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Rules and Regulations

Federal Register

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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 AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1430

RIN 0560–AI23

Margin Protection Program for Dairy and Dairy Product Donation Program

AGENCY: Commodity Credit Corporation and Farm Service Agency, USDA.

ACTION: Final rule; reopening of comment period.

SUMMARY: The Commodity Credit Corporation (CCC) and the Farm Service Agency (FSA) published a final rule on August 29, 2014, implementing regulations for the Margin Protection Program for Dairy (MPP-Dairy) and the Dairy Product Donation Program (DPDP) as authorized in subtitle D of the Agricultural Act of 2014 (the 2014 Farm Bill). We are extending the comment period for the final rule to give the public more time to provide input and recommendations on the final rule. The original 60-day comment period, which will close on October 28, 2014, is being extended by 45 days from the date of publication of this document.

DATES: The comment period for the final rule published August 29, 2014 (79 FR 51453), and effective August 29, 2014, is reopened. We will consider comments that we receive by December 15, 2014.

ADDRESSES: We invite you to submit comments on the final rule. In your comment, please specify RIN 0560–AI23, August 29, 2014, and 79 FR 51453–51470. You may submit comments by any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments; or
- Mail, Hand Delivery, or Courier Danielle Cooke, Special Programs Manager, Price Support Division, FSA, USDA, STOP 0512, 1400 Independence Ave. SW., Washington, DC 20250–0512.

All written comments will be available for inspection online at *www.regulations.gov* and at the mail address above during business hours from 8 a.m. to 5 p.m., Monday through Friday, except holidays. A copy of this extension and the published final rule are available through the FSA home page at *http://www.fsa.usda.gov/.*

FOR FURTHER INFORMATION CONTACT: For MPP-Dairy: Danielle Cooke; telephone: (202) 720–1919. For DPDP purchases: Christine Gouger, telephone: (816) 926–3379. For DPDP donations: Anne Fiala, telephone: (703) 305–2662. Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Background

On August 29, 2014, CCC and FSA published a final rule titled ''Margin Protection Program for Dairy and Dairy Product Donation Program.'' The final rule implemented MPP-Dairy and DPDP as authorized in the 2014 Farm Bill (Pub. L. 113–79). FSA will operate both programs using CCC funds.

MPP-Dairy provides dairy producers with risk management coverage that will pay producers when the difference between the price of milk and the cost of feed (the margin) falls below a certain level. Under the related DPDP, which is a complimentary program designed to support producer margins by increasing the price of milk, the U.S. Department of Agriculture (USDA) will buy dairy products when the margin falls below a certain level, and the USDA Food and Nutrition Service will assist in the distribution of these products to individuals in low-income groups through public and private non-profit organizations.

The final rule requested comments on the topics of intergenerational transfers for MPP-Dairy and cost effective purchases for DPDP. FSA received a comment requesting an extension of the comment period. We have determined that providing an extension of the original comment period will give the public more time to provide input and to make recommendations on the final rule. With this extension, the public may submit comments through December 15, 2014.

Signed on October 17, 2014.

Val Dolcini,

Executive Vice President, Commodity Credit Corporation, and Administrator, Farm Service Agency.

[FR Doc. 2014–25422 Filed 10–29–14; 8:45 am]

BILLING CODE 3410–05–P

FEDERAL RESERVE SYSTEM

12 CFR Part 267

[Docket No. OP–1499]

Rules of Organization and Procedure of the Consumer Advisory Council

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is repealing its Rules of Organization and Procedure of the Consumer Advisory Council. The Dodd-Frank Wall Street Reform and Consumer Protection Act repealed the requirement in section 703 of the Equal Credit Opportunity Act that the Board establish and operate the Consumer Advisory Council (CAC). Consequently, the Board no longer maintains a CAC and the rules of organization and procedure are no longer necessary.

DATES: The final rule is effective October 30, 2014.

FOR FURTHER INFORMATION CONTACT: Mandie K. Aubrey, Counsel, Division of Consumer and Community Affairs, at (202) 452–3667, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. For users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Discussion

In 1976, the Equal Credit Opportunity Act (ECOA) was amended to require the Board to establish a Consumer Advisory Council (CAC) to consult with the Board and provide advice on consumer related matters. Subsequently, the Board published Rules of Organization and Procedure describing the purposes and objectives of the CAC, governing the appointment of CAC members and

officers, and establishing procedures for conducting CAC meetings.[1]

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act)[2] transferred rulemaking authority for most consumer financial protection laws from the Board and other agencies to the Consumer Financial Protection Bureau (CFPB). The Dodd-Frank Act also repealed the requirement in section 703 of ECOA that the Board establish and operate the CAC[3] and instead required the CFPB to establish a Consumer Advisory Board that would provide the CFPB with the type advice that the CAC formerly provided to the Board.[4] Consequently, the Board no longer maintains a CAC, and the Rules of Organization and Procedure of the Consumer Advisory Council are no longer necessary.

Accordingly, the Board is repealing its Rules of Organization and Procedure of the Consumer Advisory Council.

II. Administrative Procedure Act

This rule is not subject to the provisions of the Administrative Procedure Act (APA), 5 U.S.C. 553, requiring notice, public participation, and a deferred effective date. The APA's notice and comment procedures do not apply to rules of agency organization, procedure, or practice, such as the rules adopted by the Board for the operation of the CAC.[5]

List of Subjects in 12 CFR Part 267

Consumer protection, Credit, Organization and functions (Government agencies).

Authority and Issuance

■ For the reasons set forth in the preamble and under the authority of Public Law 111–203, section 1085, the Board removes and reserves 12 CFR part 267.

PART 267—[REMOVED AND RESERVED]

By order of the Board of Governors of the Federal Reserve System, October 23, 2014.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2014–25661 Filed 10–29–14; 8:45 am]

BILLING CODE P

[1] 12 CFR Part 267.

[2] Public Law 111–203, 124 Stat. 1376 (Jul. 21, 2010).

[3] Section 1085 of the Dodd-Frank Act.

[4] Section 1014 of the Dodd-Frank Act.

[5] 5 U.S.C. 553(b)(A).

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 335 and 390

RIN 3064–AE07

Transferred OTS Regulations Regarding Securities of State Savings Associations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule; correction.

SUMMARY: The FDIC is correcting a final rule that appeared in the **Federal Register** of October 24, 2014 (79 FR 63498), regarding Transferred OTS Regulations Regarding Securities of State Savings Associations. This publication corrects a typographical error in the Paperwork Reduction Act statement in the Regulatory Analysis and Procedure section.

DATES: The correction is effective November 24, 2014.

FOR FURTHER INFORMATION CONTACT: Dennis Chapman, Senior Staff Accountant, Division of Risk Management Supervision, 202–898–8922 or *dchapman@fdic.gov;* Maureen Loviglio, Senior Staff Accountant, Division of Risk Management Supervision, 202–898–6777 or *mloviglio@fdic.gov;* Mark G. Flanigan, Supervisory Counsel, Legal Division 202–898–7426 or *mflanigan@fdic.gov;* or Grace Pyun, Senior Attorney, Legal Division 202–898–3609 or *gpyun@fdic.gov.*

SUPPLEMENTARY INFORMATION: In FR Doc. 2014–25336, appearing on page 63499 in the **Federal Register** of October 24, 2014, in the third column under section V. A., the paragraphs ''Title'' through ''Total Estimated Annual Burden'' are revised to read as follows:

Title: Securities of State Nonmember Banks and State Savings Associations.

OMB Number: 3064–0030.

Form Numbers: 6800/03, 6800/04, 6800/05, Form 8–A, Form 8–C, Form 8–K, Form 10, Form 10–C, Form 10–K, Form 10–Q, Form 12b–25, Form 15, Form 25, Schedule 13D, Schedule 13E–3, Schedule 13G, Schedule 14A, Schedule 14C, Schedule 14D–1 (Schedule TO).

Affected Public: Generally, any issuer of securities, reporting company, or shareholder of an issuer registered under the Securities Exchange Act of 1934 with respect to securities registered under 12 CFR part 335.

Estimated Number of Respondents: Form 6800/03—58; Form 6800/04—297; Form 6800/05—69; Form 8–A—2; Form 8–C—2; Form 8–K—21; Form 10—2; Form 10–C—1; Form 10–K—21; Form 10–Q—21, Form 12b–25—6; Form 15—2; Form 25—2; Schedule 13D—2; Schedule 13E–3—2; Schedule 13G—2; Schedule 14A—21; Schedule 14C—2; Schedule 14D–1 (Schedule TO)—2.

Estimated Time per Response: Form 6800/03—1 hour; Form 6800/04—30 minutes; Form 6800/05—1 hour; Form 8–A—3 hours; Form 8–C—2 hours; Form 8–K—2 hours; Form 10—215 hours; Form 10–C—1 hour; Form 10–K—140 hours; Form 10–Q—100 hours; Form 12b–25—3 hours; Form 15—1 hours; Form 25—1 hours; Schedule 13D—3 hours; Schedule 13E–3—3 hours; Schedule 13G—3 hours; Schedule 14A—40 hours; Schedule 14C—40 hours; Schedule 14D–1 (Schedule TO)—5 hours.

Frequency of Response: Forms 6800/05 and 10–K and Schedule 14A are filed annually. Form 10–Q is filed quarterly. All other forms are filed based on each event or transaction.

Existing annual burden: 717 hours.

New estimated additional annual burden: 10,829 hours.

Total Estimated Annual Burden: 11,546 hours.

Dated at Washington, DC, this 27th day of October, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–25842 Filed 10–29–14; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0705; Directorate Identifier 2014–NE–13–AD; Amendment 39–18006; AD 2014–22–02]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Rolls-Royce plc (RR) Trent 1000–A, 1000–C, 1000–D, 1000–E, 1000–G, and 1000–H turbofan engines. This AD requires removing engine electronic controller (EEC) software earlier than standard MB6.15 and replacing with a software standard eligible for installation. This AD was prompted by a finding that an intermediate pressure

(IP) shaft failure may not be detected by EEC software earlier than standard MB6.15. We are issuing this AD to detect IP shaft failure and prevent IP compressor turbine burst, uncontained engine failure, and damage to the airplane.

DATES: This AD becomes effective November 14, 2014.

We must receive comments on this AD by December 15, 2014.

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

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

For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp;* Internet: *https://www.aeromanager.com.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0705; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information (MCAI), regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kenneth 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.*

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0705; Directorate Identifier 2014–NE–13–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2014–0192, dated September 1, 2014 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> An investigation carried out by RR has identified the risk of Intermediate Pressure (IP) shaft failure that may not be detected and accommodated by the engine control system. An IP shaft failure that is not detected may result in IP turbine overspeed.
>
> This condition, if not corrected, could lead to IP turbine burst and consequent release of high energy debris, possibly resulting in damage to, and reduced control of, the aeroplane.

You may obtain further information by examining the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0705.

Relevant Service Information

RR has issued Alert Service Bulletin (ASB) No. TRENT 1000 73–AH914, dated July 23, 2014. The ASB describes procedures for removing software earlier than standard MB6.15, and installing a software standard eligible for installation.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of the United Kingdom, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This AD requires removing EEC software earlier than standard MB6.15, and replacing with a software standard eligible for installation.

FAA's Determination of the Effective Date

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

Costs of Compliance

We estimate that this AD affects no engines installed on airplanes of U.S. registry. We also estimate that it will take about 1 hour per engine to comply with this AD. The average labor rate is $85 per hour. Required parts cost is about $200 per engine. Based on these figures, we estimate the cost of this AD on U.S. operators to be $0.

Authority for This Rulemaking

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

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

Regulatory Findings

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

responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–22–02 Rolls-Royce plc: Amendment 39–18006; Docket No. FAA–2014–0705; Directorate Identifier 2014–NE–13–AD.

(a) Effective Date

This AD is effective November 14, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Rolls-Royce plc (RR) Trent 1000–A, 1000–C, 1000–D, 1000–E, 1000–G, and 1000–H turbofan engines.

(d) Reason

This AD was prompted by a finding that an intermediate pressure (IP) shaft failure may not be detected by engine electronic controller (EEC) software earlier than standard MB6.15. We are issuing this AD to detect IP shaft failure and prevent IP compressor turbine burst, uncontained engine failure, and damage to the airplane.

