepare the dealer permit application.

Under the rule, no fishing vessels may operate in or transit through restricted access zones unless they have a copy of the facilities' aquaculture permit onboard. Such compliance would not be expected to require special navigational or other vessel-operation skills. The expected costs associated with this prohibition are discussed below.

At present, there are no entities, large or small, that have offshore aquaculture or hatchery operations in or purchase cultured animals from the Gulf EEZ. However, businesses that engage in finfish and shellfish farming and hatcheries (NAICS 112511 and 112512) and other aquaculture (NAICS 112519) may seek to locate aquaculture or hatchery operations in the Gulf EEZ. The Small Business Administration (SBA) size standard for these businesses is $0.75 million in annual receipts. NMFS estimates that from 5 to 20 offshore aquaculture facilities may be established in the Federal waters of the Gulf within the next 10 years as a result of the rule.

NMFS expects offshore aquaculture in the Gulf would be finfish aquaculture, most likely red drum, cobia or other similar species. NMFS estimates that because of distances from shore, depths of waters, Gulf weather and sea conditions, and other environmental factors, the smallest economically viable offshore aquaculture operation in the Gulf EEZ would raise finfish in 6 cages, requiring an initial investment of $2.89 million ($1.5 million for an aquaculture support vessel, $0.96 million for six cages and associated equipment, $0.33 million for land and onshore support facilities, and $0.1 million for service vessels). Total variable cost (feed, fingerlings, trips to and from cages, etc.) for one grow-out cycle is expected to exceed $1 million. These figures exceed the SBA size standard for businesses in finfish, shellfish and other aquaculture which is no more than $0.75 million in average annual receipts.

Based on those estimates of the magnitude of initial investment and operating costs expected to be required to establish and operate the smallest economically viable offshore aquaculture operation in the Gulf EEZ for finfish, NMFS expects that any entities that would seek to develop and locate an aquaculture operation in the Gulf EEZ would not be considered small businesses under the SBA size standards. The receipts-based size standards, with exceptions for NAICS Codes 112511 and 112512, were adjusted for inflation and the adjusted size standards went into effect on July 14, 2014. The SBA size standards associated with aquaculture in the Gulf EEZ are provided in the following table.

Industry	NAICS code	SBA small business size standard
Aquaculture and Hatchery Permit		
Finfish Farming	112511	$0.75 million.
Finfish Hatcheries		
Shellfish Farming	112512	$0.75 million.
Shellfish Hatcheries		
Dealer Permit		
Fresh and Frozen Seafood Processing	311712	500 employees.
Fish and Seafood Merchant Wholesalers	424460	100 employees.
Supermarkets and Other Grocery	445110	$32.5 milion ($30 million).
Fish and Seafood Markets	445220	$7.5 million ($7 million).
Warehouse Clubs and Superstores	452910	$29.5 million ($27 million).
Full Service Restaurants	722511	$7.5 million ($7 million).
Restricted Access Zones		
Finfish Fishing	114111	$20.5 million ($19 million).
Shellfish Fishing	114112	$5.5 million ($5 million).
Other Marine Fishing	114119	$7.5 million ($7 million).
Charter boat fishing	487210	$7.5 million ($7 million).

As discussed above, if implemented, the rule would require entities that purchase cultured animals from Federal waters of the Gulf at the first point of sale to obtain an aquaculture dealer permit. As defined in 50 CFR 600.10, dealer means the person who first receives fish by way of purchase, barter, or trade. Such entities are expected to be fish and seafood merchant wholesalers (NAICS 424460), fresh and frozen seafood processors (NAICS 311712), supermarkets and other grocery (NAICS 445110), fish and seafood markets (NAICS 445220), warehouse clubs and

superstores (NAICS 452910) and full-service restaurants (NAICS 722110). The SBA size standards for the wholesalers and processors are 100 employees and 500 employees, respectively. A supermarket or other grocery is classified as a small business if its annual receipts do not exceed $32.5 million, and, similarly, a fish and seafood market is classified as a small business if its annual receipts do not exceed $7.5 million. A full-service restaurant or a warehouse club/superstore is classified as a small business if its annual receipts do not exceed $7.5 million or $29.5 million, respectively. Because there are presently no animals cultured in the Gulf EEZ, there is much uncertainty regarding the numbers of entities, both large and small, that would be directly affected by the aquaculture dealer permit requirement. However, as stated previously, the annual cost and average time to these entities would be no greater than $50 and 20 minutes, which do not represent a significant economic impact.

The rule would create restricted access zones in the Gulf EEZ that could directly affect entities that engage in commercial and for-hire fishing by prohibiting their fishing vessels from fishing or transiting in these zones. Businesses that engage in commercial fishing are classified in the finfish, shellfish and other marine fishing business categories (NAICS 114111, 114112, and 114119) and those that engage in for-hire fishing are classified in the scenic and sightseeing transportation that includes charter boat fishing (NAICS 487210). SBA defines a small commercial and for-hire fishing businesses as one with annual receipts no greater than $29.5 million and $7.5 million, respectively. For this analysis, NMFS assumes that all commercial and for-hire fishing businesses that operate in the Gulf EEZ are small business entities, because the revenue data available indicate they fall within SBA's small entity size standards. Gulf commercial and for-hire fishing businesses may experience direct adverse economic impacts in the form of reduced landings and revenues and/or increased operating costs if the restricted access zones around aquaculture and hatchery facilities force these fishing businesses to change where they historically or currently fish or transit. Although the overall adverse economic impact of these restrictions cannot be determined, the incidence and magnitude of the adverse economic impact of restricted access zones on Gulf fishing businesses is expected to be minor as a result of the provisions within the rule that would enable the restriction of aquaculture and hatchery sites to areas of the Gulf EEZ that are not important to commercial and for-hire fishing. As a result, it is expected that the areas where aquaculture and hatchery production will develop will not include waters that are important to commercial and for-hire fishing. Consequently, no significant direct adverse economic impacts on Gulf commercial and for-hire fishing businesses are expected to occur as a result of the rule.

In summary, the only small entities that would be expected to be directly affected by the rule are current or prospective seafood dealers and commercial and for-hire fishermen. The direct costs to seafood dealers would be limited to minor permitting costs, while the direct economic impacts to fishing operations are not expected to be significant, because aquaculture and hatchery production is not expected to develop in areas that are important to commercial and for-hire fishing. No other potential direct adverse economic impacts on small entities have been identified. Thus, it is expected that this rule would not result in a significant direct adverse economic impact on a substantial number of small entities. However, NMFS specifically invites comments on this finding.

Three alternatives, including the status quo no-action alternative, were considered for the action to establish a Gulf aquaculture permit. This proposed rule would support the development of a commercial offshore aquaculture industry in the Gulf EEZ by creating a transferrable permit that authorizes commercial offshore aquaculture and hatchery operations in Federal waters of the Gulf. The no-action alternative would not support the development of a commercial offshore aquaculture industry in the Gulf EEZ, because the only existing means of permitting similar activities, an Exempted Fishing Permit (EFP) or a Letter of Acknowledgment, are not viable options for authorizing commercial offshore aquaculture or hatchery operations. The third alternative would support the development of commercial offshore aquaculture in the Gulf EEZ by creating two transferrable permits—an operations permit and a siting permit—with separate processes. However, the separation of the permitting process would be expected to increase the time and costs required to obtain the necessary permits to engage in commercial offshore aquaculture and could generate unexpected negative consequences such as creating compatibility issues between approved operation plans and permitted sites (*e.g.,* aspects of a specific operation plan may only be appropriate if the operation is to occur at a certain site).

Three alternatives, including the status quo no-action alternative, were considered for the action to establish permit requirements and restrictions. This rule would establish specific application requirements and operational requirements and restrictions. The no-action alternative would not establish any application or operational requirements and restrictions for commercial aquaculture and hatchery operations in the Gulf EEZ, which could result in significant negative externalities and adverse economic impacts. The third alternative would establish permit requirements and restrictions identical to the application and issuance requirements of an EFP. However, EFP requirements are insufficient to address the potentially significant negative externalities that could result from long-term commercial aquaculture and hatchery operations. The proposed rule is the most transparent although most burdensome on offshore aquaculture and hatchery operations of the alternatives considered. However, among the alternatives considered, the proposed rule is also expected to be the most effective in reducing the incidence and severity of the costs of potential negative externalities created by commercial offshore aquaculture and hatcheries.

Two alternatives, one with four sub-alternatives, were considered for the action to specify the duration of a Gulf aquaculture permit. This proposed rule (one of the sub-alternatives of the second alternative) would establish a permit that is effective for 10 years and renewable in 5-year increments. The first alternative would establish a permit that is effective for 1 year, unless otherwise specified in the permit or a superseding notice or regulation. This alternative was considered to be of an insufficient duration to allow the development of commercial offshore aquaculture. Two of the sub-alternatives would establish permit durations of 5 and 20 years without renewal, but these also were considered to be of insufficient duration to encourage the development and sustainability of commercial offshore aquaculture. The last sub-alternative would establish a permit of indefinite duration, which would be expected to create the greatest benefit to offshore aquaculture and hatchery operations. However, a permit of indefinite duration would indefinitely prevent others from

benefitting from the use of the areas where the aquaculture and hatchery operations were located, as well as eliminate the review opportunity enabled by a periodic permit renewal requirement.

Four alternatives, including the status quo no-action alternative, were considered for the action to specify the species allowed for aquaculture and included in the Aquaculture FMU. This rule would allow the aquaculture and inclusion in the Aquaculture FMU of all species native to the Gulf that are managed by the Council, except shrimp and corals. The no-action alternative would allow the aquaculture of any species native to the Gulf and not develop an Aquaculture FMU. The third alternative would restrict the set of allowable species for aquaculture and inclusion in the Aquaculture FMU to species native to the Gulf and in the reef fish, red drum, and coastal migratory pelagics FMPs. This alternative would allow the smallest number of species to be aquacultured among the alternatives considered, which could result in the smallest economic benefit to offshore aquaculture operations and, conversely, the smallest amount of direct competition with Gulf fishermen. The fourth alternative would allow the aquaculture and inclusion in the Aquaculture FMU of all species native to the Gulf that are managed by the Council, except goliath and Nassau grouper, shrimp, and corals. This alternative would allow the aquaculture of more species than the third alternative but fewer species than the no-action alternative. The proposed rule would allow for the aquaculture of the second largest number of species among the alternatives considered, which represents, potentially, the second highest economic benefit to offshore aquaculture operations and second highest potential economic costs to Gulf fishermen as a result of market competition and other externalities. The species prohibitions of the rule, however, are consistent with the understanding that shrimp aquaculture is more appropriate for land-based systems, and coral harvest, except as allowed under a live rock permit or for scientific research, is prohibited in the Gulf EEZ.