(e) Actions and Compliance

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

(1) Within 30 days or 180 flight cycles after the effective date of this AD, whichever occurs first, remove from the engine any EEC software standard earlier than software standard MB6.15.

(2) Install EEC software eligible for installation.

(f) Installation Prohibition

After the effective date of this AD, do not install any EEC containing a software standard earlier than software standard of MB6.15, into any engine.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs to this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov.*

(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 2014–0192, dated September 1, 2014, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0705.

(3) RR Alert Service Bulletin No. TRENT 1000 73–AH914, dated July 23, 2014, which is not incorporated by reference in this AD, can be obtained from RR using the contact information in paragraph (h)(4) of this AD.

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

(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 October 17, 2014.

Colleen M. D'Alessandro,

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

[FR Doc. 2014–25739 Filed 10–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0091]

32 CFR Part 311

Privacy Act; Implementation

AGENCY: Office of the Secretary, DoD.

ACTION: Direct final rule with request for comments.

SUMMARY: The Office of the Secretary of Defense is exempting those records contained in DWHS E05, entitled ''Mandatory Declassification Review Files,'' pertaining to requests and/or appeals from individuals for the mandatory review of classified documents. The exemption will allow DoD to provide protection against releasing any documents that remain properly classified and not available for release.

DATES: The rule is effective on January 8, 2015 unless adverse comments are received by December 29, 2014. If adverse comment is received, the Department of Defense will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number 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.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard at (571) 372–0461.

SUPPLEMENTARY INFORMATION: This direct final rule makes nonsubstantive changes to the Office of the Secretary Privacy Program rules. These changes will allow the Department to add an exemption rule to the Office of the Secretary of Defense Privacy Program rules that will exempt applicable Department records and/or material from certain portions of the Privacy Act. This is being published as a direct final rule as the Department of Defense does

not expect to receive any adverse comments, and so a proposed rule is unnecessary.

Direct Final Rule and Significant Adverse Comments

DoD has determined this rulemaking meets the criteria for a direct final rule because it involves nonsubstantive changes dealing with DoD's management of its Privacy Progams. DoD expects no opposition to the changes and no significant adverse comments. However, if DoD receives a significant adverse comment, the Department will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, DoD will consider whether it warrants a substantive response in a notice and comment process.

Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

It has been determined that this rule is not a significant rule. This rule does not (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in these Executive orders.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. Chapter 6)

It has been certified that this rule does not have a significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense. A Regulatory Flexibility Analysis is not required.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

It has been determined that this rule does not impose additional information collection requirements on the public under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

It has been determined that this rule does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that it will not significantly or uniquely affect small governments.

Executive Order 13132, ''Federalism''

It has been determined that this rule does not have federalism implications. This rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, no Federalism assessment is required.

List of Subjects in 32 CFR Part 311

Privacy.

Accordingly, 32 CFR part 311 is amended as follows:

PART 311—OFFICE OF THE SECRETARY OF DEFENSE AND JOINT STAFF PRIVACY PROGRAM

■ 1. The authority citation for 32 CFR part 311 continues to read as follows:

Authority: 5 U.S.C. 522a.

■ 2. Section 311.8 is amended by adding paragraph (c)(21) to read as follows:

§ 311.8 Procedures for exemptions.

* * * * *

(c) * * *

(21) System identifier and name: DWHS E05, Mandatory Declassification Review Files.

(i) *Exemption:* Information classified under E.O. 13526, as implemented by DoD 5200.1–R, may be exempt pursuant to 5 U.S.C. 552a(k)(1).

(ii) *Authority:* 5 U.S.C. 552a(k)(1).

(iii) *Reasons:* From subsection 5 U.S.C. 552a(d) because granting access to information that is properly classified pursuant to E.O. 13526, as implemented by DoD 5200.1–R, may cause damage to the national security.

Dated: October 27, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–25819 Filed 10–29–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 311

[Docket ID: DoD–2014–OS–0126]

Privacy Act of 1974; Implementation

AGENCY: Office of the Secretary, DoD.

ACTION: Direct final rule with request for comments.

SUMMARY: The Office of the Secretary of Defense is exempting those records contained in DPFPA 05, entitled ''Computer Aided Dispatch and Records Management System (CAD/RMS),'' pertaining to investigatory material compiled for law enforcement purposes (under (j)(2) of the Act) to enable OSD to conduct certain investigations and relay law enforcement information without compromise of the information, and protect investigative techniques and efforts employed, as well as investigatory material compiled for law enforcement purposes (under (k)(2) of the Act), other than material within the scope of subsection (k)(2) of the Privacy Act to enable the protection of identities of confidential sources who might not otherwise come forward and who furnished information under an express promise that the sources' identity would be held in confidence. The exemption will allow DoD to provide protection against notification of investigatory material including certain reciprocal investigations which might alert a subject to the fact that an investigation of that individual is taking place, and the disclosure of which would weaken the on-going investigation, reveal investigatory techniques, and place confidential informants in jeopardy who furnished information under an express promise that the sources' identity would be held in confidence. Further, requiring OSD to grant access to records and amend these records would unfairly impede the investigation of allegations of unlawful activities. To require OSD to confirm or deny the existence of a record pertaining to a requesting individual may in itself provide an answer to that individual relating to an on-going investigation. The investigation of possible unlawful activities would be jeopardized by agency rules requiring verification of

record, disclosure of the record to the subject, and record amendment procedures.

DATES: This rule will be effective on January 8, 2015 unless adverse comments are received by December 29, 2014. If adverse comment is received, the Department of Defense will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number 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.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard at (571) 372–0461.

SUPPLEMENTARY INFORMATION: This direct final rule makes nonsubstantive changes to the Office of the Secretary Privacy Program rules. These changes will allow the Department to add an exemption rule to the Office of the Secretary of Defense Privacy Program rules that will exempt applicable Department records and/or material from certain portions of the Privacy Act. This rule is being published as a direct final rule as the Department of Defense does not expect to receive any adverse comments, and so a proposed rule is unnecessary.

Direct Final Rule and Significant Adverse Comments

DoD has determined this rulemaking meets the criteria for a direct final rule because it involves nonsubstantive changes dealing with DoD's management of its Privacy Programs. DoD expects no opposition to the changes and no significant adverse comments. However, if DoD receives a significant adverse comment, the Department will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, DoD will consider whether it warrants a substantive response in a notice and comment process.

Executive Order 12866, "Regulatory Planning and Review" and Executive Order 13563, "Improving Regulation and Regulatory Review"

It has been determined that this rule is not a significant rule. This rule does not (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in these Executive orders.

Public Law 96–354, "Regulatory Flexibility Act" (5 U.S.C. Chapter 6)

It has been certified that this rule will not have a significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense. A Regulatory Flexibility Analysis is not required.

Public Law 95–511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

This rule does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

Section 202, Public Law 104–4, "Unfunded Mandates Reform Act"

It has been determined that this rule does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that it will not significantly or uniquely affect small governments.

Executive Order 13132, "Federalism"

It has been determined that this rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, no Federalism assessment is required.

List of Subjects in 32 CFR Part 311

Privacy.

Accordingly, 32 CFR part 311 is amended as follows:

PART 311—OFFICE OF THE SECRETARY OF DEFENSE AND JOINT STAFF PRIVACY PROGRAM

■ 1. The authority citation for 32 CFR part 311 continues to read as follows:

Authority: 5 U.S.C. 522a.

■ 2. Section 311.8 is amended by adding paragraph (c)(22) to read as follows:

§ 311.8 Procedures for exemptions.

* * * * *

(c) * * *

(22) System identifier and name: DPFPA 05, Computer Aided Dispatch and Records Management System (CAD/RMS).

(i) *Exemptions:* Portions of this system that fall within 5 U.S.C. 552a(j)(2) and/or (k)(2) are exempt from the following provisions of 5 U.S.C. 552a, section (c)(3) and (4); (d); (e)(1) through (e)(3); (e)(4)(G) through (I); (e)(5); (e)(8); (f) and (g) of the Act, as applicable.

(ii) *Authority:* 5 U.S.C. 552a(j)(2) and (k)(2).

(iii) *Reasons:* (A) From subsections (c)(3) and (4) because making available to a record subject the accounting of disclosure from records concerning him or her would specifically reveal any investigative interest in the individual. Revealing this information could reasonably be expected to compromise ongoing efforts to investigate a known or suspected offender by notifying the record subject that he or she is under investigation. This information could also permit the record subject to take measures to impede the investigation, e.g., destroy evidence, intimidate potential witnesses, or flee the area to avoid or impede the investigation.

(B) From subsection (d) because these provisions concern individual access to and amendment of certain records contained in this system, including law enforcement and investigatory records. Compliance with these provisions could alert the subject of an investigation of the fact and nature of the investigation, and/or the investigative interest of law enforcement agencies; compromise sensitive information related to national security; interfere with the overall law enforcement process by leading to the destruction of evidence, improper influencing of witnesses, fabrication of

testimony, and/or flight of the subject; could identify a confidential source or disclose information which would constitute an unwarranted invasion of another's personal privacy; reveal a sensitive investigative or constitute a potential danger to the health or safety of law enforcement personnel, confidential informants, and witnesses. Amendment of these records would interfere with ongoing law enforcement investigations and analysis activities and impose an excessive administrative burden by requiring investigations, analyses, and reports to be continuously reinvestigated and revised.

(C) From subsections (e)(1) through (e)(3) because it is not always possible to determine what information is relevant and necessary at an early stage in a given investigation. Also, because DoD and other agencies may not always know what information about a known or suspected offender may be relevant to law enforcement for the purpose of conducting an operational response.

(D) From subsections (e)(4)(G) through (I) (Agency Requirements) because portions of this system are exempt from the access and amendment provisions of subsection (d).

(E) From subsection (e)(5) because the requirement that records be maintained with attention to accuracy, relevance, timeliness, and completeness would unfairly hamper the criminal investigative process. It is the nature of criminal law enforcement for investigations to uncover the commission of illegal acts at diverse stages. It is frequently impossible to determine initially what information is accurate, relevant, timely, and least of all complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significant as further investigation brings new details to light.

(F) From subsection (e)(8) because the requirement to serve notice on an individual when a record is disclosed under compulsory legal process could unfairly hamper law enforcement processes. It is the nature of law enforcement that there are instances where compliance with these provisions could alert the subject of an investigation of the fact and nature of the investigation, and/or the investigative interest of intelligence or law enforcement agencies; compromise sensitive information related to national security; interfere with the overall law enforcement process by leading to the destruction of evidence, improper influencing of witnesses, fabrication of testimony, and/or flight of the subject; reveal a sensitive investigative or intelligence technique; or constitute a potential danger to the health or safety of law enforcement personnel, confidential informants, and witnesses.

(G) From subsection (f) because requiring the Agency to grant access to records and establishing agency rules for amendment of records would compromise the existence of any criminal, civil, or administrative enforcement activity. To require the confirmation or denial of the existence of a record pertaining to a requesting individual may in itself provide an answer to that individual relating to the existence of an on-going investigation. The investigation of possible unlawful activities would be jeopardized by agency rules requiring verification of the record, disclosure of the record to the subject, and record amendment procedures.

(H) From subsection (g) for compatibility with the exemption claimed from subsection (f), the civil remedies provisions of subsection (g) must be suspended for this record system. Because of the nature of criminal investigations, standards of accuracy, relevance, timeliness and completeness cannot apply to this record system. Information gathered in criminal investigations if often fragmentary and leads relating to an individual in the context of one investigation may instead pertain to a second investigation.

Dated: October 27, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–25833 Filed 10–29–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 316

[Docket ID: DoD–2014–OS–0128]

Privacy Act of 1974; Implementation

AGENCY: Defense Information Systems Agency, DoD.

ACTION: Direct final rule with request for comments.

SUMMARY: The Defense Information Systems Agency is proposing to exempt a new system of records, K890.23, entitled ''DISA Inspector General Investigative Tracker (DIGit)'' from 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5), subsections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) of the Privacy Act of 1974, as amended.

DATES: This rule will be effective on January 8, 2015 unless adverse comments are received by December 29, 2014. If adverse comment is received, the Department of Defense will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* Federal Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

* Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number 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.

FOR FURTHER INFORMATION CONTACT: Ms. Jeanette Weathers-Jenkins, DISA Privacy Officer, Chief Information Office, 6916 Cooper Avenue, Fort Meade, MD 20755–7901, or by phone at (301) 225–8158.

SUPPLEMENTARY INFORMATION: This direct final rule makes no substantive changes to the Defense Information Systems Agency Privacy Program rules. These changes will allow the Office to add an exemption rule to the Defense Information Systems Agency Privacy Program rules that will exempt applicable records and/or material from certain portions of the Privacy Act. This will improve the efficiency and effectiveness of DoD's program by preserving the exempt status of the applicable records and/or material when the purposes underlying the exemption(s) are valid and necessary. This rule is being published as a direct final rule as the Department of Defense does not expect to receive any adverse comments, and so a proposed rule is unnecessary.

Direct Final Rule and Significant Adverse Comments

DoD has determined this rulemaking meets the criteria for a direct final rule because it involves nonsubstantive changes dealing with DoD's management of its Privacy Programs. DoD expects no opposition to the changes and no significant adverse comments. However, if DoD receives a significant adverse comment, the Department will withdraw this direct final rule by publishing a notice in the

Federal Register. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, DoD will consider whether it warrants a substantive response in a notice and comment process.

Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

It has been determined that this rule is not a significant rule. This rule does not (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in these Executive orders.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. Chapter 6)

It has been certified that this rule will not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense. A Regulatory Flexibility Analysis is not required.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

It has been determined that this rule does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

It has been determined that this rule does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that it will not significantly or uniquely affect small governments.

Executive Order 13132, ''Federalism''

It has been determined that this rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, no Federalism assessment is required.

List of Subjects in 32 CFR Part 316

Privacy.

Accordingly, 32 CFR part 316 is amended as follows:

PART 316—DEFENSE INFORMATION SYSTEMS AGENCY PRIVACY PROGRAM

■ 1. The authority citation for 32 CFR part 316 continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

■ 2. In § 316.8, add paragraph (a), and add and reserve paragraph (b), to read as follows:

§ 316.8 Exemptions.

* * * * *

(a) *System identifier and name:* K890.23, DISA Inspector General Investigative Tracker (DIGit).

(1) Exemptions: Any portion of this record system which falls within the provisions of 5 U.S.C. 552a(j)(2), (k)(2)and (k)(5) may be exempt from the following subsections of 5 U.S.C. 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I).

(2) Authority: 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5).

(3) Reasons: To ensure the integrity of the privacy and civil liberties process. The execution requires that information be provided in a free and open manner without fear of retribution or harassment in order to facilitate a just, thorough, and timely resolution of the complaint or inquiry. Disclosures from this system can enable individuals to conceal their wrongdoing or mislead the course of the investigation by concealing, destroying, or fabricating evidence or documents. In addition, disclosures can subject sources and witnesses to harassment or intimidation which may cause individuals not to seek redress for wrongs through privacy and civil liberties channels for fear of retribution or harassment.

(b) [Reserved]

Dated: October 27, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–25805 Filed 10–29–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2014–0885]

Special Local Regulation; Southern California Annual Marine Events for the San Diego Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the San Diego Bay Parade of Lights special local regulations on Sunday, December 14, 2014 and Sunday, December 21, 2014. This event occurs in north San Diego Bay in San Diego, CA. These special local regulations are necessary to provide for the safety of the participants, crew, spectators, sponsor safety vessels, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from entering into, transiting through, or anchoring within this regulated area unless authorized by the Captain of the Port, or his designated representative.

DATES: The regulations for the marine event listed in 33 CFR 100.1101, Table 1, Item 5, will be enforced from 5:30 p.m. to 8:30 p.m. on Sunday, December 14, 2014 and Sunday, December 21, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Petty Officer Giacomo Terrizzi, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email *D11-PF-MarineEventsSanDiego@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in 33 CFR 100.1101 in support of the San Diego Bay Parade of Lights (Item 5 on Table 1 of 33 CFR 100.1101). The Coast Guard will enforce the special local regulations in the San Diego Bay in San Diego, CA from 5:30 p.m. to 8:30 p.m. on Sunday, December 14, 2014 and Sunday, December 21, 2014.

Under the provisions of 33 CFR 100.1101, persons and vessels are prohibited from entering into, transiting through, or anchoring within this regulated area unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in patrol and notification of this regulation.

This notice is issued under authority of 5 U.S.C. 552(a) and 33 CFR 100.1101. In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners and local advertising by the event sponsor.

If the Captain of the Port Sector San Diego or his designated representative determines that the regulated area need not be enforced for the full duration stated on this notice, he or she may use a Broadcast Notice to Mariners or other communications coordinated with the event sponsor to grant general permission to enter the regulated area.

Dated: October 14, 2014.

J.S. Spaner,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2014–25850 Filed 10–29–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0951]

RIN 1625–AA00

Safety Zone; Salvage Operations, Chicago River, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Chicago River between the Lake Street Bridge and the Randolph Street Bridge, Chicago, IL. This safety zone is intended to restrict vessels from a designated portion of the Chicago River for a sunken barge and related salvage operations. This temporary safety zone is necessary to protect the surrounding public and vessels from the hazards associated with salvage operations.

DATES: This rule is effective without actual notice from October 30, 2014 until November 14, 2014. For the purposes of enforcement, actual notice will be used from the date the rule was signed, October 17, 2014 until October 30, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0951. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, contact or email MST2 Stacy Smith, U.S. Coast Guard Marine Safety Unit Chicago, at (630) 986–2155 or *Stacy.D.Smith@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking with respect to this rule because doing so would be impracticable and contrary to the public interest. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Specifically, this safety zone is needed for salvage operations for a barge that unexpectedly sank on the Chicago River on October 17, 2014. Thus, delaying the effective date of this rule to wait for a comment period to run would be both impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect the public and vessels from the hazards associated with the salvage operations discussed below.

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

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish safety zones: 33 U.S.C. 1231; 33 CFR 1.05–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

From October 17 through November 14, 2014, salvage operations will take place on the Chicago River in response to a sunken barge on the south branch of the Chicago River. The Captain of the Port Lake Michigan has determined that the salvage operations will pose a significant risk to public safety and property. This safety zone is necessary to protect emergency responders and transiting mariners from associated hazards, which potentially include vessel collisions in a narrow congested channel.

C. Discussion of the Final Rule

With the aforementioned hazards in mind, the Captain of the Port Lake Michigan has determined that this temporary safety zone is necessary to ensure the safety of vessels during salvage operations on the Chicago River. This safety zone will be in effect from October 17 through November 14, 2014. It will be enforced intermittently during this time with actual notice. Additionally, advanced notice of enforcement times will be provided through Broadcast Notice to Mariners. This zone will encompass all waters on the south branch of the Chicago River between the Lake Street Bridge and the Randolph Street Bridge, Chicago, IL.

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

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

Budget has not reviewed it under those Orders.

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced on an as needed basis. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

2. Impact on Small Entities

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

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this temporary rule on small entities. This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit the south branch of the Chicago River between the Lake Street Bridge and the Randolph Street Bridge from October 17 through November 14, 2014.

This safety zone will not have a significant economic impact on a substantial number of small entities for the reasons cited in the *Regulatory Planning and Review* section. Additionally, before the enforcement of the zone, we will issue local Broadcast Notice to Mariners so vessel owners and operators can plan accordingly.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0951 to read as follows:

§ 165.T09–0951 Safety Zone; Salvage Operations, Chicago River, Chicago, IL.

(a) *Location.* All waters on the south branch of the Chicago River between the Lake Street Bridge and the Randolph Street Bridge, Chicago, IL.

(b) *Effective and enforcement period.* This rule is effective without actual notice from October 30, 2014 until November 14, 2014. For the purposes of enforcement, actual notice will be used from the date the rule was signed, October 17, 2014 until October 30, 2014. This rule will be enforced intermittently with actual notice.

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

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

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

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

Dated: October 17, 2014.

A.B. Cocanour,

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

[FR Doc. 2014–25856 Filed 10–29–14; 8:45 am]

BILLING CODE 9110–04–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 102–37

[FMR Change–2014–05; FMR Case 2012–102–2; Docket No. 2012–0007; Sequence No. 1]

RIN 3090–AJ26

Federal Management Regulation; Donation of Surplus Personal Property

AGENCY: Office of Governmentwide Policy, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services Administration is amending the Federal Management Regulation (FMR) by changing its personal property policy. The changes include the addition of certain veterans organizations as eligible donation recipients, updating and clarifying language regarding the use of Standard Form 97, *The United States Government Certificate to Obtain Title to a Vehicle* (SF 97), instructing agencies to ensure against unauthorized use of blank copies of SF 97, making minor clarifying edits to existing policies, and removing and reserving certain regulations that are no longer required.

DATES: *Effective:* October 30, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Holcombe, Office of Governmentwide Policy, Office of Asset and Transportation Management (MT), at 202–501–3828 or by email at *Robert.Holcombe@gsa.gov* for clarification of content. For information pertaining to status or publication schedules contact the Regulatory Secretariat at 202–501–4755. Please cite FMR Case 2012–102–2.

SUPPLEMENTARY INFORMATION:

A. Background

GSA published a proposed rule in the **Federal Register** at 77 FR 50447 on August 21, 2012. As a result, two comments were received that suggested revisions or clarifications to Federal Acquisition Regulation (FAR) section 31.205–8 concerning whether contractor contributions or donations of contractor-owned property to veterans organizations are allowable costs under a contract. Because that issue is outside the scope of this final rule, both submitters were provided with the procedures for suggesting changes to the FAR. Additionally GSA informed the submitters that Federal property used by contractors is screened for use and donation under the plant clearance processes contained in FAR part 45. Specifically, Federal property is made available for screening by other Federal agencies and eligible donees under FAR section 45.602–3. The proposed new subpart J, ''Insuring Donated Property,'' published in the proposed rule has been removed from this final rule because GSA determined that, as a general matter, the decision to acquire insurance rests with the recipient of the property. No other substantive changes have been made to that which was published as the proposed rule.

B. Changes

The changes in this final rule include (1) the addition of certain veterans organizations as eligible donation recipients as authorized by 40 U.S.C. 549(c)(3)(C); (2) updating and clarifying language regarding the use of Standard Form 97, *The United States Government Certificate to Obtain Title to a Vehicle* (SF 97), and instructing agencies to ensure against unauthorized use of blank copies of SF 97; (3) making minor clarifying edits to existing policies; and (4) removing and reserving current FMR sections 102–37.180 and 102–37.185 as screener identification cards are no longer required.

C. 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 final rule 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 final rule is not a major rule under 5 U.S.C. 804.

D. Regulatory Flexibility Act

This final rule will not 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.* This final rule is also exempt from the Administrative Procedure Act per 5 U.S.C. 553(a)(2) because it applies to agency management and public property.

E. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FMR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

F. Small Business Regulatory Enforcement Fairness Act

This final rule is exempt from Congressional review under 5 U.S.C. 801 since it does not substantially affect the rights or obligations of non-agency parties.

List of Subjects in 41 CFR Part 102–37

Donation of Surplus Personal Property.

Dated: October 3, 2014.

Dan Tangherlini,

Administrator of General Services.

For the reasons set forth in the preamble, GSA is amending 41 CFR part 102–37 as set forth below:

PART 102–37—DONATION OF SURPLUS PERSONAL PROPERTY

■ 1. The authority for part 102–37 continues to read as follows:

Authority: 40 U.S.C. 549 and 121(c).

■ 2. Amend § 102–37.25 by alphabetically adding the definition ''Allocation'' to read as follows:

§ 102–37.25 What definitions apply to this part?

* * * * *

Allocation means the process by which GSA identifies the SASP to receive surplus property on a fair and equitable basis, taking into account the condition of the property as well as the original acquisition cost of the property.

* * * * *

■ 3. Amend § 102–37.50 by revising paragraph (c) to read as follows:

§ 102–37.50 What is the general process for requesting surplus property for donation?