Three alternatives, including the status quo no-action alternative, were considered for the action to specify marine systems allowable for aquaculture in the Gulf EEZ. This rule would specify the process and criteria that would be used for system approval, but would not specify allowable systems. The no-action alternative would rely on existing NMFS authority to approve or disapprove specific systems based on unspecified evaluation criteria and determination of appropriateness. The absence of specified evaluation criteria could result in the approval of systems that result in unanticipated adverse environmental and economic consequences relative to the more systematic process and criteria of the rule. The third alternative would limit the set of allowable systems to cages and pens. Although this alternative is the most transparent among the alternatives considered in that the system options are fewer and, therefore, more easily evaluated by both the public and agency, this restriction could potentially deny the use of more economically and environmentally beneficial production systems. The rule would have the potential flexibility of allowing the use of a system that best meets an operation's production goals, while addressing the need to reduce potential negative externalities that could result from the aquaculture operation. This flexibility might also better foster innovation in this field.

Three alternatives, including the status quo no-action alternative, were considered for the action to establish marine aquaculture and hatchery siting requirements and conditions. The proposed rule would restrict the areas where aquaculture and hatcheries can occur, the distance between sites, and the total area of each site in the Gulf EEZ. The no-action alternative would allow offshore aquaculture and hatchery facilities to be located anywhere the ACOE would permit, potentially including historical or recently important fishing areas. This alternative would have the greatest potential of directly impacting fishing by allowing aquaculture and hatchery operations to be located in important harvest areas. The third alternative would establish marine aquaculture zones and restrict aquaculture and hatchery sites to these zones. Although the third alternative would establish zones that do not conflict with important fishing areas, this alternative would reduce the flexibility of site location, which could require the use of inferior sites with higher start-up and operational costs. Also, confining aquaculture and hatchery operations to designated zones could result in density problems with associated environmental and economic costs. The proposed rule would give aquaculture and hatchery operations greater flexibility in locating their operations than the third alternative, and would be expected to reduce or eliminate the siting of aquaculture and hatchery facilities in important fishing areas, which would reduce or eliminate any direct costs this alternative would impose on commercial and for-hire fishing businesses that fish in these important areas.

Three alternatives, including the status quo no-action alternative, were considered for the action to establish restricted access zones around aquaculture facilities. This rule would create a restricted access zone around each aquaculture and hatchery facility in the Gulf EEZ. These restricted access zones would correspond with the coordinates on the approved ACOE siting permit. Fishing would be prohibited in these restricted access zones. No recreational or commercial fishing vessel could operate in or transit through these zones unless they have a copy of the facilities' aquaculture permit onboard. Additionally, each facility would be required to mark the boundaries of its restricted access zone. The no-action alternative would not establish restricted access zones or restrict fishing around aquaculture and hatchery facilities and would be expected to result in the largest risk, among the alternatives considered, of a fishing vessel colliding with or fishing gear damaging an aquaculture facility. As a result, the no-action alternative would be expected to have the greatest likelihood among the alternatives considered of resulting in injury to personnel and loss of cultured and wild-caught fish, equipment and vessels. The third alternative would establish buffer zones of varying uniform distances from aquaculture facilities. However, the boundaries of these zones would not be required to be marked, which could make detection of the boundaries difficult, thereby diminishing their utility. The third alternative also could result in buffer zones that are larger than the restricted access zones that would be established by the rule, thereby increasing the area where fishing would be prohibited, resulting in potentially increased adverse economic impacts on fishermen compared to the rule.

Two alternatives, including the status quo no-action alternative, were considered for the action to establish recordkeeping and reporting requirements for offshore aquaculture. If implemented, the rule would establish 17 recordkeeping and reporting requirements on aquaculture operations. Although these requirements are expected to increase the operating costs of aquaculture operations, these requirements are considered to be necessary to manage the aquaculture fishery and reduce the incidence and severity of adverse environmental events. The no-action alternative would

not establish any recordkeeping or reporting requirements or impose any additional costs on aquaculture operations. However, the absence of mandatory reporting and record-keeping requirements would be expected to decrease the ability to effectively monitor the conduct of the aquaculture industry as well as reduce the incidence and severity of adverse environmental events.

Two alternatives, including the status quo no-action alternative, and multiple sub-alternatives were considered for the action to establish a production cap for individual entities. The rule proposed here would limit the annual production of an individual entity or corporation to 12.8 million lb (5.8 million kg), round weight, which is 20 percent of the maximum 64 million-lb (29 million-kg), round weight, OY. The no-action alternative would not limit the production of individual entities. The two sub-alternative production caps would establish lower caps than the rule, limiting the production by an individual entity to either 5 or 10 percent of the OY. Each of these sub-alternatives would be expected to result in lower economic benefits to aquaculture producers and associated businesses, because the lower caps may adversely affect the ability to take advantage of greater economies of scale. Conversely, the lower the cap, the greater the number of potential individual aquaculture producers and associated potential increase in economic and social benefits derived from increased competition. The 20-percent cap in the rule was selected as a reasonable limit on production concentration while still enabling the potential realization of economy-of-scale benefits.

Three alternatives, including the status quo no-action alternative, were considered for the action to specify an organizational framework for modifying the aquaculture biological reference points, status determination criteria, and management measures. The proposed rule would establish framework authority that would support the development and implementation of timely changes as necessary in response to changing aquaculture technologies or unforeseen fishery and environmental conditions. The no-action alternative would not specify framework authority, which would result in a requirement for the development of a full plan amendment in order to develop and implement necessary changes to the Aquaculture FMP. Requiring the development of a full plan amendment in order to develop and implement necessary changes to the FMP might delay necessary management actions, potentially resulting in increased adverse environmental and economic effects relative to the rule, and would not achieve the Council's objectives. The third alternative would establish framework procedures just for changing the biological reference points. This alternative would limit the Council's ability to make timely changes for the broader category of management actions that the rule would support and, as a result, also would be expected to potentially result in increased adverse environmental and economic effects compared to the rule. The rule would give the Council and NMFS the greatest amount of flexibility among the alternatives considered in responding to changing fishery conditions, such as aquaculture technologies and practices, which in turn would support the development and implementation of timely regulatory changes and the greatest net economic benefits to offshore aquaculture producers and Gulf fishermen.

In addition to actions discussed above, two alternatives were considered, including the status quo no-action alternative, and multiple sub-alternatives for an action to establish biological reference points and status determination criteria for offshore aquaculture. The FMP establishes an MSY and OY at 64 million lb (29 million kg), round weight. The FMP also requires NMFS to publish a control date, after which entry into the aquaculture fishery could be limited or restricted, if industry production exceeded the OY. The no-action alternative would not establish biological reference points, status determination criteria, or require the establishment of a control date. Because the specification of biological reference points and status determination criteria are mandatory components for an FMP, the no-action alternative would not support the development of an aquaculture industry in the Gulf EEZ and would not achieve the Council's objectives. Three of the biological reference point sub-alternatives would establish MSYs and OYs that are less than those of the rule, ranging from 16 to 36 million lb (7.3 to 16.3 million kg), round weight, while one sub-alternative would establish higher levels, 190 million lb (86 million kg), round weight. The lower values would be expected to result in lower economic benefits to the aquaculture industry and lower potential indirect costs to fishermen in competitive markets and associated industries compared to the proposed rule, while the higher values would be expected to result in the reverse.

This rule contains collection-of-information requirements subject to the PRA. Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number.

The collections and the associated estimated average public reporting burden per response are provided in the following table.

Collection requirement	Estimated burden per response
Federal Permit Application for Offshore Aquaculture in the Gulf of Mexico (for new permits and renewals)	3 hours.
Annual Report	10 minutes.
Baseline Environmental Assessment	24 hours.
Certification for Broodstock and Juveniles	10 minutes.
Request to Harvest Broodstock	30 minutes.
Broodstock Post-Harvest Report	30 minutes.
Request to Transfer Gulf Aquaculture Permit	3 hours.
Notification of Entanglement or Interaction	30 minutes.
Notification of Major Escapement Event	30 minutes.
Notification of Reportable Pathogen Episode	30 minutes.
Notification to Transport Cultured Juveniles to Offshore Systems	10 minutes.
Harvest and Landing Notification	30 minutes.
Dealer Permit Application	30 minutes.
Dealer Report for Landing and Sale	30 minutes.
Assurance Bond	1 hour.

Collection requirement	Estimated burden per response
Contract with Aquatic Animal Health Expert	1 hour.
Emergency Disaster Plan	4 hours.
Fin Clip Samples	10 hours.
Broodstock Marking Requirement	8 hours.

These requirements have been submitted to OMB for approval. These estimates of the public reporting burden include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information.

Public comment is sought regarding: Whether these proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the burden estimates; 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, including through the use of automated collection techniques or other forms of information technology. Send comments regarding the burden estimates or any other aspect of the collection-of-information requirements, including suggestions for reducing the burden, to NMFS and to OMB (see **ADDRESSES**).

Public Participation

It is the policy of the Department of Commerce, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule by one of the methods listed in the **ADDRESSES** section. All comments must be received by midnight of the close of the comment period.

In addition to accepting comments on the actions discussed in the preamble above, NMFS is particularly interested in comments from the public concerning:

(1) The definition of ''significant risk'' and whether it is a different standard than what is established under the Endangered Species Act.

(2) The use of the term ''genetically modified organism'' in the rule and whether it should be changed to ''genetically engineered animal'' to be consistent with terminology used by the FDA. The FDA uses the term ''genetically engineered animal'' as opposed to ''genetically modified organism'' because ''genetically engineered animal'' more accurately describes the use of modern biotechnology. Modern biotechnology means the application of *in vitro* nucleic acid techniques, including, among others, recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles, or fusion of cells beyond the taxonomic family, that overcome natural physiological reproductive or recombinant barriers and that are not techniques used in traditional breeding and selection of plants or other organisms.