* * * * *

(c) The American National Red Cross should submit requests to GSA as described in subpart G of this part when obtaining property under the authority of 40 U.S.C. 551.

* * * * *

■ 4. Amend § 102–37.125 by revising paragraph (a)(3) to read as follows:

§ 102–37.125 What are some donations that do not require GSA's approval?

(a) * * *

(3) Donations by the Small Business Administration (SBA) to small disadvantaged businesses under 13 CFR part 124 (although collaboration and agreement between the SBA, SASPs, and GSA is encouraged); and

* * * * *

■ 5. Amend § 102–37.175 by—

■ a. Removing ''GSA's system, FEDS)'' and adding ''GSAXcess)'' in its place;

■ b. Designating the existing paragraph as paragraph (a); and

■ c. Adding paragraph (b).

The addition reads as follows:

§ 102–37.175 How does a SASP find out what property is potentially available for donation?

* * * * *

(b) For the SASP (or a SASP's representative) to perform onsite screening, the screener must coordinate the onsite visit and screening with the individual holding agency or organization. The screener should ascertain the identification required and any special procedures for access to the facility or location.

§§ 102–37.180 and 102–37.185 [Removed and Reserved]

■ 6. Remove and reserve §§ 102–37.180 and 102–37.185.

■ 7. Amend § 102–37.380 by adding paragraph (d) to read as follows:

§ 102–37.380 What is the statutory authority for donations of surplus Federal property made under this subpart?

* * * * *

(d) Section 549(c)(3)(C) of title 40, United States Code authorizes SASPs to donate property to veterans organizations, for purposes of providing services to veterans (as defined in section 101 of title 38). Eligible veterans organizations are those whose:

(1) Membership comprises substantially veterans; and

(2) Representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38.

■ 8. Amend § 102–37.420 by adding a second sentence to read as follows:

§ 102–37.420 May a SASP grant conditional eligibility to applicants who would otherwise qualify as eligible donees, but have been unable to obtain approval, accreditation, or licensing because they are newly organized or their facilities are not yet constructed?

* * * Conditional eligibility may be granted for a limited and reasonable time, not to exceed one year.

■ 9. Amend § 102–37.430 by adding a third sentence to read as follows:

§ 102–37.430 What property can a SASP make available to a donee with conditional eligibility?

* * * If property is provided to the donee with conditional eligibility, and the conditional eligibility lapses (see § 102–37.420), the property must be returned to the SASP for redistribution or disposal.

■ 10. Add Subpart I, consisting of §§ 102–37.585 through 102–37.600, to read as follows:

Subpart I—Transfer of Vehicle Title to a Donee

Sec.
102–37.585 In transferring donated surplus vehicles, what is the responsibility of the holding agency?
102–37.590 In transferring donated surplus vehicles, what is the responsibility of the SASP?
102–37.595 When transferring donated surplus vehicles, what is the responsibility of the donee?
102–37.600 When does title to a surplus donated vehicle change hands?

Subpart I—Transfer of Vehicle Title to a Donee

§ 102–37.585 In transferring donated surplus vehicles, what is the responsibility of the holding agency?

(a) The holding agency is responsible for preparing Standard Form 97, *The United States Government Certificate to Obtain Title to a Vehicle* (SF 97) upon notification by GSA that a donee has been identified. The SF 97 may be prepared by GSA if mutually agreed upon by the holding agency and GSA. The holding agency is designated as the ''transferor.''

(b) If the holding agency authorizes or requires any other entity, including a contractor or grantee, to complete this SF 97, the holding agency must first ensure compliance with the Paperwork Reduction Act.

(c) The SF 97 is a serially numbered, controlled form, stock number 7540–00–634–4047, which can be obtained by executive agencies from GSA Global Supply or online at *www.gsaglobalsupply.gsa.gov.* Proper precautions shall be exercised by the agency to prevent blank copies of the SF 97 from being obtained by unauthorized persons.

§ 102–37.590 In transferring donated surplus vehicles, what is the responsibility of the SASP?

The SASP is responsible for facilitating the transfer of the surplus vehicle to the donee in accordance with this part. The SASP should not sign the

SF 97 as ''transferee'' unless the SASP is the donee.

§ 102–37.595 When transferring donated surplus vehicles, what is the responsibility of the donee?

The donee is responsible for processing the SF 97 in accordance with state licensing and titling authorities. The donee signs the SF 97 as ''transferee'' upon receipt of the surplus motor vehicle. The donee is responsible for notifying the SASP if a SF 97 is not provided by the Government.

§ 102–37.600 When does title to a surplus donated vehicle change hands?

Title to the vehicle rests with the holding agency until the SF 97 is signed by the donee upon receipt of the surplus motor vehicle. (If applicable under the terms of the donation, the title will be conditional until the end of the period of restriction).

■ 11. Amend Appendix C to part 102.37 by alphabetically adding the definition of ''Veterans Organizations'' to read as follows:

Appendix C to Part 102–37—Glossary of Terms for Determining Eligibility of Public Agencies and Nonprofit Organizations

* * * * *

Veterans Organizations means organizations eligible to receive Federal surplus property for purposes of providing services to veterans under 40 U.S.C. 549(c)(3)(C). Eligible veterans organizations are those whose (1) membership comprises substantially veterans (as defined under 38 U.S.C. 101); and (2) representatives are recognized by the Secretary of Veterans Affairs under 38 U.S.C. 5902. The Department of Veterans Affairs maintains a searchable Web site of recognized organizations. The address is *http://www.va.gov/ogc/apps/accreditation/index.asp.*

[FR Doc. 2014–25817 Filed 10–29–14; 8:45 am]

BILLING CODE 6820–14–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 10–51 and 03–123; FCC 13–82]

Structure and Practices of the Video Relay Service Program; 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 three years, the information collection associated with the Commission's document Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities (*VRS Reform Report and Order*). This document is consistent with the *VRS Reform Report and Order,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules.

DATES: 47 CFR 64.604(c)(13); 64.606(a)(4), (g)(3) and (g)(4); 64.611(a)(3) and (4); 64.615(a); 64.631(a) through (d), (f); 64.634(b); 64.5105(c)(4) and (c)(5); 64.5107; 64.5108; 64.5109; 64.5110; and 64.5111, published at 78 FR 40582, July 5, 2013, are effective October 30, 2014.

FOR FURTHER INFORMATION CONTACT: Gregory Hlibok, Disability Rights Office, Consumer and Governmental Affairs Bureau, at (202) 559–5158, or email: *Gregory.Hlibok@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on September 23, 2014, OMB approved, for a period of three years, the information collection requirements contained in the Commission's *Report and Order,* FCC 13–82, published at 78 FR 40582, July 5, 2013. The OMB Control Number is 3060–1201. The Commission publishes this document 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, 3060–1201, 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 September 23, 2014, for the information collection requirements contained in the Commission's rules at 47 CFR 64.604(c)(13); 64.606(a)(4), (g)(3) and (g)(4); 64.611(a)(3) and (4); 64.615(a); 64.631(a) through (d), (f); 64.634(b); 64.5105(c)(4) and (c)(5); 64.5107; 64.5108; 64.5109; 64.5110; and 64.5111.

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 3060–1201.

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: 3060–1201.

OMB Approval Date: September 23, 2014.

OMB Expiration Date: September 30, 2017.

Title: Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 10–51 and 03–123; FCC 13–82.

Form Number: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit entities; Individuals or households; Not-for-profit institution; Federal Government.

Number of Respondents and Responses: 39 respondents; 9,876,603 responses.

Estimated Time per Response: .005 hours to 80 hours.

Frequency of Response: Annual, on-occasion, on-going, one-time, and quarterly 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 of the Communications Act, 47 U.S.C. 225. The law was enacted on July 26, 1990, as Title IV of the Americans with Disabilities Act of 1990 (ADA), Pub. L. 101–336, 104 Stat. 327, 366–69.

Total Annual Burden: 486,417 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: This information collection affects individuals or households. However, access to personally identifiable information (PII) is limited to the third party vendor and the Commission only pursuant to the requirements of the Privacy Act of 1974, as amended.

Privacy Impact Assessment: This information collection affects individuals or households. The Commission is not collecting personally identifiable information (PII) for the purpose of populating in the database, however, the database is made available and accessible by the Commission and the TRS Fund Administrator. Although TRS users are required to provide their personal identifiable information to register for using TRS service, such information is available only to the Commission, the TRS Fund Administrator, and a third-party independent vendor selected by the Commission's Managing Director and the Commission. The third party vendor and the Commission are required to maintain all registered information, including personal information, in the registration database confidential in accordance to the directives under contract between the third party vendor and the Commission's Managing Director. The FCC is completing the requirements for a new system of records notice (SORN), FCC/CGB–4, ''Internet-based Telecommunications Relay Service-User Registration Database (ITRS–URD),'' which will cover the personally identifiable information (PII) that may be collected, maintained, used, and stored, and disposed of when obsolete, and which are part of the information associated with these information collection requirements, *i.e.,* the new SORN will make this information collection comply with all requirements of the Privacy Act of 1974, as amended.

Needs and Uses: On June 10, 2013, the Commission released the *VRS Reform Report and Order,* FCC 13–82, published at 78 FR 40582, July 5, 2013, adopting further measures to improve the structure, efficiency, and quality of the VRS program, reducing the noted inefficiencies in the program, as well as reducing the risk of waste, fraud, and abuse, and ensuring that the program makes full use of advances in commercially-available technology. In the *VRS Reform Report and Order,* the Commission takes the following actions by: (1) Setting up an arrangement with the National Science Foundation (NSF) to enable research designed to further the Commission's multiple goals of ensuring that TRS is functionally equivalent to voice telephone services and improving the efficiency and availability of TRS; (2) establishing a pilot iTRS National Outreach Program (iTRS–NOP) by selecting one or more independent iTRS Outreach Coordinators to conduct and coordinate IP Relay and VRS outreach nationwide under the Commission's (or the TRS Fund administrator's) supervision; (3) promoting the development and adoption of voluntary, consensus interoperability and portability standards, and facilitate compliance with those standards by directing the Managing Director to contract for the development and deployment of a VRS access technology reference platform; (4) establishing a central TRS user registration database (TRS–URD) which incorporates a centralized eligibility verification requirement to ensure accurate registration and verification of users, to achieve more effective fraud and abuse prevention; and (5) selecting a neutral party to build, operate, and maintain a neutral video communication service platform, which will allow eligible relay interpretation service providers to compete without having to build their own video communication service platforms.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014–25275 Filed 10–29–14; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 79, No. 210
Thursday, October 30, 2014

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

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket Number EERE–2014–BT–STD–0031]

RIN 1904–AD20

Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnaces

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

ACTION: Notice of public meeting.

SUMMARY: The Department of Energy (DOE) is planning to hold a public meeting to demonstrate the analytical tools developed by the agency in support of a proposed rule to consider amended energy conservation standards for residential non-weatherized gas furnaces and mobile home gas furnaces.

DATES: *Meeting:* DOE will hold a public meeting on Friday, November 7, 2014 from 9:00 a.m. to 1:00 p.m. in Washington, DC. In addition, DOE plans to broadcast the public meeting via webinar. You may attend the public meeting either in person or via webinar. Registration information, participant instructions, and information about the capabilities available to webinar participants will be published in advance on DOE's Web site at: *http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/72.* Webinar participants are responsible for ensuring their systems are compatible with the webinar software.

ADDRESSES: The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 4A–104, 1000 Independence Avenue SW., Washington, DC 20585. To attend, please notify Ms. Brenda Edwards at (202) 586–2945. Please note that foreign nationals visiting DOE Headquarters are subject to advance security screening procedures. Any foreign national wishing to participate in the meeting should advise DOE as soon as possible by contacting Ms. Edwards to initiate the necessary procedures. Please also note that any person wishing to bring a laptop into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing laptops, or allow an extra 45 minutes. Persons may also attend the public meeting via webinar.

Due to the REAL ID Act implemented by the Department of Homeland Security (DHS), there have been recent changes regarding identification (ID) requirements for individuals wishing to enter Federal buildings from specific States and U.S. territories. As a result, driver's licenses from the following States or territory will not be accepted for building entry, and instead, one of the alternate forms of ID listed below will be required.