(3) Whether the definition of ''genetically modified organism'' should be removed and a definition for ''genetically engineered animal'' should be added in § 622.2 of the rule, which is more consistent with the definition used by FDA. FDA defines the term ''genetically engineered animal'' as an ''animal modified by rDNA techniques, including the entire lineage of animals that contain the modification. The term 'genetically engineered animal' can refer to both animals with heritable rDNA constructs and animals with non-heritable rDNA constructs (e.g., those modifications intended to be used as gene therapy).'' An animal that has been altered such that its ploidy has been changed (*e.g.,* a triploid animal) is not considered to be genetically engineered provided that that animal does not contain genes that have been introduced or otherwise altered by modern biotechnology.

(4) Whether it would be sufficiently protective to require broodstock to be collected from another population within the Gulf of Mexico, rather than the same population or sub-population where the facility is located. What additional costs or burdens does the requirement to collect from the same sub-population impose on aquaculture facilities?

(5) Whether it is necessary for facilities to provide a Notice of Harvest to NMFS in order to ensure that only cultured animals are landed.

(6) The additional costs, if any, of maintaining a daily record of the number of fish introduced into and number or pounds and average weight of fish removed from each allowable aquaculture system, including mortalities. In addition, the extent to which this information aids enforcement of production quotas and auditing.

(7) The practical utility and additional cost of the proposed requirement to maintain original purchase invoices for feed, or copies of such invoices, for 3 years from the date of purchase in light of the recordkeeping requirement in EPA regulations at 40 CFR 451.21(g)(1).

(8) Additionally, NMFS seeks public comment on the draft Supplemental Information Report (SIR). Because the FMP entered into effect in 2009, NMFS has prepared a draft supplemental information report (SIR) to evaluate whether there is a need for supplemental NEPA analysis on the FMP, specific to the passage of time. The Council on Environmental Quality regulations state that agencies shall prepare supplements to either draft or final environmental impact statements if: The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9(c)). The draft SIR concludes that there are no substantial changes to the proposed action or significant new circumstances or information that require the preparation of an additional supplement to the Final Programmatic Environmental Impact Statement for the FMP. The draft SIR can be accessed at: (*http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/aquaculture/index.html*).

List of Subjects

50 CFR Part 600

Administrative practice and procedures, Confidential business information, Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics.

50 CFR Part 622

Aquaculture, Fisheries, Fishing, Gulf of Mexico, Reporting and recordkeeping requirements.

Dated: August 22, 2014.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR parts 600 and 622 are proposed to be amended as follows:

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

■ 1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. *et seq.*

■ 2. In § 600.725, in paragraph (v), in the table, under the heading ''IV. Gulf of Mexico Fishery Management Council'', entry 21 ''Offshore aquaculture (FMP)'' is added to read as follows:

§ 600.725 General prohibitions.

* * * * *

(v) * * *

Fishery	Authorized gear types
* * * * * * *	
IV. Gulf of Mexico Fishery Management Council	
* * * * * * *	
21. Offshore aquaculture (FMP)	Cages, net pens.
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PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 3. The authority citation for part 622 continues to read as follows:

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

■ 4. In § 622.1, in Table 1, an entry for ''FMP for Regulating Offshore Marine Aquaculture in the Gulf'' is added in alphabetical order to read as follows:

§ 622.1 Purpose and scope.

* * * * *

TABLE 1 TO § 622.1—FMPS IMPLEMENTED UNDER PART 622

FMP Title	Responsible fishery management council(s)	Geographical area
* * * * * * *		
FMP for Regulating Offshore Marine Aquaculture in the Gulf	GMFMC	Gulf.
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■ 5. In § 622.2, definitions for ''Aquaculture'', ''Aquaculture facility'', ''Aquaculture system'', ''Aquatic animal health expert'', ''Cultured animals'', ''Genetically modified organism'', ''Significant risk'', ''Transgenic animal'' and ''Wild fish'' are added in alphabetical order to read as follows:

§ 622.2 Definitions and acronyms.

* * * * *

Aquaculture means all activities, including the operation of an aquaculture facility, involved in the propagation and rearing, or attempted propagation and rearing, of allowable aquaculture species in the Gulf EEZ.

Aquaculture facility means an installation or structure, including any aquaculture system(s) (including moorings), hatcheries, equipment, and associated infrastructure used to hold, propagate, and rear allowable aquaculture species in the Gulf EEZ under authority of a Gulf aquaculture permit.

Aquaculture system means any cage, net pen, enclosure, structure, or gear deployed in waters of the Gulf EEZ for holding and producing allowable aquaculture species.

* * * * *

Aquatic animal health expert means a licensed doctor of veterinary medicine or a person who is certified by the American Fisheries Society, Fish Health Section, as a ''Fish Pathologist'' or ''Fish Health Inspector.''

* * * * *

Cultured animals means animals which are propagated and/or reared by humans.

* * * * *

Genetically modified organism means an organism (*i.e.,* animal) that has been transformed by the insertion of one or more transgenes (an isolated gene sequence often, but not always, derived from a different species than that of the recipient). An animal with triploidy is not genetically modified, unless the animal also includes one or more transgenes.

* * * * *

Significant risk means likely to jeopardize the continued existence of endangered or threatened species or adversely modify their critical habitat; is likely to seriously injure or kill marine mammals; is likely to result in unmitigated adverse effects on essential fish habitat; is likely to adversely affect wild fish stocks and cause them to become overfished or undergo overfishing; or otherwise may result in harm to public health or safety, as determined by the RA.

* * * * *

Transgenic animal means an animal whose genome contains a nucleotide sequence that has been intentionally modified in vitro, and the progeny of such an animal.

* * * * *

Wild fish means fish that are not propagated or reared by humans.

* * * * *

■ 6. In § 622.4, in the introductory text, a sentence is added after the second sentence to read as follows:

§ 622.4 Permits and fees—general.

* * * See subpart F for permit requirements related to aquaculture of species other than live rock. * * *

* * * * *

■ 7. In § 622.13, paragraphs (pp) and (qq) are revised and paragraph (rr) is added to read as follows:

§ 622.13 Prohibitions—general.

* * * * *

(pp) Fail to comply with any provision related to the Offshore Marine Aquaculture program in the Gulf of Mexico as specified in this part.

(qq) Falsify any information required to be submitted regarding the Offshore Marine Aquaculture program in the Gulf of Mexico as specified in this part.

(rr) Fail to comply with any other requirement or restriction specified in this part or violate any provision(s) in this part.

■ 8. Subpart F is added to read as follows:

Subpart F—Offshore Marine Aquaculture in the Gulf of Mexico

§ 622.100 General.

This subpart provides the regulatory structure for enabling environmentally sound and economically sustainable aquaculture in the Gulf EEZ. Offshore marine aquaculture activities are authorized by a Gulf aquaculture permit or Gulf aquaculture dealer permit issued under § 622.101 and are conducted in compliance with the provisions of this subpart. Aquaculture of live rock is addressed elsewhere in this part and is exempt from the provisions of this subpart.

(a) *Electronic system requirements.* (1) The administrative functions associated with this aquaculture program, *e.g.,* registration and account setup, landing transactions and most reporting requirements, are intended to be accomplished online via the Southeast Regional Office (SERO) Web site at *http://sero.nmfs.noaa.gov;* therefore, a participant must have access to a computer and Internet access and must set up an appropriate online aquaculture account to participate. Assistance with online functions is available from the Permits Office, Monday through Friday between 8 a.m. and 4:30 p.m. eastern time; telephone: 1(877)376–4877. If some online reporting functions are not available at the time of initial implementation of this aquaculture program, this will be indicated on the SERO Web site and participants may comply by submitting the required information via email using the appropriate forms that are available on the Web site. Once online functions are available, participants must comply by using the online system unless alternative methods are specified.

(2) The RA will mail each person who is issued a Gulf aquaculture permit or a Gulf aquaculture dealer permit information and instructions pertinent to using the online system and setting up an online aquaculture account. The RA also will mail each permittee a user identification number and will provide each permittee a personal identification number (PIN) in a subsequent letter. Each permittee must monitor his/her online account and all associated messages and comply with all online reporting requirements.

(3) During catastrophic conditions only, the RA may authorize use of paper-based components for basic required functions as a backup to what would normally be reported electronically. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the **Federal Register**, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. NMFS will provide each aquaculture permittee the necessary paper forms, sequentially coded, and instructions for submission of the forms to the RA. The paper forms also will be available from the RA. The program functions available to participants or geographic areas deemed affected by catastrophic conditions may be limited under the paper-based system. Assistance in complying with the requirements of the paper-based system will be available via the Permits Office, Monday through Friday between 8 a.m. and 4:30 p.m., eastern time; telephone: 1(877)376–4877.

(b) [Reserved]

§ 622.101 Permits.

(a) *Gulf aquaculture permit.* For a person to deploy or operate an aquaculture facility in the Gulf EEZ or sell or attempt to sell, at the first point of sale, an allowable aquaculture species cultured in the Gulf EEZ, a Gulf aquaculture permit must have been issued to that person for that aquaculture facility, and the permit must be prominently displayed and available for inspection at the aquaculture facility. The permit number should also be included on the buoys or other floating devices used to mark the restricted access zone of the operation as specified in § 622.104(c).

(1) *Eligibility requirement for a Gulf aquaculture permit.* Eligibility for a Gulf aquaculture permit is limited to U.S. citizens as defined in the Immigration and Nationality Act of 1952, as amended, and permanent resident aliens lawfully accorded the privilege of residing permanently in the U.S. in accordance with U.S. immigration laws.

(2) *Application for a Gulf aquaculture permit.* Application forms are available from the RA. A completed application form and all required supporting documents must be submitted by the applicant (in the case of a corporation, an officer; in the case of a partnership, a general partner) to the RA at least 180 days prior to the date the applicant desires the permit to be effective. An applicant must provide all information indicated on the application form including:

(i) Applicant's name, address, and telephone number.

(ii) Business name, address, telephone number, date the business was formed, and, if the applicant is a corporation, corporate structure and shareholder information.

(iii) Information sufficient to document eligibility as a U.S. citizen or permanent resident alien.

(iv) Description of the exact location (*i.e.,* global positioning system (GPS) coordinates) and dimensions of the proposed aquaculture facility and proposed site, including a map of the site to scale.