DHS has determined that regular driver's licenses (and ID cards) from the following jurisdictions are not acceptable for entry into DOE facilities: Alaska, American Samoa, Arizona, Louisiana, Maine, Massachusetts, Minnesota, New York, Oklahoma, and Washington. Acceptable alternate forms of Photo-ID include: U.S. Passport or Passport Card; an Enhanced Driver's License or Enhanced ID-Card issued by the States of Minnesota, New York or Washington (Enhanced licenses issued by these States are clearly marked Enhanced or Enhanced Driver's License); a military ID or other Federal government-issued Photo-ID card.

FOR FURTHER INFORMATION CONTACT: Mr. John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW.,Washington, DC 20585–0121. Telephone: (202) 287–1692. Email: *John.Cymbalsky@ee.doe.gov.*

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585. Telephone: (202) 586–9507, Email: *Eric.Stas@hq.doe.gov.*

For information on how to attend the public meeting, contact Ms. Brenda Edwards, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–2945. Email: *Brenda.Edwards@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) is holding a public meeting to demonstrate the analytical tools developed by the agency in support of a notice of proposed rule (NOPR) to consider amended energy conservation standards for residential non-weatherized gas furnaces and mobile home gas furnaces.

On April 24, 2014, the U.S. Court of Appeals for the District of Columbia Circuit issued an order adopting a settlement agreement in litigation that, among other things, vacated DOE's minimum energy conservation standards for residential non-weatherized gas furnaces and mobile home gas furnaces and remanded the proceeding back to DOE for further rulemaking regarding those products. The settlement agreement included a provision that, ''In the rulemaking on remand, DOE will make available to the public the data gathered and analyzed by the agency prior to publication of a proposed rule. DOE will endeavor to post such data as they become available during the agency's development of a proposed rule. At a minimum, the agency will make such data available to the public within 30 days after the Office of Management and Budget receives a draft proposed rule from DOE.''

In fulfillment of that obligation, DOE released the following documents on DOE's Web site at: *http://www.regulations.gov/#!docketBrowser;rpp=25;po=0;dct=SR%252BO;D=EERE-2014-BT-STD-0031.*

- Preliminary draft NOPR life-cycle cost spreadsheet;
- Preliminary NOPR national impact analysis spreadsheet; and
- Preliminary NOPR Government Regulatory Impact Model.

The scheduled meeting is intended to demonstrate to interested parties DOE's analytical tools and to provide them with an opportunity to ask questions and offer feedback for DOE to consider in its use of the analytical tools, as applied in each energy conservation standards rulemaking. While DOE will demonstrate these analytical tools with the content provided in the residential non-weatherized gas furnace and mobile home gas furnace rulemaking, and will entertain questions related to that

content, the public meeting will not address any deliberative issues related to that specific rulemaking docket. DOE will hold a public meeting to solicit comment on any proposal to amend standards for residential non-weatherized gas furnaces and mobile home gas furnaces after a proposed rule concerning those furnaces has been issued. A court reporter will be present at the meeting to record the proceedings and to prepare a transcript. A transcript of the public meeting will be posted on the DOE Web site and will be included in the docket for this rulemaking. In addition, any person may buy a copy of the transcript from the transcribing reporter.

Issued in Washington, DC, on October 23, 2014.

Kathleen B. Hogan,

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

[FR Doc. 2014–25814 Filed 10–29–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 22, 172

[Docket ID OCC–2014–0016]

RIN 1557–AD84

FEDERAL RESERVE SYSTEM

12 CFR Part 208

[Regulation H, Docket No. R–1498]

RIN 7100–AE22

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 339

RIN 3064–AE27

FARM CREDIT ADMINISTRATION

12 CFR Part 614

RIN 3052–AC93

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 760

RIN 3133–AE40

Loans in Areas Having Special Flood Hazards

AGENCY: Office of the Comptroller of the Currency, Treasury; Board of Governors of the Federal Reserve System; Federal Deposit Insurance Corporation; Farm Credit Administration; National Credit Union Administration.

ACTION: Joint notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), the Farm Credit Administration (FCA), and the National Credit Union Administration (NCUA) (collectively, the Agencies) are proposing to amend their regulations regarding loans in areas having special flood hazards to implement certain provisions of the Homeowner Flood Insurance Affordability Act of 2014 (HFIAA), which amends some of the changes to the Flood Disaster Protection Act of 1973 mandated by the Biggert-Waters Flood Insurance Reform Act of 2012 (Biggert-Waters). Specifically, the proposal would establish requirements with respect to the escrow of flood insurance payments, consistent with the changes set forth in HFIAA. The proposal also would incorporate an exemption in HFIAA for certain detached structures from the mandatory flood insurance purchase requirement. The Agencies plan to address in a separate rulemaking other provisions of Biggert-Waters over which the Agencies have jurisdiction that have not been affected by HFIAA.

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

ADDRESSES: Interested parties are encouraged to submit written comments jointly to all of the Agencies. Commenters are encouraged to use the title ''Loans in Areas Having Special Flood Hazards'' to facilitate the organization and distribution of comments among the Agencies. Interested parties are invited to submit written comments to:

OCC: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments through the Federal eRulemaking Portal or email, if possible. Please use the title ''Loans in Areas Having Special Flood Hazards'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—''Regulations.gov'':* Go to *www.regulations.gov.* Enter ''Docket ID OCC–2014–0016'' in the Search Box and click ''Search.'' Results can be filtered using the filtering tools on the left side of the screen. Click on ''Comment Now'' to submit public comments. Click on the ''Help'' tab on the Regulations.gov home page to get information on using Regulations.gov, including instructions for submitting public comments.
- *Email: regs.comments@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''Docket ID OCC–2014–0016'' in your comment. In general, OCC will enter all comments received into the docket and publish them on the Regulations.gov Web site without change, including any business or personal information that you provide such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this rulemaking action by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.regulations.gov.* Enter ''Docket ID OCC–2014–0016'' in the Search box and click ''Search.'' Comments can be filtered by Agency using the filtering tools on the left side of the screen. Click on the ''Help'' tab on the Regulations.gov home page to get information on using Regulations.gov, including instructions for viewing public comments, viewing other supporting and related materials, and viewing the docket after the close of the comment period.
- *Viewing Comments Personally:* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.
- *Docket:* You may also view or request available background documents and project summaries using the methods described above.

Board: You may submit comments, identified by Docket No. R–1498 or RIN 7100–AE22, by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Address to Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments will be made available on the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets NW.) between 9:00 a.m. and 5:00 p.m. on weekdays.

FDIC: You may submit comments by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Agency Web site: http://www.fdic.gov/regulations/laws/federal/.*
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments/Legal ESS, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivered/Courier:* The guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.
- *Email: comments@FDIC.gov.*

Comments submitted must include ''FDIC'' and ''Loans in Areas Having Special Flood Hazards.'' Comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/,* including any personal information provided.

FCA: We offer a variety of methods for you to submit your comments. For accuracy and efficiency reasons, commenters are encouraged to submit comments by email or through the FCA's Web site. As facsimiles (fax) are difficult for us to process and achieve compliance with section 508 of the Rehabilitation Act, we are no longer accepting comments submitted by fax. Regardless of the method you use, please do not submit your comments multiple times via different methods. You may submit comments by any of the following methods:

- *Email:* Send us an email at *regcomm@fca.gov.*
- *Agency Web site: http://www.fca.gov.* Select ''Law & Regulations,'' then ''FCA Regulations,'' then ''Public Comments,'' and follow the directions for ''Submitting a Comment.''
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Barry F. Mardock, Deputy Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

You may review copies of all comments we receive at our office in McLean, Virginia or on our Web site at *http://www.fca.gov.* Once you are in the Web site, Select ''Law & Regulations,'' then ''FCA Regulations,'' then ''Public Comments,'' and follow the directions for ''Reading Submitted Public Comments.'' We will show your comments as submitted, including any supporting data provided, but for technical reasons we may omit items such as logos and special characters. Identifying information that you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove email addresses to help reduce Internet spam.

NCUA: You may submit comments, identified by RIN 3133–AE40 by any of the following methods (Please send comments by one method only):

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Agency Web site: http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx.* Follow the instructions for submitting comments.
- *Email:* Address to *regcomments@ncua.gov.* Include [Your name] Comments on ''Loans in Areas Having Special Flood Hazards'' in the email subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for email.
- *Mail:* Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

You can view all public comments on NCUA's Web site at *http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx* as submitted, except for those we cannot post for technical reasons. NCUA will not edit or remove any identifying or contact information from the public comments submitted. You may inspect paper copies of comments in NCUA's law library at 1775 Duke Street, Alexandria, Virginia 22314, by appointment weekdays between 9:00 a.m. and 3:00 p.m. To make an appointment, call (703) 518–6546 or send an email to *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT:

OCC: Rhonda L. Daniels, Compliance Specialist, Compliance Policy Division, (202) 649–5405; Margaret C. Hesse, Senior Counsel, Community and Consumer Law Division, (202) 649–6350; or Heidi M. Thomas, Special Counsel, Legislative and Regulatory Activities Division, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Office of the Chief Counsel.

Board: Lanette Meister, Senior Supervisory Consumer Financial Services Analyst (202) 452–2705; Vivian W. Wong, Counsel (202) 452–3667, Division of Consumer and Community Affairs; or Daniel Ericson, Counsel (202) 452–3359, Legal Division; for users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

FDIC: Navid Choudhury, Counsel, Consumer Compliance Section, (202) 898–6526, Legal Division; or John Jackwood, Senior Policy Analyst, (202) 898–3991, Division of Depositor and Consumer Protection.

FCA: Paul K. Gibbs, Senior Accountant, Office of Regulatory Policy (703) 883–4203, TTY (703) 883–4056; or Mary Alice Donner, Senior Counsel, Office of General Counsel (703) 883–4020, TTY (703) 883–4056.

NCUA: Frank Kressman, Associate General Counsel, Office of General Counsel, (703) 518–6540.

SUPPLEMENTARY INFORMATION:

I. Background

A. Introduction

In October 2013, the Agencies jointly issued a proposal to implement certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012 [1] (Biggert-Waters) over which the Agencies have jurisdiction (the October 2013 Proposed Rule).[2] Specifically, the October 2013 Proposed Rule would have required regulated lending institutions [3] to

[1] Public Law 112–141, 126 Stat. 916 (2012).

[2] 78 FR 65108 (Oct. 30, 2013).

[3] The National Flood Insurance Reform Act of 1994 defines ''regulated lending institution'' to

Continued

escrow flood insurance premiums and fees on residential improved real estate, unless the regulated lending institution meets the statutory small institution exception. The October 2013 Proposed Rule also would have required regulated lending institutions to accept private flood insurance coverage, as defined in Biggert-Waters, to satisfy the mandatory flood insurance purchase requirement. The October 2013 Proposed Rule also contained provisions to implement the Biggert-Waters changes related to force-placed flood insurance.

On March 21, 2014, the President signed into law the Homeowner Flood Insurance Affordability Act of 2014 [4] (HFIAA), which amends some of the changes made by Biggert-Waters to the Flood Disaster Protection Act (FDPA).[5] Among these changes are amendments relating to the escrow requirement. HFIAA also includes a new exclusion from the mandatory flood insurance purchase requirement for certain detached structures. The Agencies are issuing this proposal to implement the escrow provisions and incorporate the detached structures provision. The Agencies are requesting comments on these proposed amendments. In connection with the issuance of this proposal, the Agencies have coordinated and consulted with the Federal Financial Institutions Examination Council (FFIEC), as is required by certain provisions of the flood insurance statutes.[6] Because HFIAA leaves untouched the provisions in Biggert-Waters related to private flood insurance and force-placed flood insurance, this proposal does not address those provisions.

As the Agencies stated in the October 2013 Proposed Rule with respect to Biggert-Waters, this proposal would implement only certain provisions of HFIAA over which the Agencies have jurisdiction. Accordingly, the Agencies encourage lenders to consult Biggert-Waters and HFIAA for further information about revisions to the flood insurance statutes that will not be implemented through the Agencies' rulemakings.

B. Flood Insurance Statutes

The National Flood Insurance Act of 1968 (1968 Act) [7] and the FDPA govern the National Flood Insurance Program (NFIP).[8] The 1968 Act made Federally subsidized flood insurance available to owners of improved real estate or mobile homes located in special flood hazard areas if the community where the improved real estate or mobile home is located participates in the NFIP. A special flood hazard area (SFHA) is an area within a floodplain having a one percent or greater chance of flood occurrence in any given year.[9] SFHAs are delineated on maps issued by FEMA for individual communities.[10] A community establishes its eligibility to participate in the NFIP by adopting and enforcing floodplain management measures that regulate new construction and by making substantial improvements within its SFHAs to eliminate or minimize future flood damage.[11]

Until the adoption of the FDPA in 1973, the purchase of flood insurance was voluntary. The FDPA made the purchase of flood insurance mandatory in connection with loans made by regulated lending institutions when the loans are secured by improved real estate or mobile homes located in a SFHA in a participating community. The FDPA directed the OCC, Board, FDIC, NCUA, and the former Office of Thrift Supervision (OTS) [12] to issue regulations governing the lending institutions that they supervised. The regulations also require lenders to notify borrowers that the secured property is located in a SFHA and whether Federal disaster assistance is available with respect to the property in the event of a flood.

Title V of the Riegle Community Development and Regulatory Improvement Act of 1994, also known as the National Flood Insurance Reform Act of 1994 (Reform Act), comprehensively amended the Federal flood insurance statutes.[13] The Reform Act established new requirements for Federally regulated lending institutions, such as the escrow for flood insurance premiums under certain conditions and mandatory force-placed flood insurance coverage. The Reform Act was intended to increase compliance with the mandatory flood insurance purchase requirements and participation in the NFIP to provide additional income to the National Flood Insurance Fund and to decrease the financial burden of flooding on the Federal government, taxpayers, and flood victims. In addition, the Reform Act broadened the mandatory flood insurance purchase requirement to include lenders regulated by the FCA.

The Reform Act required the Agencies to revise their flood insurance regulations and required the FCA to promulgate flood insurance regulations for the first time. The Agencies fulfilled these requirements by issuing a joint final rule in August 1996.[14]

C. The Biggert-Waters and HFIAA Amendments

Among other changes,[15] Biggert-Waters significantly amended the NFIP requirements over which the Agencies have jurisdiction. Specifically, Biggert-Waters: (i) Increased the maximum civil money penalty (CMP) that the Agencies may impose per violation when there is a pattern or practice of flood violations and eliminated the limit on the total amount of penalties that the Agencies may assess against a regulated lending

mean any bank, savings and loan association, credit union, farm credit bank, Federal land bank association, production credit association, or similar institution subject to the supervision of a Federal entity for lending regulation. 42 U.S.C. 4003(a)(1).

[4] Public Law 113–89; 128 Stat. 1020 (2014).

[5] Public Law 93–234, 87 Stat. 975 (1973).

[6] *See* 42 U.S.C. 4012a(b)(1). The heads of four of the five Agencies (OCC, Board, FDIC, and NCUA) are members of the FFIEC.

[7] Public Law 90–448, 82 Stat. 572 (1968).

[8] These statutes are codified at 42 U.S.C. 4001–4129. The Federal Emergency Management Agency (FEMA) administers the NFIP; its regulations implementing the NFIP appear at 44 CFR parts 59–77.

[9] 44 CFR 59.1.

[10] 44 CFR part 65.

[11] 44 CFR part 60.

[12] Title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010), (Dodd-Frank Act), transferred the powers, duties, and functions formerly performed by the OTS to the FDIC, as to State savings associations, the OCC, as to Federal savings associations, and the Board as to savings and loan holding companies. The transfer took effect on July 21, 2011, and the OTS was abolished 90 days after that date.

[13] Public Law 103–325, 108 Stat. 2255 (1994) (codified as amended at 42 U.S.C. 4001 *et seq.* (1994)).

[14] 61 FR 45684 (Aug. 29, 1996).

[15] The Agencies note, for example, that section 100222 of Biggert-Waters mandates a revision to the Special Information Booklet required under section 5 of the Real Estate Settlement Procedures Act of 1974 (RESPA) (12 U.S.C. 2604(b)) to include a notice to the borrower of the availability of flood insurance under the NFIP or from a private insurance company, whether or not the real estate is located in an area having special flood hazards. The requirement to revise the Special Information Booklet is the responsibility of the Bureau of Consumer Financial Protection (CFPB) under RESPA. In addition, section 100204 of the Act directs the Administrator of FEMA to make flood insurance available to cover residential properties of five or more residences. The maximum coverage made available to such residential properties is now equal to the coverage made available to commercial properties. Policies for such properties have been made available by FEMA as of June 1, 2014. *See* ''Interagency Statement on Increased Maximum Flood Insurance Coverage for Other Residential Buildings,'' May 30, 2014 (Board: CA 14–3; OCC: Bulletin 2014–26; FDIC: FIL 28–2014, FCA: Informational Memorandum, May 30, 2014; NCUA: *http://www.ncua.gov/Legal/Documents/InteragencyIncreasedCoverageGuidance.pdf*).

institution during any calendar year;[16] (ii) required the Agencies to issue a rule to direct regulated lending institutions to escrow premiums and fees for flood insurance on residential improved real estate, unless the regulated lending institution meets the statutory small institution exception;[17] (iii) required the Agencies to issue a rule to direct regulated lending institutions to accept private flood insurance, as defined by Biggert-Waters, and to notify borrowers of the availability of private flood insurance;[18] and (iv) amended the force-placed insurance requirement to clarify that regulated lending institutions may charge a borrower for the cost of premiums and fees incurred for coverage beginning on the date on which the flood insurance coverage lapsed or did not provide sufficient coverage and to prescribe the procedures for terminating force-placed insurance.[19]

HFIAA further amends the changes set forth in Biggert-Waters. Among these changes are amendments that tie the escrow requirement to the origination, refinance, increase, extension, or renewal of a loan on or after January 1, 2016 and provide additional exceptions to the escrow requirement.[20] HFIAA also mandates that regulated lending institutions provide an option to borrowers to escrow flood insurance premiums and fees for loans that are outstanding as of January 1, 2016. In addition, HFIAA provides a new exemption to the mandatory flood insurance purchase requirements for a structure that is part of a residential property but is detached from the primary residential structure and does not serve as a residence.[21]

As previously discussed in guidance issued by the Agencies,[22] the CMP provisions[23] and the force-placed insurance requirements in Biggert-Waters were effective upon enactment of Biggert-Waters. Similarly, the provision in HFIAA excluding certain detached structures from the mandatory flood insurance purchase requirement became effective upon the enactment of HFIAA. In contrast, Biggert-Waters and HFIAA require the Agencies to issue regulations implementing both the escrow and private flood insurance provisions. The compliance date for these provisions will be determined on the issuance of the final rule implementing them, consistent with the statute. The statute provides that the escrow provisions will apply to loans with a triggering event on or after January 1, 2016. The private flood insurance provisions, as well as regulations incorporating the force-placed insurance requirement, will be included in a separate rulemaking.

II. Summary of the Proposal

The Agencies propose to revise their respective flood insurance regulations to incorporate HFIAA's provisions exempting certain detached structures on residential property from the mandatory flood insurance purchase requirement and to implement the statute's provisions requiring the escrow of flood insurance premiums and fees. In connection with the October 2013 Proposed Rule, the Agencies received numerous comment letters addressing the regulations proposed to implement the escrow provisions set forth in Biggert-Waters. To the extent that there were comments concerning the escrow provisions as proposed in the October 2013 Proposed Rule that have not been otherwise addressed by the amendments in HFIAA, the Agencies have considered such comments in this proposal.

The amendments proposed by this rulemaking are summarized below and more specifically described in IV. Section-by-Section Analysis of this **SUPPLEMENTARY INFORMATION**. Although the Agencies' proposals are substantively consistent, the format of the regulatory text varies to conform to each Agency's current regulation. Furthermore, the OCC and the FDIC note that the proposed amendments to 12 CFR part 22 would apply to both national banks and Federal savings associations, and the proposed amendments to 12 CFR part 339 would apply to both State non-member banks and State savings associations. This is consistent with the October 2013 Proposed Rule, which proposed to integrate all of the OCC's and FDIC's respective bank and savings association flood insurance rules. This proposal also includes conforming amendments to the current OCC flood insurance rules for Federal savings associations, 12 CFR part 172, that are necessary until the integration included in the October 2013 Proposed Rule is finalized. The FDIC will integrate its flood insurance rules for state savings associations, 12 CFR part 391 subpart D, into part 339 prior to finalizing this proposed rule by means of a separate, individual agency rulemaking.

Consistent with HFIAA, the Agencies' proposal would include a new exemption to the general mandatory flood insurance requirement. Specifically, the proposed rule would provide that flood insurance is not required for any structure that is part of any residential property but is detached from the primary residential structure of such property and does not serve as a residence.

In addition, the Agencies' proposal generally would require regulated lending institutions, or servicers acting on their behalf, to escrow premiums and fees for flood insurance for any loans secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016. The FDPA, as amended by Biggert-Waters, also provides that except as may be required under applicable State law, a regulated lending institution would not be required to escrow if it has total assets of less than $1 billion and, as of the date of enactment of Biggert-Waters, July 6, 2012, was not required by Federal or State law to escrow taxes or insurance for the term of the loan and did not have a policy to require escrow of taxes and insurance. The Agencies are proposing to implement this exception with some clarifications. Furthermore, consistent with the Agencies' October 2013 Proposed Rule, the proposed rule would provide transition rules for regulated lending institutions that have a change in status and no longer qualify for this exception.

Moreover, the proposed rule would implement the following additional

[16] Section 100208 of Biggert-Waters, amending section 102(f)(5) of the FDPA (42 U.S.C. 4012a(f)(5)).

[17] Section 100209 of Biggert-Waters, amending section 102(d) of the FDPA (42 U.S.C. 4012a(d)). Congress further amended section 42 U.S.C. 4012a(d) subsequent to the enactment of Biggert-Waters to clarify that the flood insurance escrow requirement applies only to loans secured by residential improved real estate. *See* Public Law 112–281, 125 Stat. 2485 (Jan. 14, 2013).

[18] Section 100239 of Biggert-Waters, amending section 102(b) of the FDPA (42 U.S.C. 4012a(b)) and section 1364(a)(3)(C) of the 1968 Act (42 U.S.C. 4104a(a)(3)(C)).

[19] Section 100244 of the Act, amending section 102(e) of the FDPA (42 U.S.C. 4012a(e)).

[20] Section 25 of HFIAA, amending section 102(d) of the FDPA (42 U.S.C. 4012a(d)).

[21] Section 13 of HFIAA, amending section 102(c) of the FDPA (42 U.S.C. 4012a(c)). The Agencies note that Section 13 of HFIAA also amends section 5(b) of RESPA (12 U.S.C. 2604(b)) to require language related to detached structures be included in the required Special Information Booklet. The requirement to revise the Special Information Booklet under RESPA falls under the jurisdiction of the CFPB.

[22] ''Interagency Statement on the Impact of Biggert-Waters Act,'' March 29, 2013 (Board: CA 13–2; OCC: Bulletin 2013–10; FDIC: FIL 14–2013, FCA: Informational Memorandum, March 29, 2013; NCUA: 13–RA–03).

[23] Some of the Agencies have revised their regulations to incorporate these increased CMPs. *See* OCC: 77 FR 66529 (Nov. 11, 2012) and 77 FR 76354 (Dec. 28, 2012); Board: 77 FR 68680 (Nov. 16, 2012); FDIC: 77 FR 74573 (Dec. 17, 2012); and FCA: 78 FR 24336 (April 25, 2013). The NCUA is in the process of updating its rule to reflect this CMP change.

exceptions from the escrow requirement, as amended by HFIAA: (i) Loans that are in a subordinate position to a senior lien secured by the same property for which flood insurance is being provided; (ii) loans secured by residential improved real estate or a mobile home that is part of a condominium, cooperative, or other project development, provided certain conditions are met; (iii) loans that are extensions of credit primarily for a business, commercial, or agricultural purpose; (iv) home equity lines of credit; (v) nonperforming loans; and (vi) loans with terms not longer than twelve months.