(v) A baseline environmental assessment of the proposed aquaculture site. The assessment must be conducted, and the data, analyses, and results must be summarized and presented, consistent with the guidelines specified by NMFS. NMFS' guidelines will include methods and procedures for conducting diver and video surveys, measuring hydrographic conditions, collecting and analyzing benthic sediments and infauna, and measuring water quality characteristics. The guidelines will be available on the SERO Web site and from the RA upon request.

(vi) A list of allowable aquaculture species to be cultured; estimated start up production level by species; and the estimated maximum total annual poundage of each species to be harvested from the aquaculture facility.

(vii) Name and address or specific location of each hatchery that would provide juvenile animals for grow-out at the proposed aquaculture facility located within the Gulf EEZ and a copy of all relevant, valid state or Federal aquaculture permits issued to the hatchery.

(viii) Prior to issuance of a Gulf aquaculture permit, a copy of currently valid Federal permits (*e.g.,* ACOE Section 10 permit, and Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) permit) applicable to the proposed aquaculture site, facilities, or operations.

(ix) A description of the allowable aquaculture system(s) to be used, including the number, size and dimensions of the allowable aquaculture system(s), a description of the mooring system(s) used to secure the allowable aquaculture system(s), and documentation of the allowable aquaculture system's ability to withstand physical stress, such as hurricanes, wave energy, etc., including a copy of any available engineering analysis.

(x) A description of the equipment and methods to be used for feeding, transporting, maintaining, and removing cultured species from aquaculture systems.

(xi) A copy of the valid USCG certificate of documentation or, if not documented, a copy of the valid state registration certificate for each vessel involved in the aquaculture operation; and documentation or identification numbers for any aircraft or vehicles involved.

(xii) Documentation certifying that:

(A) The applicant agrees to immediately remove cultured animals remaining in allowable aquaculture systems from the Gulf EEZ as ordered by the RA if it is discovered that the animals are genetically modified or transgenic;

(B) The applicant agrees to immediately remove cultured animals remaining in allowable aquaculture systems from the Gulf EEZ as ordered by the RA if fish are discovered to be infected with a World Organization of Animal Health (OIE) reportable pathogen that represents a new detection in the Gulf or a new detection for that cultured species in the US is found at the facility, or additional pathogens that are subsequently identified as reportable pathogens in the National Aquatic Animal Health Plan (NAAHP), or any other pathogen determined by NMFS and APHIS to pose a significant threat to the health of wild aquatic organisms; and,

(C) The applicant agrees to immediately remove all components of the aquaculture system and cultured animals remaining in allowable aquaculture systems from the Gulf EEZ as ordered by the RA if there are any other violations of the permit conditions or regulations other than those listed in paragraphs (a)(2)(xii)(A) and (B) of this section which causes the RA to order such removal.

(xiii) Documentation certifying the applicant has obtained an assurance bond sufficient to cover the costs of removal of all components of the aquaculture facility, including cultured animals remaining in allowable aquaculture systems, from the Gulf EEZ. The assurance bond would not be required to cover the costs of removing an oil and gas platform. The RA will provide applicants a form and associated guidance for complying with the assurance bond requirement. The applicant must also provide documentation certifying the applicant has established a standby trust fund into which any payments made towards the assurance bond can be deposited. The trustee of the standby trust may not be the same entity as the permittee. The assurance bond is payable at the discretion of the RA to a designee as specified in the bond or to a standby trust. When the RA directs the payment into a standby trust, all amounts paid by the assurance bond provider must be deposited directly into the standby trust fund for distribution by the trustee in accordance with the RA's instructions. A permittee will be deemed to be without the required financial assurance in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the assurance bond. The permittee must establish other financial assurance within 60 days after such an event.

(xiv) Certification by the applicant that all broodstock used to provide juveniles to the aquaculture facility were originally harvested from U.S. waters of the Gulf, and that each individual broodstock was marked or tagged at the hatchery to allow for identification of those individuals used in spawning.

(xv) Certification by the applicant that no genetically modified animals or transgenic animals are used or possessed for culture purposes at the aquaculture facility.

(xvi) Copy of a contractual arrangement with an identified aquatic animal health expert to provide services to the aquaculture facility has been obtained. A copy of the license or certification also must be provided to NMFS.

(xvii) A copy of an emergency disaster plan, developed for and to be used by the operator of the aquaculture facility, that includes, procedures for preparing or if necessary removing aquaculture systems, aquaculture equipment, and cultured animals in the event of a disaster (*e.g.,* hurricane, tsunami, harmful algal bloom, chemical or oil spill, etc.);

(xviii) Any other information concerning the aquaculture facility or its operations or equipment, as specified on the application form.

(xix) Any other information that may be necessary for the issuance or administration of the Gulf aquaculture permit, as specified on the application form.

(b) *Gulf aquaculture dealer permit.* For a dealer to receive fish cultured by an aquaculture facility in the Gulf EEZ, that dealer must first obtain a Gulf aquaculture dealer permit. However, an owner or operator of an aquaculture facility with a Gulf aquaculture permit may purchase juvenile fish for grow-out from a hatchery located in the Gulf EEZ without obtaining a dealer permit. To obtain a dealer permit, the applicant must have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such state(s), and must have a physical facility at a fixed location in such state(s).

(1) *Application for a Gulf aquaculture dealer permit.* Application forms are available from the RA. The application must be submitted by the owner (in the case of a corporation, an officer; in the case of a partnership, a general partner). Completed application forms and all required supporting documents must be submitted to the RA at least 30 days prior to the date on which the applicant desires to have the permit made effective. An applicant must provide the following:

(i) A copy of each state wholesaler's license held by the dealer.

(ii) Name, address, telephone number, date the business was formed, and other identifying information of the business.

(iii) The address of each physical facility at a fixed location where the business receives fish from an aquaculture facility in the Gulf EEZ.

(iv) Name, address, telephone number, other identifying information, and official capacity in the business of the applicant.

(v) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(2) [Reserved]

(c) *Permit requirements for other aquaculture-related activities.* For a person to do any of the following, such person must have in his/her possession and make available upon request by NMFS or an authorized officer a copy of a valid Gulf aquaculture permit with an original (not copied) signature of the permit owner or owner's agent.

(1) Possess or transport fish in or from the Gulf EEZ to be cultured at an aquaculture facility (*e.g.,* brood stock, fingerlings) or possess or transport fish from an aquaculture facility for landing ashore and sale.

(2) Operate, in support of aquaculture related activities, any vessel, vehicle, or aircraft authorized for use in operations related to an aquaculture facility, *i.e.,* those registered for aquaculture operation use.

(3) Harvest and retain on board a vessel live wild broodstock for use in an aquaculture facility regardless of where the broodstock is harvested or possessed.

(d) *Permit-related procedures*—(1) *Fees.* A fee is charged for each application for a permit submitted under this section and for each request for renewal, transfer or replacement of such permit. The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the RA, for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application or request for renewal, transfer or replacement.

(2) *Review and notifications regarding a Gulf aquaculture permit.* (i) The RA will review each application and make a preliminary determination whether the application is complete. An application is complete when all requested forms, information, and documentation have been received. If the RA determines that an application is complete, notification of receipt of the application will be published in the **Federal Register** with a brief description of the proposal and specifying the intent of NMFS to issue a Gulf aquaculture permit. The public will be given up to 45 days to comment, and comments will be requested during public testimony at a Council meeting. The RA will consult with other Federal agencies, as appropriate, and the Council concerning the permit application during the period in which public comments have been requested. The RA will notify the applicant in advance of any Council meeting at which the application will be considered, and offer the applicant the opportunity to appear in support of the application. The RA may consider revisions to the application made by the applicant in response to public comment before approving or denying it.

(ii) As soon as practicable after the opportunity for public comment ends, the RA will notify the applicant and the Council in writing of the decision to grant or deny the Gulf aquaculture permit. If the RA grants the permit, the RA will publish a notification of the permit approval in the **Federal Register**. If the RA denies the permit, the RA will advise the applicant, in writing, of the reasons for the denial and publish a notification in the **Federal Register** announcing the denial and the basis for it. Grounds for denial of a Gulf aquaculture permit include the following:

(A) The applicant has failed to disclose material information or has made false statements to any material fact, in connection with the Gulf aquaculture permit application;

(B) Based on the best scientific information available, issuance of the permit would pose significant risk to the well-being of wild fish stocks, marine mammals, threatened or endangered species, essential fish habitat, public health, or safety; or,

(C) Activities proposed to be conducted under the Gulf aquaculture permit are inconsistent with aquaculture regulations in this section, the management objectives of the Aquaculture FMP, or the Magnuson-Stevens Act or other applicable law.

(D) Use of the proposed site is denied based on the criteria set forth in § 622.103(a)(4).

(3) *Initial issuance.* (i) The RA will issue an initial permit to an applicant after the review and notification procedures set forth in paragraph (d)(2)(i) of this section are complete and the decision to grant the permit is made under paragraph (d)(2)(ii) of this section.

(ii) Upon receipt of an incomplete application, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 60 days of the date of the RA's letter of notification or request an extension of time by contacting the NMFS Southeast Regional Office before the end of the 60 day timeframe, the application will be considered abandoned.

(4) *Duration.* A Gulf aquaculture permit will initially be issued for a 10-year period and may be renewed in 5-year increments thereafter. An aquaculture dealer permit is an annual permit and must be renewed annually. A permit remains valid for the period specified on it unless it is revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904 or the aquaculture facility is sold and the permit has not been transferred or the dealership is sold. Once the aquaculture permit is no longer valid, all components of the aquaculture facility, including cultured animals remaining in allowable aquaculture systems, must be removed immediately from the Gulf EEZ.

(5) *Transfer.* (i) A Gulf aquaculture permit is transferable to an eligible person, *i.e.,* a U.S. citizen or permanent resident alien if the geographic location of the aquaculture site remains unchanged. An eligible person who acquires an aquaculture facility that is currently permitted and who desires to conduct activities for which a permit is required may request that the RA transfer the permit to him/her. At least 30 days prior to the desired effective date of the transfer, such a person must complete and submit to the RA or via the SERO Web site a permit transfer request form that is available from the RA. The permit transfer request form must be accompanied by the original Gulf aquaculture permit, a copy of a signed bill of sale or equivalent acquisition papers, and a written agreement between the transferor and transferee specifying who is assuming the responsibilities and liabilities associated with the Gulf aquaculture permit and the aquaculture facility, including all the terms and conditions associated with the original issuance of the Gulf aquaculture permit. All applicable permit requirements and conditions must be satisfied prior to a permit transfer, including any necessary updates, *e.g.,* updates regarding required certifications, legal responsibility for assurance bond, other required permits, etc. The seller must sign the back of the Gulf aquaculture permit, and have the signed transfer document notarized. Final transfer of a Gulf aquaculture permit will occur only after the RA provides official notice to both parties that the transferee is eligible to receive the permit and that the transfer is otherwise valid.