The proposal also would implement the requirement under HFIAA that regulated lending institutions offer and make available to a borrower the option to escrow flood insurance premiums and fees for loans that are outstanding as of January 1, 2016. The proposal would implement this provision generally as provided in the statute with additional clarifications to provide more specific guidance to regulated lending institutions in administering this requirement, including a proposal to mail or deliver information to borrowers about the option to escrow by March 31, 2016 and requiring lenders to implement the escrow as soon as reasonably practicable after receiving a borrower's request to escrow. The Agencies are using their authority to implement the escrow provision to propose that regulated lending institutions that no longer qualify for the small lender exception also be required to offer and make available to a borrower the option to escrow flood insurance premiums and fees for loans outstanding after they lose the exception.

The Agencies' proposal includes new and revised sample notice forms and clauses. Specifically, the proposal amends the current Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance, set forth as Appendix A in the Agencies' respective regulations, to add language concerning the escrow requirement. The proposal also adds an additional sample clause, Sample Clause for Option to Escrow for Outstanding Loans, as Appendix B to assist institutions in complying with the proposal's requirement to inform borrowers of outstanding loans about their option to escrow flood insurance premiums and fees.

The Agencies note that the amendments made by section 25 of HFIAA to the FDPA regarding the escrow requirement will not supersede the current escrow provisions during the period beginning on July 6, 2012 and ending on December 31, 2015. Therefore, as provided under section 25(b)(3) of HFIAA, the escrow requirements under section 102(d)(1) of the FDPA in effect on July 5, 2012, the day before Biggert-Waters was enacted, will continue to be enforced by the Agencies until December 31, 2015.[24]

III. Legal Authority

Section 102(b) of the FDPA (42 U.S.C. 4012a(b)), as amended, provides that the Agencies (after consultation and coordination with the FFIEC) shall by regulation direct regulated lending institutions not to make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Administrator of FEMA as an area having special flood hazards and in which flood insurance has been made available under the NFIP, unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance. Thus, section 102(b) of the FDPA grants the Agencies rulemaking authority to implement this mandatory flood insurance purchase requirement as it pertains to regulated lending institutions.

Section 102(c) of the FDPA (42 U.S.C. 4012a(c)) sets forth specific exceptions to the mandatory flood insurance purchase requirement. The Agencies are authorized to implement these exceptions.

Finally, section 102(d) of the FDPA (42 U.S.C. 4012a(d)), as amended by section 25 of HFIAA, states that the Agencies (after consultation and coordination with the FFIEC) must by regulation require all premiums and fees for flood insurance under the 1968 Act for residential improved real estate or a mobile home be paid to the regulated lending institution or servicer for any loan secured by the improved real estate or mobile home with the same frequency as payments on the loan are made for the duration of the loan. The statute requires that such funds be deposited in an escrow account on behalf of the borrower and used to pay the flood insurance provider when premiums are due. Section 25(b) of HFIAA applies these requirements to loans that are originated, refinanced, increased, extended, or renewed on or after January 1, 2016.

Section 102(d) of the FDPA, as amended by HFIAA, also authorizes the Agencies to implement the seven exceptions to this requirement that are set forth in the statute. Section 25(b) of HFIAA further states that the Agencies (after consultation and coordination with the FFIEC) shall by regulation direct that each regulated lending institution offer and make available to a borrower of an outstanding loan the option to have the borrower's payment of flood insurance premiums and fees escrowed.

IV. Section-by-Section Analysis

__.__Exemptions

Section 13 of HFIAA, which amends section 102(c) of the FDPA (42 U.S.C. 4012a(c)), includes a new exemption to the mandatory flood insurance purchase requirement. Specifically, the statute provides that flood insurance is not required, in the case of any residential property, for any structure that is a part of such property but is detached from the primary residential structure and does not serve as a residence. The Agencies' proposed rule would incorporate this exemption as provided in the statute into the Agencies' regulations.

The exemption would address an area of concern for borrowers and lenders by excluding relatively low-value structures, for example, detached sheds and garages, from mandatory flood insurance coverage if they secure a designated loan. The Agencies understand, however, that some detached structures might be of relatively high value, such as a detached greenhouse. While the statute does not require flood insurance for such structures, as a matter of safety and soundness, lenders may nevertheless require flood insurance on these detached structures. Requiring flood insurance even when the statute does not mandate it may also be in the borrower's interest. The Agencies note that section 13(b) of HFIAA, which the CFPB is expected to implement, amends section 5(b) of RESPA to require a related disclosure to borrowers informing them that they may still wish to obtain, and mortgage lenders may still require borrowers to maintain, flood insurance even when it is not required by the FDPA.

The Agencies solicit comment on whether this section should be clarified. For instance, there may be some ambiguity as to when such structures serve as a ''residence,'' but may not meet certain State or local definitions of

[24] Each Agency's escrow provision provides that a regulated lending institution must escrow all premiums and fees for required flood insurance if the institution requires the escrow of taxes, insurance premiums, fees or other charges. *See* 12 CFR 22.5 and 172.5 (OCC); 12 CFR 208.25(e) (Board); 12 CFR 339.5 (FDIC); 12 CFR 614.4935 (FCA); and 12 CFR 760.5 (NCUA).

''residence,'' or when a detached structure that was not initially a residence becomes a residence. Furthermore, the Agencies note that the statute applies the exemption to ''residential property.'' The Agencies specifically request comment on whether or how the Agencies should define ''residential property.'' For example, the term ''residential'' may refer not only to the type of property securing the loan, but also to the purpose of the loan. Thus, the Agencies could clarify that the exemption is only available if the detached structure does not secure a loan that is an extension of credit for a primarily business, commercial, or agricultural purpose.[25]

__.__ *Escrow requirement*

In General

Pursuant to section 102(d) of the FDPA (42 U.S.C. 4012a(d)), as amended by section 25 of HFIAA,[26] the Agencies are proposing to revise their regulations to require a regulated lending institution, or a servicer acting on behalf of a regulated lending institution, to escrow all premiums and fees for flood insurance required for loans secured by residential improved real estate or a mobile home unless the loan or the lending institution qualifies for one of the statutory exceptions.[27] In addition, these premiums and fees must be payable with the same frequency as payments on the loan are made for the duration of the loan.

Consistent with section 25(b) of HFIAA, the proposed provision applies to any loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016. The Agencies note that while section 25(b) of HFIAA applies the escrow requirement to loans ''originated, refinanced, increased, extended, or renewed,'' the Agencies are proposing regulatory language that applies the requirement to loans ''made, increased, extended, or renewed'' to be consistent with the way these triggering events are referenced elsewhere in the regulation.[28] The Agencies have long understood the term ''made'' to encompass both a loan origination and a loan refinance.

Section 102(d) of the FDPA, as amended by section 25 of HFIAA, contains several exceptions to the general escrow requirement. These exceptions are in addition to a small lender exception for certain regulated lending institutions that have total assets of less than $1 billion set forth in section 102(d) of the FDPA, as amended by section 100209 of Biggert-Waters, discussed below. One of these exceptions is for loans secured by residential improved real estate or a mobile home that is used as collateral for a business purpose. In implementing this exception, the Agencies are proposing that regulated lending institutions need not escrow flood insurance premiums and fees if they have determined that the loan is an extension of credit primarily for a business, commercial, or agricultural purpose. This is identical to language the Agencies initially proposed in the October 2013 Proposed Rule, which commenters to the October 2013 Proposed Rule supported. As discussed in the October 2013 Proposed Rule, the Agencies are proposing this language to be consistent with similar exceptions in the Real Estate Settlement Procedures Act of 1974 (RESPA)[29] and the Truth in Lending Act (TILA).[30] Moreover, the Agencies believe the proposed language further clarifies that the statutory language referring to business loans includes commercial loans and agricultural loans, which are a subset of business loans.

Section 102(d) of the FDPA, as amended by section 25 of HFIAA, also includes an exception for a loan in a junior or subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which flood insurance is being provided at the time of the origination of the loan. The Agencies are proposing language in their regulations similar to the language in the statute for this exception, with some changes to improve readability and clarity. The Agencies note that this statutory exception and the proposed regulation are broader than a similar exception the Agencies proposed in the October 2013 Proposed Rule, which would have only provided an exception when the lender has determined that the borrower is currently paying premiums and fees into an escrow account that has been established by another lender.

Furthermore, under the amended statute, loans secured by residential improved real estate or a mobile home that is part of a condominium, cooperative, or other project development are also excepted from the escrow requirements provided the property is covered by a flood insurance policy that: (i) Meets the mandatory flood insurance purchase requirement; (ii) is provided by the condominium association, cooperative, homeowners association or other applicable group; and (iii) the premium for which is paid by the condominium association, cooperative, homeowners association, or other applicable group as a common expense. The Agencies are proposing to implement this exception substantially as stated in the statute. The Agencies note that the October 2013 Proposed Rule proposed a similar, though differently worded, exception.

It is the Agencies' understanding that this proposed exception would include instances when the property is covered, by, for example, an NFIP Residential Condominium Building Association Policy (RCBAP) that meets the mandatory flood insurance purchase requirement, including coverage for the proper amount. As the Agencies discussed in the October 2013 Proposed Rule, if the amount of the policy purchased by the condominium association, cooperative, homeowners association, or other applicable group is insufficient to meet the mandatory flood insurance purchase requirement, the borrower would be required to obtain a supplemental policy to cover the

[25] In the October 2013 Proposed Rule, the Agencies proposed a technical amendment in this section to change the reference to the head of FEMA from Director to Administrator, consistent with the change in Biggert-Waters. That issue will be addressed in the final rule that will be published by the Agencies.

[26] As discussed above, the Agencies note that section 25(b)(3) of HFIAA provides that these new escrow requirements will not supersede the current escrow provisions during the period beginning on July 6, 2012 and ending on December 31, 2015. Therefore, as provided under section 25(b)(3) of HFIAA, the escrow requirements under section 102(d)(1) of the FDPA in effect on July 5, 2012 will continue to be enforced by the Agencies until December 31, 2015.

[27] As the Agencies noted in the October 2013 Proposed Rule, the CFPB's mortgage servicing rule promulgated escrow requirements set forth in section 6 of RESPA, which were enacted in the Dodd-Frank Act. The CFPB's rule excludes flood insurance that is required under the FDPA from the new escrow requirements. 78 FR 10696, 10880 (Feb. 14, 2013). That is, the CFPB rule exempts from the definition of force-placed insurance, insurance required by the FDPA. *Ibid.* The CFPB's rule requires a servicer to advance funds to a borrower's escrow account and to disburse such funds in a timely manner to pay the premium charge on a borrower's hazard insurance (unless the servicer has a reasonable basis to believe that a borrower's hazard insurance has been canceled or not renewed for reasons other than nonpayment of premium charges). Thus, even if a borrower were delinquent by more than 31 days, a servicer would be required under the CFPB's rule to advance funds to continue the borrower's hazard insurance policy. In promulgating this rule, the CFPB relied on its authority under section 19(a) of RESPA to prescribe such rules and to make such interpretations as may be necessary to achieve the consumer protection purposes of RESPA. The Agencies note that the Federal flood statutes do not contain a provision similar to the provision relied upon by the CFPB to require a servicer to advance funds to a borrower's escrow account.

[28] *See, e.g.,* 12 CFR 22.3(a) (OCC); 12 CFR 208.25(c)(1) (Board); 12 CFR 339.3(a) (FDIC); 12 CFR 614.4930(a) (FCA); and 12 CFR 760.3(a) (NCUA).

[29] *See* 12 U.S.C. 2606(a).

[30] *See* 15 U.S.C. 1603(1).

deficiency. The Agencies would expect that the regulated lending institution escrow the premiums and fees for the supplemental policy unless the small lender exception applies. For example, if a condominium association purchases an RCBAP or a private flood insurance policy for less than the amount of insurance required by the mandatory purchase requirement under the FDPA, the borrower would need to obtain a dwelling policy for supplemental coverage. If the borrower is required to obtain a dwelling policy at the time the loan is made, increased, extended, or renewed, under the proposed rule, the regulated lending institution would be required to escrow the premiums and fees for such policy.