(ii) An aquaculture dealer permit is not transferable.

(6) *Renewal.* An aquaculture facility owner or aquaculture dealer who has been issued a permit under subpart F must renew such permit consistent with the applicable duration of the permit specified in paragraph (d)(4) of this section. The RA will mail an aquaculture facility owner or aquaculture dealer whose permit is expiring an application for renewal at least 6 months prior to the expiration

date of a Gulf aquaculture facility permit and approximately two months prior to the expiration date of an aquaculture dealer permit. An aquaculture facility owner or aquaculture dealer who does not receive a renewal application from the RA within the time frames indicated in this paragraph must contact the RA and request a renewal application. The applicant must submit a completed renewal application form and all required supporting documents to the RA at least 120 days prior to the date on which the applicant desires to have a Gulf aquaculture permit made effective and at least 30 days prior to the date on which the applicant desires to have an aquaculture dealer permit made effective. If the RA receives an incomplete application, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 60 days of the date of the RA's letter of notification or request an extension of time by contacting the NMFS Southeast Regional Office before the end of the 60 day timeframe, the application will be considered abandoned.

(7) *Display.* A Gulf aquaculture permit issued under this section must be prominently displayed and available for inspection at the aquaculture facility. The permit number should also be included on the buoys or other floating devices used to mark the restricted access zone of the operation as specified in § 622.104(c). An aquaculture dealer permit issued under this section, or a copy thereof, must be prominently displayed and available on the dealer's premises. In addition, a copy of the dealer's permit, or the aquaculture facility's permit (if the fish have not yet been purchased by a dealer), must accompany each vehicle that is used to receive fish harvested from an aquaculture facility in the Gulf EEZ. A vehicle operator must present the permit or a copy for inspection upon the request of an authorized officer.

(8) *Sanctions and denials.* A Gulf aquaculture permit or aquaculture dealer permit issued pursuant to this section may be revoked, suspended, or modified, and such permit applications may be denied, in accordance with the procedures governing enforcement-related permit sanctions and denials found at subpart D of 15 CFR part 904.

(9) *Alteration.* A Gulf aquaculture permit or aquaculture dealer permit that is altered, erased, or mutilated is invalid.

(10) *Replacement.* A replacement Gulf aquaculture permit or aquaculture dealer permit may be issued. An application for a replacement permit is not considered a new application.

(11) *Change in application information.* An aquaculture facility owner or aquaculture dealer who has been issued a permit under subpart F must notify the RA within 30 days after any change in the applicable application information specified in paragraphs (a) or (b) of this section. If any change in the information is not reported within 30 days aquaculture operations may no longer be conducted under the permit.

§ 622.102 Recordkeeping and reporting.

(a) Participants in Gulf aquaculture activities addressed in subpart F must keep records and report as specified in this section. Unless otherwise specified, required reporting must be accomplished electronically via the SERO Web site. See § 622.100(a)(3) regarding provisions for paper-based reporting in lieu of electronic reporting during catastrophic conditions as determined by the RA. Recordkeeping (*i.e.,* maintaining records versus submitting reports) may, to the extent feasible, be maintained electronically; however, paper-based recordkeeping also is acceptable.

(1) *Aquaculture facility owners or operators.* An aquaculture facility owner or operator must comply with the following requirements.

(i) *Reporting requirements*—(A) *Transport of fingerlings/juvenile fish to an aquaculture facility.* Report the time, date, species and number of cultured fingerlings or other juvenile animals that will be transported from a hatchery to an aquaculture facility at least 72 hours prior to transport. This information may be submitted electronically via the SERO Web site or via phone.

(B) *Major escapement.* Report any major escapement or suspected major escapement within 24 hours of the event. Major escapement is defined as the escape, within a 24-hour period, of 10 percent of the fish from a single allowable aquaculture system (*e.g.,* one cage or one net pen) or 5 percent or more of the fish from all allowable aquaculture systems combined, or the escape, within any 30-day period, of 10 percent or more of the fish from all allowable aquaculture systems combined. The report must include the items in paragraphs (a)(1)(i)(B)(*1*) through (*6*) of this section and may be submitted electronically via the SERO Web site. If no major escapement occurs during a given year, an annual report must be submitted via the Web site on or before January 31 each year indicating no major escapement occurred.

(*1*) Gulf aquaculture permit number;

(*2*) Name and phone number of a contact person;

(*3*) Duration and specific location of escapement, including the number of cages or net pens involved;

(*4*) Cause(s) of escapement;

(*5*) Number, size, and percent of fish, by species, that escaped; and

(*6*) Actions being taken to address the escapement.

(C) *Pathogens.* Report, within 24 hours of diagnosis, all findings or suspected findings of any OIE-reportable pathogen episodes or pathogens that are identified as reportable pathogens in the NAAHP, as implemented by the USDA and U.S. Departments of Commerce and Interior, that are known to infect the cultured species. The report must include the items in paragraphs (a)(1)(i)(C)(*1*) through (*6*) of this section and may be submitted electronically via the SERO Web site. If no finding or suspected finding of an OIE-reportable pathogen episode occurs during a given year, an annual report must be submitted via the SERO Web site on or before January 31 each year indicating no finding or suspected finding of an OIE-reportable pathogen episode occurred. See § 622.108(a)(1) regarding actions NMFS may take to address a pathogen episode.

(*1*) OIE-reportable pathogen;

(*2*) Percent of cultured animals infected;

(*3*) Findings of the aquatic animal health expert;

(*4*) Plans for submission of specimens for confirmatory testing (as required by the USDA);

(*5*) Testing results (when available); and

(*6*) Actions being taken to address the reportable pathogen episode.

(D) *Landing information.* Report the intended time, date, and port of landing for any vessel landing fish harvested from an aquaculture facility at least 72 hours prior to landing. This information may be submitted electronically via the SERO Web site or via phone. The person landing the cultured fish must validate the dealer transaction report required in paragraph (a)(2)(i) of this section by entering the unique PIN number of the Gulf aquaculture permit holder from whom the fish were received when the transaction report is submitted.

(E) *Change of hatchery.* Report any change in hatcheries used for obtaining fingerlings or other juvenile animals and provide updated names and addresses or specific locations (if no address is available) for the applicable hatcheries no later than 30 days after any such change occurs. This information may be

submitted electronically via the SERO Web site.

(F) *Entanglements or interactions with marine mammals, endangered species, or migratory birds.* Report any entanglement or interaction with marine mammals, endangered species, or migratory birds within 24 hours of the event. The report must include the items included in paragraphs (a)(1)(i)(G)(*1*) through (*5*) of this section and may be submitted electronically via the SERO Web site. If no entanglement or interaction with marine mammals, endangered species, or migratory birds occurs during a given year, an annual report must be submitted via the SERO Web site on or before January 31 each year indicating no entanglement or interaction occurred.

(*1*) Date, time, and location of entanglement or interaction.

(*2*) Species entangled or involved in interactions and number of individuals affected;

(*3*) Number of mortalities and acute injuries observed;

(*4*) Cause of entanglement or interaction; and

(*5*) Actions being taken to prevent future entanglements or interactions.

(G) Any other reporting requirements specified by the RA for evaluating and assessing the environmental impacts of an aquaculture operation.

(ii) *Other reporting requirements.* In addition to the reporting requirements in paragraph (a)(1)(i) of this section, an aquaculture facility owner or operator must comply with the following reporting requirements.

(A) Provide NMFS with current copies of all valid state and Federal permits (*e.g.,* ACOE Section 10 permit, EPA NPDES permit) required for conducting offshore aquaculture and report any changes applicable to those permits.

(B) Provide NMFS with current copies of all valid state and Federal aquaculture permits for each hatchery from which fingerlings or other juvenile animals are obtained and report any changes applicable to those permits within 30 days.

(iii) *Recordkeeping requirements.* An aquaculture facility owner or operator must comply with the following recordkeeping requirements.

(A) Maintain for the most recent 3 years and make available to NMFS or authorized officers, upon request, monitoring reports related to aquaculture activities required by all state and Federal permits (*e.g.,* ACOE Section 10 permit, EPA NPDES permit) required for conducting offshore aquaculture.

(B) Maintain records of all sales of fish for the most recent 3 years and make that information available to NMFS or authorized officers upon request. Sale records must include the species and quantity of fish sold in pounds round weight; estimated average weight of fish sold to the nearest tenth of a pound by species; date sold; and the name of the entity to whom fish were sold.

(2) *Aquaculture dealer recordkeeping and reporting requirements.* A dealer who purchases fish from an aquaculture facility in the Gulf EEZ must:

(i) Complete a landing transaction report for each landing and sale of cultured fish via the SERO Web site at *http://sero.nmfs.noaa.gov* at the time of the transaction in accordance with reporting form and instructions provided on the Web site. This report includes date, time, and location of transaction; information necessary to identify the Gulf aquaculture permit holder, vessel, and dealer involved in the transaction; quantity, in pounds round weight, and estimated average weight of each species landed to the nearest tenth of a pound; and average price paid for cultured fish landed and sold by market category. A dealer must maintain such record for at least 3 years after the receipt date and must make such record available for inspection upon request of an authorized officer or the RA.

(ii) After the dealer submits the report and the information has been verified, the Web site will send a transaction approval code to the dealer and the aquaculture permit holder.

(b) [Reserved]

§ 622.103 Aquaculture facilities.

(a) *Siting requirements and conditions.* (1) No aquaculture facility may be sited in the Gulf EEZ within a marine protected area, marine reserve, Habitat Area of Particular Concern, Special Management Zone, permitted artificial reef area specified in this part or a coral area as defined in § 622.2.

(2) No aquaculture facility may be sited within 1.6 nautical miles (3 km) of another aquaculture facility and all structures associated with the facility must remain within the sited boundaries.

(3) To allow fallowing and rotation of allowable aquaculture systems within a site permitted by the ACOE and approved by NMFS, the permitted site for the aquaculture facility must be at least twice as large as the combined area of the aquaculture systems (*e.g.,* cages and net pens).

(4) The RA will evaluate siting criteria for proposed offshore aquaculture operations on a case-by-case basis. Criteria considered by the RA during case-by-case review include data, analyses, and results of the required baseline environmental assessment as specified in § 622.102(a)(2)(v); depth of the site; the frequency of harmful algal blooms or hypoxia at the proposed site; marine mammal migratory pathways; the location of the site relative to commercial and recreational fishing grounds and important natural fishery habitats (*e.g.,* seagrasses). The RA may deny use of a proposed aquaculture site based on a determination by the RA that such a site poses significant risks to wild fish stocks, essential fish habitat, endangered or threatened species, marine mammals, will result in user conflicts with commercial or recreational fishermen or other marine resource users, will result in user conflicts with the OCS energy program, the depth of the site is not sufficient for the allowable aquaculture system, substrate and currents at the site will inhibit the dispersal of wastes and effluents, the site is prone to low dissolved oxygen or harmful algal blooms, or other grounds inconsistent with FMP objectives or applicable Federal laws. The information used for siting a facility with regard to proximity to commercial and recreational fishing grounds includes electronic logbooks from the shrimp industry, logbook reported fishing locations, siting information from previously proposed or permitted aquaculture facilities, and other data that would provide information regarding how the site would interact with other fisheries. The RA's determination will be based on consultations with appropriate NMFS and NOAA offices and programs, public comment, as well as siting and other information submitted by the permit applicant. If a proposed site is denied, the RA will deny the Gulf Aquaculture Permit and provide this determination as required by § 622.101(d)(2)(ii).

(b) [Reserved]

§ 622.104 Restricted access zones.

(a) *Establishment of restricted access zones.* NMFS will establish a restricted access zone for each aquaculture facility. The boundaries of the restricted access zone will correspond with the coordinates listed on the approved ACOE Section 10 permit associated with the aquaculture facility.

(b) *Prohibited activities within a restricted access zone.* No recreational fishing or commercial fishing, other than aquaculture, may occur in the restricted access zone. No fishing vessel may operate in or transit through the restricted access zone unless the vessel

has on board a copy of the aquaculture facility's permit with an original signature, *i.e.,* not a copy of the signature, of the permittee.

(c) *Marking requirement.* The permittee must mark the restricted access zone with a floating device such as a buoy at each corner of the zone. Each floating device must clearly display the aquaculture facility's permit number and the words ''RESTRICTED ACCESS'' in block characters at least 6 inches (15.2 cm) in height and in a color that contrasts with the color of the floating device.

§ 622.105 Allowable aquaculture systems and species.

(a) *Allowable aquaculture systems.* The RA will evaluate each proposed aquaculture system on a case-by-case basis and approve or deny use of the proposed system for offshore marine aquaculture in the Gulf EEZ. Proposed aquaculture systems may consist of cages, net pens, enclosures or other structures and gear which are used to culture marine species. The RA will evaluate the structural integrity of a proposed aquaculture system based, in part, on the required documentation (*e.g.,* engineering analyses, computer and physical oceanographic model results) submitted by the applicant to assess the ability of the aquaculture system(s) (including moorings) to withstand physical stresses associated with major storm events, *e.g.* hurricanes, storm surge. The RA also will evaluate the proposed aquaculture system and its operations based on the potential to pose significant risks to essential fish habitat, endangered or threatened species, marine mammals, wild fish stocks, public health, or safety. The RA may deny use of a proposed aquaculture system or specify conditions for using an aquaculture system based on a determination of such significant risks. The RA's evaluation will be based on information provided by the applicant as well as consultations with appropriate NMFS and NOAA offices and programs. If the RA denies use of a proposed aquaculture system or specifies conditions for its use, the RA will deny the Gulf Aquaculture Permit and provide this determination as required by § 622.101(d)(2)(ii).

(b) *Allowable aquaculture species.* Only the following federally managed species that are native to the Gulf, are not genetically modified or transgenic, may be cultured in an aquaculture facility in the Gulf EEZ:

(1) Species of coastal migratory pelagic fish, as defined in § 622.2.

(2) Species of Gulf reef fish, as listed in appendix A to part 622.

(3) Red drum, *Sciaenops ocellatus.*

(4) Spiny lobster, *Panulirus argus.*

§ 622.106 Aquaculture operations.

(a) *Operational requirements and restrictions.* An owner or operator of an aquaculture facility for which a Gulf aquaculture permit has been issued must comply with the following operational requirements and restrictions.

(1) *Minimum start-up requirement.* At least 25 percent of allowable aquaculture systems approved for use at a specific aquaculture facility at the time of permit issuance must be placed in the water at the permitted aquaculture site within 2 years of issuance of the Gulf aquaculture permit, and allowable species for aquaculture must be placed in the allowable aquaculture system(s) within 3 years of issuance of the permit. Failure to comply with these requirements will be grounds for revocation of the permit. A permittee may request a 1-year extension to the above time schedules in the event of a catastrophe (*e.g.,* hurricane). Requests must be made in writing and submitted to the RA. The RA will approve or deny the request after determining if catastrophic conditions directly caused or significantly contributed to the permittee's failure to meet the required time schedules. The RA will provide the determination and the basis for it, in writing, to the permittee.

(2) *Marking requirement.* The permittee must maintain a minimum of one properly functioning electronic locating device (*e.g.,* GPS device, pinger with radio signal) on each allowable aquaculture system, *e.g.,* net pen or cage, placed in the water at the aquaculture facility.

(3) *Restriction on allowable hatcheries.* A permittee may only obtain juvenile animals for grow-out at an aquaculture facility from a hatchery located in the U.S.

(4) *Hatchery certifications.* (i) The permittee must obtain and submit to NMFS a signed certification from the owner(s) of the hatchery, from which fingerlings or other juvenile animals are obtained, indicating the broodstock have been individually marked or tagged (*e.g.,* via a Passive Integrated Transponder (PIT), coded wire, dart, or internal anchor tag) to allow for identification of those individuals used in spawning.

(ii) The permittee also must obtain and submit to NMFS signed certification from the owner(s) of the hatchery indicating that fin clips or other genetic materials were collected and submitted for each individual brood animal in accordance with procedures specified by NMFS.

(iii) The certifications required in § 622.106(a)(4)(i) and (ii) must be provided to NMFS by the permittee each time broodstock are acquired by the hatchery or used for spawning.

(5) *Health certification.* Prior to stocking fish in an allowable aquaculture system at an aquaculture facility in the Gulf EEZ, the permittee must provide NMFS a copy of a health certificate (suggested form is USDA/Animal and Plant Health Inspection Service (APHIS) VS 17–141, OMB 0579–0278) signed by an aquatic animal health expert, as defined in § 622.102(a)(1)(xv), certifying that the fish have been inspected and are visibly healthy and the source population is test negative for OIE pathogens specific to the cultured species or pathogens identified as reportable pathogens in the NAAHP as implemented by the USDA and U.S. Departments of Commerce and Interior.

(6) *Use of drugs and other chemicals or agents.* Use of drugs, pesticides, and biologics must comply with all applicable Food and Drug Administration (FDA), EPA, and USDA requirements (*e.g.,* Federal, Food, Drug and Cosmetic Act, 21 U.S.C. 301 *et seq.;* Clean Water Act, 40 CFR part 122; 9 CFR parts 101 through 124; 21 CFR parts 500 through 599; and 40 CFR parts 150 through 189).

(7) *Feed practices and monitoring.* The permittee must conduct feed monitoring and management practices in compliance with EPA regulations at 40 CFR 451.21, if applicable to the facility.

(8) *Monitoring and reporting compliance.* The permittee must monitor and report the environmental assessment parameters at the aquaculture facility consistent with NMFS' guidelines that will be available on the SERO Web site and from the RA upon request. The permittee also must comply with all applicable monitoring and reporting requirements specified in their valid ACOE Section 10 permit and valid EPA NPDES permit.

(9) *Inspection for protected species.* The permittee must regularly inspect allowable aquaculture systems, including mooring and anchor lines, for entanglements or interactions with marine mammals, protected species, and migratory birds. The frequency of inspections will be specified by NMFS as a condition of the permit. If entanglements or interactions are observed, they must be reported as specified in § 622.102(a)(1)(i)(G).

(10) *Fishing gear stowage requirement.* Any vessel transporting

cultured animals to or from an aquaculture facility must stow fishing gear as follows:

(i) A longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however, buoys may remain on deck.

(ii) A trawl net may remain on deck, but trawl doors must be disconnected from the trawl gear and must be secured.

(iii) A gillnet must be left on the drum. Any additional gillnets not attached to the drum must be stowed below deck.

(iv) A rod and reel must be removed from the rod holder and stowed securely on or below deck. Terminal gear (*i.e.,* hook, leader, sinker, flasher, or bait) must be disconnected and stowed separately from the rod and reel. Sinkers must be disconnected from the down rigger and stowed separately.

(v) All other fishing gear must be stored below deck or in an area where it is not normally used or readily available for fishing.

(11) *Prohibition of possession of wild fish in restricted access zone.* Except for broodstock, authorized pursuant to paragraph (g)(16) of this section, possession of any wild fish at or within the boundaries of an aquaculture facility's restricted access zone is prohibited.

(12) *Prohibition of possession of wild fish aboard vessels, vehicles, or aircraft associated with aquaculture operations.* Possession and transport of any wild fish aboard an aquaculture operation's transport or service vessels, vehicles, or aircraft is prohibited while engaged in aquaculture related activities, except when harvesting broodstock as authorized by NMFS.

(13) *Maintaining fish intact prior to landing.* Cultured finfish must be maintained whole with heads and fins intact until landed on shore. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition. Spiny lobster must be maintained whole with the tail intact until landed on shore.

(14) *Restriction on time of landing.* Species cultured at an aquaculture facility can only be landed ashore between 6 a.m. and 6 p.m., local time.

(15) *Bill of lading requirement.* Any cultured fish harvested from an aquaculture facility and being transported must be accompanied by the applicable bill of lading through landing ashore and the first point of sale. The bill of lading must include species name, quantity in numbers or pounds by species, date and location of landing, Gulf aquaculture permit number of the aquaculture facility from which the fish were harvested, and name and address of purchaser.

(16) *Request to harvest broodstock.* (i) At least 30 days prior to each time a permittee or their designee intends to harvest broodstock from the Gulf, including from state waters, that would be used to produce juvenile fish for an aquaculture facility in the Gulf EEZ, the permittee must submit a request to the RA via the SERO Web site using a Web-based form. The information submitted on the form must include the number, species, and size of fish to be harvested; methods, gear, and vessels (including USCG documentation or state registration number) to be used for capturing, holding, and transporting broodstock; date and specific location of intended harvest; and the location to which broodstock would be delivered.

(ii) Allowable methods or gear used for broodstock capture in the EEZ include those identified for each respective fishery in § 600.725, except red drum, which may be harvested only with handline or rod and reel.

(iii) The RA may deny or modify a request for broodstock harvest if allowable methods or gear are not proposed for use, the number of fish harvested for broodstock is more than necessary for purposes of spawning and rearing activities, or the harvest will be inconsistent with FMP objectives or other Federal laws. If a broodstock collection request is denied or modified, the RA will provide the determination and the basis for it, in writing to the permittee. If a broodstock collection request is approved, the permittee must submit a report to the RA including the number and species of broodstock harvested, their size (length and weight), and the geographic location where the broodstock were captured. The report must be submitted on a Web-based form available on the SERO Web site no later than 15 days after the date of harvest.

(iv) Notwithstanding the requirements in § 622.106(a)(16), all proposed harvest of broodstock from state waters also must comply with all state laws applicable to the harvest of such species.

(17) *Authorized access to aquaculture facilities.* A permittee must provide NMFS employees and authorized officers access to an aquaculture facility to conduct inspections or sampling necessary to determine compliance with the applicable regulations relating to aquaculture in the Gulf EEZ. In conducting the inspections, NMFS may enter into cooperative agreements with States, may delegate the inspection authority to any State, or may contract with any non-Federal Government entities. As a condition of the permit, NMFS may also require the permittee to contract a non-Federal Government third party approved by the RA if the RA agrees to accept the third party inspection results. The non-Federal Government third party may not be the same entity as the permittee.

(b) [Reserved]

§ 622.107 Limitation on aquaculture production.

No individual, corporation, or other entity will be authorized to produce more than 12.8 million lb (5.8 million kg), round weight, of cultured species annually from permitted aquaculture facilities in the Gulf EEZ. Production of juvenile fish by a hatchery in the Gulf EEZ will not be counted toward this limitation because those fish would be accounted for subsequently via reported harvest at the aquaculture facility where grow out occurs.

§ 622.108 Remedial actions.

(a) *Potential remedial actions by NMFS.* In addition to potential permit sanctions and denials in accordance with subpart D of 15 CFR part 904, NMFS may take the following actions, as warranted, to avoid or mitigate adverse impacts associated with aquaculture in the Gulf EEZ.

(1) *Actions to address pathogen episodes.* NMFS, in cooperation with USDA's APHIS, may order movement restrictions and/or the removal of all cultured animals from an allowable aquaculture system upon confirmation by a USDA's APHIS reference laboratory that an OIE-reportable pathogen, or additional pathogens that are subsequently identified as reportable pathogens in the NAAHP exists and USDA's APHIS and NMFS determine the pathogen poses a significant threat to the health of wild or cultured aquatic organisms.

(2) *Actions to address genetic issues.* NMFS may sample cultured animals to determine genetic lineage and, upon a determination that genetically modified or transgenic animals were used or possessed at an aquaculture facility, will order the removal of all cultured animals of the species for which such determination was made. In conducting the genetic testing to determine that all broodstock or progeny of such broodstock were originally harvested from U.S. waters of the Gulf, were from the same population or sub-population where the facility is located, and that juveniles stocked in cages or net pens are the progeny of wild broodstock, or other genetic testing necessary to carry

out the requirements of the FMP, NMFS may enter into cooperative agreements with States, may delegate the testing authority to any State, or may contract with any non-Federal Government entities. As a condition of the permit, NMFS may also require the permittee to contract a non-Federal Government third party approved by the RA if the RA agrees to accept the third party testing results. The non-Federal Government third party may not be the same entity as the permittee.

(b) [Reserved]

§ 622.109 Adjustment of management measures.

In accordance with the framework procedures of the FMP for Regulating Offshore Marine Aquaculture in the Gulf of Mexico, the RA may establish or modify the items in paragraph (a) of this section for offshore marine aquaculture.

(a) For the entire aquaculture fishery: MSY, OY, permit application requirements, operational requirements and restrictions, including monitoring requirements, allowable aquaculture system requirements, siting requirements for aquaculture facilities, and recordkeeping and reporting requirements.

(b) [Reserved]

[FR Doc. 2014–20407 Filed 8–27–14; 8:45 am]

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FEDERAL REGISTER

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Part IV

Federal Communications Commission

47 CFR Part 64

Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 13–24 and 03–123; FCC 13–118]

Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of six months, the information collection associated with the Commission's document Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities (*Report and Order*). This document is consistent with the *Report and Order,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules.

DATES: The final rule amending 47 CFR 64.604(c)(9), published at 78 FR 53684, August 30, 2013, is effective August 28, 2014.

FOR FURTHER INFORMATION CONTACT: Eliot Greenwald, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 418–2235, or email *Eliot.Greenwald@fcc.gov*.

SUPPLEMENTARY INFORMATION: This document announces that, on August 5, 2014, OMB approved, for a period of six months, the information collection requirements contained in the Commission's *Report and Order,* FCC 13–118, published at 78 FR 53684, August 30, 2013. The OMB Control Number is 3060–1053. The Commission publishes this notice as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060–1053, in your correspondence. The Commission will also accept your comments via the Internet if you send them to *PRA@fcc.gov*.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on August 5, 2014, for the information collection requirements contained in the Commission's rules at 47 CFR 64.604(c)(9).

Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, 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 that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1053.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Pub. L. 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1053.

OMB Approval Date: August 5, 2014.

OMB Expiration Date: February 28, 2015.

Title: Two-Line Captioned Telephone Order and IP Captioned Telephone Service Declaratory Ruling; and Internet Protocol Captioned Telephone Service Reform Order, CG Docket Nos. 13–24 and 03–123.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 186,005 respondents; 745,280 responses.

Estimated Time per Response: .25 hours (15 minutes) to 20 hours.

Frequency of Response: Annual, every five years, on-going, and one-time reporting requirements; Recordkeeping requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the information collection requirements is found at Sec. 225 [47 U.S.C. 225] Telecommunications Services for Hearing-Impaired Individuals; The Americans With Disabilities Act of 1990 (ADA), Pub. L. 101–336, 104 Stat. 327, 366–69, was enacted on July 26, 1990.

Total Annual Burden: 542,252 hours.

Total Annual Cost: $1,008,000.

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 by the Commission from individuals.

Privacy Impact Assessment: No impact(s).

Needs and Uses: On August 1, 2003, the Commission released the *Declaratory Ruling,* In the Matter of Telecommunication Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities, CC Docket No. 98–67, published at 68 FR 55898, September 28, 2003. In the *Declaratory Ruling,* the Commission clarified that one-line captioned telephone voice carry over (VCO) service is a type of telecommunications relay service (TRS) and that eligible providers of such services are eligible to recover their costs in accordance with section 225 of the Communications Act. The Commission also clarified that certain TRS mandatory minimum standards do not apply to one-line captioned telephone VCO service and waived 47 CFR 64.604(a)(1) and (a)(3) for all current and future captioned telephone VCO service providers, for the same period of time beginning August 1, 2003. The waivers were contingent on the filing of annual reports, for a period of three years, with the Commission. Sections 64.604(a)(1) and (a)(3) of the Commission's rules, which contained information collection requirements under the PRA, became effective on March 26, 2004.

On July 19, 2005, the Commission released an *Order,* In the Matter of Telecommunication Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities, CC Docket No. 98–67 and CG Docket No. 03–123, published at 70 FR 54294, September 14, 2005, clarifying that two-line captioned telephone VCO service, like one-line captioned telephone VCO service, is a type of TRS eligible for compensation from the Interstate TRS Fund. Also, the Commission clarified that certain TRS mandatory minimum standards do not apply to two-line captioned VCO service and waived 47 CFR 64.604(a)(1) and (a)(3) for providers who offer two-line captioned VCO service.

On January 11, 2007, the Commission released a *Declaratory Ruling,* In the Matter of Telecommunications Relay Services and Speech-to-Speech Services

for Individuals With Hearing and Speech Disabilities, CG Docket No. 03–123, published at 72 FR 6960, February 14, 2007, granting a request for clarification that Internet Protocol (IP) captioned telephone relay service (IP CTS) is a type of TRS eligible for compensation from the Interstate TRS Fund (Fund) when offered in compliance with the applicable TRS mandatory minimum standards.

On August 26, 2013, the Commission issued a *Report and Order,* In the Matter of Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities, CG Docket Nos. 13–24 and 03–123, published at 78 FR 53684, August 30, 2013, to regulate practices relating to the marketing of IP CTS, impose certain requirements for the provision of this service, and mandate registration and certification of IP CTS users. The Commission published a notice in the **Federal Register** pursuant to 5 CFR 1320.8(d) on September 25, 2013 (78 FR 59025), seeking comments from the public on the information collection requirements contained in the initial supporting statement. Sorenson Communications, Inc., and its subsidiary CaptionCall, LLC (together, CaptionCall), filed comments on November 25, 2013, regarding the user registration and certification requirements adopted in the *Report and Order* as well as the certification, recordkeeping, and reporting requirements for hardship exemptions to the captions-off default setting requirement, also adopted in the *Report and Order*. CaptionCall did not comment on the other collections adopted in the *Report and Order*.

Subsequently, on December 6, 2013, the United States Court of Appeals for the District of Columbia Circuit stayed ''the rule adopted by the Commission [in the *Report and Order*] prohibiting compensation to providers for minutes of use generated by equipment consumers received from providers for free or for less than $75.'' *Sorenson Communications, Inc. and CaptionCall, LLC v. FCC,* Order, D.C. Cir., No. 13–1246, December 6, 2013, at 1–2. (For convenience, this notice refers to the requirement subject to the stay as ''the $75 equipment charge rule.'') In the revised supporting statement, the Commission sought OMB approval of the following requirements adopted in the Report and Order: (1) The requirements regarding the labeling of equipment, software and mobile applications; (2) the certification, recordkeeping, and reporting requirements for the hardship exemption to the captions default-off requirement; and (3) an additional information reporting requirement for IP CTS applicants that seek Commission certification to provide IP CTS and for IP CTS providers, requiring applicants to provide assurance that they will not request or collect payment from the TRS Fund for service to consumers who do not satisfy the Commission's IP CTS registration and certification requirements. Because the registration and certification requirements adopted in the *Report and Order* are related to the $75 equipment charge rule that was stayed by the court of appeals, the Commission did not seek OMB approval of those requirements at that time. *See* 79 FR 23354, April 28, 2014.

On June 18, 2014, OMB approved, for a period of three years, the information collection requirements specified above that are contained in the Commission's *Report and Order,* FCC 11–118, published at 78 FR 53684, August 30, 2013. The OMB Control Number is 3060–1053.

On June 20, 2014, the D.C. Circuit vacated the $75 equipment charge rule and the rule requiring providers to maintain captions-off as the default setting for IP CTS equipment. *Sorenson Communications, Inc. and CaptionCall, LLC* v. *FCC* (D.C. Cir., Nos. 13–1122 and 13–1246, June 20, 2014).

On July 11, 2014, the Commission published a notice in the **Federal Register**, at 79 FR 40003, a notification that information collection requirements (1) regarding the labeling of equipment, software and mobile applications; (2) the certification, recordkeeping, and reporting for the hardship exemption to the captions default-off requirement; and (3) for IP CTS applicants that seek Commission certification to provide IP CTS and for IP CTS providers to provide assurance that they will not request or collect payment from the TRS Fund for service to consumers who do not satisfy the Commission's IP CTS registration and certification requirements would become effective immediately. Because the court had not yet issued its mandate, the captions-off default requirement, 47 CFR 64.604(c)(10)(i), (iii), and (v), remained in effect, and the certification, recordkeeping, and reporting requirements for the hardship exemption to the captions default-off requirement, 47 CFR 64.604(c)(10)(iv), became effective at that time.

On August 19, 2014, the court issued its mandate vacating the $75 equipment charge rule and the rule requiring providers to maintain captions–off as the default setting for IP CTS equipment. *Sorenson Communications, Inc. and CaptionCall, LLC* v. *FCC* (D.C. Cir., Nos. 13–1122 and 13–1246, August 19, 2014). Because the captions-off default requirement, 47 CFR 64.604(c)(10)(i), (iii), and (v), has been vacated, at a later time the Commission will remove from the supporting statement the certification, recordkeeping, and reporting requirements for the hardship exemption to the captions default-off requirement, 47 CFR 64.604(c)(10)(iv).

On August 5, 2014, OMB approved, for a period of six months, the information collection requirements pertaining to the user registration and certification requirements adopted in the *IP CTS Reform Order*. Specifically, IP CTS providers are required to obtain from new and existing IP CTS consumers identifying information as well as self-certification of hearing loss necessitating the use of IP CTS and their understanding of the IP CTS program. In addition, existing IP CTS consumers with free or *de minimis* cost equipment who commenced service prior to March 7, 2013 must further submit professional certification evidencing that the consumer has a hearing loss that necessitates use of captioned telephone service. 47 CFR 64.604(c)(9).

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison.

[FR Doc. 2014–20434 Filed 8–27–14; 8:45 am]

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Part V

Federal Communications Commission

47 CFR Part 64

Misuse of Internet Protocol (IP) Captioned Telephone Service; Correction; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 13–24 and 03–123; FCC 13–118]

Misuse of Internet Protocol (IP) Captioned Telephone Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: In this document, the Commission amends its rules for Internet Protocol Captioned Telephone Service (IP CTS) to remove certain paragraphs of the rules that were vacated by the United States Court of Appeals for the District of Columbia Circuit, and to remove notes that are no longer applicable and to make conforming revisions to certain paragraphs of the rules adopted in *Misuse of Internet Protocol Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities.* The notes indicated that the Commission would publish a notice specifying the demarcation date, a registration deadline, and certain effective dates of various provisions of the amended rules after the amendments were approved by the Office of Management and Budget (OMB). Since the Commission has announced the effective date of each of these provisions in the **Federal Register**, the notes are no longer applicable.

DATES: Effective August 28, 2014.

FOR FURTHER INFORMATION CONTACT: Eliot Greenwald, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 418–2235 (voice), or email *Eliot.Greenwald@fcc.gov.*

SUPPLEMENTARY INFORMATION: On August 30, 2013, the Commission published final rules in the **Federal Register** at 78 FR 53684, which addressed marketing, labeling, registration, and default equipment-setting requirements for the internet protocol captioned telephone relay service (IP CTS). On June 20, 2014, the D.C. Circuit issued an order vacating the Commission's rule prohibiting compensation to providers for minutes of use generated by equipment consumers received from providers for free or for less than $75, 47 CFR 64.604(c)(11)(i), and the Commission's rule requiring providers to maintain captions-off as the default setting for IP CTS equipment, 47 CFR 64.604(c)(10)(i), (iii) through (v). *Sorenson Communications, Inc. and CaptionCall, LLC* v. *FCC* (D.C. Cir. Nos. 13–1122 and 13–1246, June 20, 2014).

The Commission published a notice in the **Federal Register**, at 79 FR 40003, July 11, 2014, stating that among other things, the rule regarding the labeling of equipment, software, and mobile applications, 47 CFR 64.604(c)(11)(iii), would become effective immediately. Today, the Commission publishes a notice in the **Federal Register** stating that the rule regarding consumer registration and certification, 47 CFR 64.604(c)(9), become effective immediately.

This document amends § 64.604(c)(9) through (11) of the Commission's rules by removing the notes and by revising specific rules sections as they appeared in the **Federal Register**.

List of Subjects in 47 CFR Part 64

Individuals with disabilities, Telecommunications.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

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

Authority: 47 U.S.C. 154, 254(k); 403(b)(2)(B), (c), Pub. L. 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 222, 225, 226, 227, 228, 254(k), 616, 620, and the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96, unless otherwise noted.

■ 2. Amend § 64.604 as follows:

■ a. Revise paragraphs (c)(9)(ii) introductory text, (c)(9)(iii) introductory text, (c)(9)(iv) and (v), (vii), (xi), and paragraph (c)(10);

■ b. Remove and reserve paragraph (c)(11)(i); and

■ c. Revise paragraph (c)(11)(iii).

■ d. Remove paragraphs (c)(11)(iv) and (v).

The revisions read as follows:

§ 64.604 Mandatory minimum standards.

* * * * *

(c) * * *

(9) * * *

(ii) *Self-certification prior to* August 28, 2014. IP CTS providers, in order to be eligible to receive compensation from the TRS Fund for providing IP CTS, also must first obtain a written certification from the consumer, and if obtained prior to August 28, 2014, such written certification shall attest that the consumer needs IP CTS to communicate in a manner that is functionally equivalent to the ability of a hearing individual to communicate using voice communication services. The certification must include the consumer's certification that:

* * * * *

(iii) *Self-certification on or after* August 28, 2014. IP CTS providers must also first obtain from each consumer prior to requesting compensation from the TRS Fund for the consumer, a written certification from the consumer, and if obtained on or after August 28, 2014, such certification shall state that:

* * * * *

(iv) The certification required by paragraphs (c)(9)(ii) and (iii) of this section must be made on a form separate from any other agreement or form, and must include a separate consumer signature specific to the certification. Beginning on August 28, 2014, such certification shall be made under penalty of perjury. For purposes of this rule, an electronic signature, defined by the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 *et seq.,* as an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record, has the same legal effect as a written signature.

(v) *Third-party certification prior to* August 28, 2014. Where IP CTS equipment is or has been obtained by a consumer from an IP CTS provider, directly or indirectly, at no charge or for less than $75 and the consumer was registered in accordance with the requirements of paragraph (c)(9) of this section prior to August 28, 2014, the IP CTS provider must also obtain from each consumer prior to requesting compensation from the TRS Fund for the consumer, written certification provided and signed by an independent third-party professional, except as provided in paragraph (c)(9)(xi) of this section.

* * * * *

(vii) *Third-party certification on or after* August 28, 2014. Where IP CTS equipment is or has been obtained by a consumer from an IP CTS provider, directly or indirectly, at no charge or for less than $75, the consumer (in cases where the equipment was obtained directly from the IP CTS provider) has not subsequently paid $75 to the IP CTS provider for the equipment prior to the date the consumer is registered to use IP CTS, and the consumer is registered in accordance with the requirements of

paragraph (c)(9) of this section on or after August 28, 2014, the IP CTS provider must also, prior to requesting compensation from the TRS Fund for service to the consumer, obtain from each consumer written certification provided and signed by an independent third-party professional, except as provided in paragraph (c)(9)(xi) of this section.

* * * * *

(xi) IP CTS providers must obtain registration information and certification of hearing loss from all IP CTS users who began receiving service prior to March 7, 2013, within 180 days following August 28, 2014. Notwithstanding any other provision of paragraph (c)(9) of this section, IP CTS providers shall be compensated for compensable minutes of use generated prior to February 24, 2015 by any such users, but shall not receive compensation for minutes of IP CTS use generated on or after February 24, 2015 by any IP CTS user who has not been registered.

(10) *IP CTS settings.* Each IP CTS provider shall ensure that each IP CTS telephone they distribute, directly or indirectly, shall include a button, icon, or other comparable feature that is easily operable and requires only one step for the consumer to turn on captioning.

(11) * * *

(iii) IP CTS providers shall ensure that any newly distributed IP CTS equipment has a label on its face in a conspicuous location with the following language in a clearly legible font: ''FEDERAL LAW PROHIBITS ANYONE BUT REGISTERED USERS WITH HEARING LOSS FROM USING THIS DEVICE WITH THE CAPTIONS ON.'' For IP CTS equipment already distributed to consumers by any IP CTS provider as of July 11, 2014, such provider shall, no later than August 11, 2014, distribute to consumers equipment labels with the same language as mandated by this paragraph for newly distributed equipment, along with clear and specific instructions directing the consumer to attach such labels to the face of their IP CTS equipment in a conspicuous location. For software applications on mobile phones, laptops, tablets, computers or other similar devices, IP CTS providers shall ensure that, each time the consumer logs into the application, the notification language required by this paragraph appears in a conspicuous location on the device screen immediately after log-in.

* * * * *

[FR Doc. 2014–20433 Filed 8–27–14; 8:45 am]

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