Section 102(d) of the FDPA, as amended by section 25 of HFIAA, includes an exception from the escrow requirement for home equity lines of credit, which was an exception requested by many commenters to the October 2013 Proposed Rule. The Agencies are including this exception in the proposed rule.

Another exception included in section 102(d) of the FDPA, as amended by section 25 of HFIAA, is for nonperforming loans. The Agencies are proposing to implement this exception with a clarification that the exception is available for a nonperforming loan that is 90 or more days past due. Although there does not appear to be a standard definition for what constitutes a ''nonperforming'' loan, it is the Agencies' understanding that lenders generally categorize loans that are 90 or more days past due as nonperforming. Consequently, the Agencies believe the proposed clarification is consistent with many lenders' current practices and will ensure that all regulated lending institutions use the same standard in determining when a loan is nonperforming for purposes of this provision. The Agencies solicit comment on whether the Agencies' proposed definition of ''nonperforming'' loan is appropriate.

Finally, under section 102(d) of the FDPA, as amended by section 25 of HFIAA, a regulated lending institution need not escrow flood insurance payments and fees for a loan that has a term of not longer than 12 months. Several commenters to the October 2013 Proposed Rule requested an exception for loans with short maturities. The Agencies are proposing this exception as provided in the statute.

As mentioned above, section 102(d) of the FDPA, as amended by Biggert-Waters, also contains a small lender exception from the escrow requirement for certain regulated lending institutions that have total assets of less than $1 billion. The Agencies' proposal for this statutory exception is discussed further below.

Notice

In order to ensure that borrowers are informed about the requirement to escrow premiums and fees for mandatory flood insurance, the Agencies are proposing that regulated lending institutions provide borrowers with a written notice. This proposal is similar to the notice requirement proposed in the October 2013 Proposed Rule. As in the October 2013 Proposed Rule, the Agencies propose in this rulemaking to mandate that a regulated lending institution, or a servicer acting on its behalf, mail or deliver a written notice informing a borrower that it is required to escrow all premiums and fees for required flood insurance on residential improved real estate.

To minimize the burden to regulated lending institutions of providing this notice and to ensure that borrowers receive the notice at a time when they are considering the purchase of flood insurance, the proposal would require that a regulated lending institution, or a servicer acting on its behalf, provide a notice on the escrow requirement with, or in, a notice the lender is already required to provide: The Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance. The Agencies' current rules provide a sample form of this notice as Appendix A. Because the HFIAA amendments tie the escrow requirement to a triggering event (*i.e.,* when a loan is made, increased, extended, or renewed), borrowers already will be receiving the Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance, which is mandated by the Agencies' regulations, at the same time that the escrow of flood insurance premiums and fees will be required.

As in the October 2013 Proposed Rule, the Agencies are proposing model language for the escrow notice, as discussed in more detail in the **SUPPLEMENTARY INFORMATION** accompanying the discussion on proposed changes to Appendix A. Thus, under the proposed rule, regulated lending institutions would be required to use language substantially similar to model clauses on the escrow requirement in the revised sample notice provided in Appendix A.

HFIAA's application of the escrow requirement to loans upon a triggering event (*i.e.,* when a loan is made, increased, extended, or renewed) addresses comments the Agencies received in connection with the October 2013 Proposed Rule that discussed the timing of the escrow notice for outstanding loans. The Agencies received one comment to the October 2013 Proposed Rule, however, suggesting that electronic delivery of the notice be allowed. The Agencies note that written disclosures always may be provided to the consumer in electronic form, subject to compliance with the consumer consent and other applicable provisions of the Electronic Signatures in Global and National Commerce Act (E-Sign Act) (15 U.S.C. 7001, *et. seq.*).

Small Lender Exception

In addition to the exceptions to the escrow requirement discussed above, section 102(d) of the FDPA, as amended by section 100209 of Biggert-Waters, contains an exception for certain small lenders. As with the October 2013 Proposed Rule, the Agencies are proposing to implement this statutory exception to the escrow requirement substantially as provided in the statute with some clarifications. The statute states that, except as provided by State law, regulated lending institutions that have total assets of less than $1 billion are excepted from this escrow requirement if, on or before July 6, 2012, the institution: (i) In the case of a loan secured by residential improved real estate or a mobile home, was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of the loan; and (ii) did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for loans secured by residential improved real estate or a mobile home.

Because the statute does not specify a point in time to measure the asset size of an institution to determine whether such institution qualifies for the exception, the Agencies are proposing that a regulated lending institution may qualify for the exception if it has total assets of less than $1 billion as of December 31 of either of the two prior calendar years. This is identical to the proposal the Agencies put forth in the October 2013 Proposed Rule. Consequently, with the statutory effective date of January 1, 2016, regulated lending institutions with assets of $1 billion or more as of both December 31, 2014, and December 31, 2015, would not qualify for the exception. In contrast, a regulated lending institution with assets of less than $1 billion as of either December 31, 2014 or December 31, 2015, may qualify for the exception, provided the other conditions for the exception are met.

As the Agencies explained in the October 2013 Proposed Rule, this measurement method is similar to how the OCC, the Board, and the FDIC have measured asset size in relation to the definitions for small entities under the Community Reinvestment Act (CRA).[31] The Agencies believe the asset measurement method these agencies have used with respect to CRA is an appropriate model in this case as it ensures an institution remains over the size threshold for a substantial period before requiring the institution to expend the resources needed to establish a new escrow program.

Commenters to the October 2013 Proposed Rule were generally supportive of the Agencies' proposal on when and how to measure the asset size for purposes of the exception. A couple of commenters requested that the Agencies review other asset threshold exceptions, such as the CFPB escrow rules under Regulation Z for higher-priced mortgage loans,[32] which set the threshold for small creditors at $2 billion in assets (adjusted by the annual percentage change in the Consumer Price Index for Urban Wage Earners and Clerical Workers), and the CFPB's mortgage servicing rules under Regulation Z and Regulation X, which define a small servicer by the number of mortgages serviced.[33] The Agencies note that the $1 billion asset size threshold for the exception from the escrow requirements is specified in the FDPA, as amended, and the Agencies are therefore proposing the $1 billion asset size threshold consistent with the statute.

Moreover, as in the October 2013 Proposed Rule, the Agencies are proposing transition rules for a change in status of a regulated lending institution that may initially qualify for the exception, but later grows to exceed the $1 billion asset size threshold. As discussed in the October 2013 Proposed Rule, the Agencies propose to give regulated lending institutions approximately six months to begin complying with the escrow requirement, which is similar to the Board's Regulation II change in status rules.[34] Therefore, under the proposal, a regulated lending institution would be required to escrow flood insurance premiums and fees for any loans made, increased, extended, or renewed on or after July 1 of the succeeding calendar year after a regulated lending institution has a change in status.

For example, assume a regulated lending institution qualified for the exception in 2016, but had assets of $1 billion or more as of December 31, 2016, and December 31, 2017. In that case, under the proposal, such regulated lending institution would be required to begin escrowing for any loans made, increased, extended, or renewed on or after July 1, 2018.

As noted above, the statute provides that the small lender exception will be available only if, on or before July 6, 2012, the institution: (i) In the case of a loan secured by residential improved real estate or a mobile home, was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of the loan; and (ii) did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for loans secured by residential improved real estate or a mobile home.

Some commenters to the October 2013 Proposed Rule requested clarification on these conditions. In particular, one consumer group commenter asked whether having a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account meant that a lender must have had this policy for its entire portfolio of residential loans. The Agencies read the statutory condition to provide that if a regulated lending institution had a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for even a portion of its portfolio of residential loans, such a lender would not be eligible for the exception, consistent with the statutory language.

In light of this comment, the Agencies are proposing to clarify the statute by providing the exception is unavailable if either statutory condition applies to any residential loans originated by the lender on or before July 6, 2012. Therefore, if on or before July 6, 2012, the institution: (i) Was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of any loan secured by residential improved real estate or a mobile home; and (ii) did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for any loans secured by residential improved real estate or a mobile home, the institution may be eligible for the small lender exception provided it meets the size threshold.

Another individual commenter questioned the logic of tying the conditions to the lender's practice as of July 6, 2012. As noted above, this date is specified in the statute.

Option to Escrow

Section 25(b) of HFIAA requires regulated lending institutions to offer and make available to a borrower the option to escrow flood insurance premiums and fees for loans that are outstanding as of January 1, 2016. The Agencies are implementing this provision generally as provided in the statute with changes to the language for clarity and organization. In addition, the Agencies believe that for regulated lending institutions that have a change in status and no longer qualify for the small lender exception, the lender should be required to offer borrowers on existing loans the option to escrow because the lenders will now be in a position to escrow flood insurance premiums and fees for new borrowers.

For example, suppose a loan is made on March 1, 2016, by a regulated lending institution that qualifies for the exception for small lenders. If the lender then no longer qualifies for the exception for small lenders as of January 1, 2018, under the Agencies' proposal the lender would be required to escrow flood insurance premiums and fees for loans made, increased, extended, or renewed on or after July 1, 2018. The borrower of the loan made on March 1, 2016 would now have a lender that has the capability to escrow flood insurance premiums and fees on July 1, 2018. Consequently, the borrower for a loan made by a regulated lending institution with a change in status that no longer qualifies for the small lender exception should be provided with the option to escrow until the loan experiences a triggering event on or after July 1, 2018. Therefore, the Agencies are proposing to use their authority to implement the escrow requirement to mandate that regulated lending institutions that no longer qualify for the small lender exception should be required to provide the option to escrow for borrowers of loans outstanding on July 1 of the succeeding calendar year following the lender's change in status. The Agencies solicit comment on this approach.

In addition, the Agencies propose additional clarifications to provide more specific guidance to regulated lending institutions in administering this requirement. First, the statute requires that regulated lending institutions ''offer and make available'' the option to escrow flood insurance premiums and

[31] *See* 12 CFR 25.12(u); 12 CFR 195.12(u); 12 CFR 228.12(u); and 12 CFR 345.12(u).

[32] *See* 12 CFR 1026.35(b)(2)(iii)(C).

[33] *See* 12 CFR 1026.41(e)(4).

[34] *See* 12 CFR 235.5(a)(3).

fees. The Agencies are proposing to implement this provision by requiring that for outstanding loans, a lender, or its servicer, mail or deliver, or provide electronically if the borrower agrees, a notice informing borrowers of the option to escrow by March 31, 2016. For lenders that no longer qualify for the small lender exception, the Agencies are proposing that the notice informing borrowers of the option to escrow be provided by September 30 of the succeeding calendar year following the lender's change in status. The proposed timing of this notice would give regulated lending institutions up to three months to determine which loans are outstanding as of the designated day and to provide the notice for those loans. The Agencies solicit comment on whether the proposed timelines for providing the notice are appropriate. To facilitate compliance, the Agencies are proposing a model clause for this notice in Appendix B, as discussed in more detail below. The Agencies solicit comment on whether this model clause would be an effective way for regulated lending institutions to offer and make available to borrowers the option to escrow flood insurance premiums and fees.

The proposal would not require that the notice be provided in conjunction with any other disclosure or that it be segregated from other information provided to the borrower. As a result, under the proposed rule, regulated lending institutions may choose whether to provide the notice as a separate notice or add it to any other disclosures the lender provides the borrower on or before the proposed deadline, such as a periodic statement.

Second, the Agencies are proposing to require a lender or its servicer to begin escrowing premiums and fees for flood insurance as soon as reasonably practicable after the lender or servicer receives the borrower's request to escrow. The requirement is similar to requirements in Regulation E [35] and Regulation Z [36] regarding how soon a financial institution or credit card issuer must implement the revocation of an opt-in for overdraft services or an over-the-limit feature of a credit card, respectively. The Agencies request comment on whether any further guidance on this proposed requirement is needed.

__.__ Required use of standard flood hazard determination form

In connection with the amendment of section 102(c) of the FDPA by section 13 of HFIAA to exempt from the mandatory flood insurance purchase requirement any structure that is a part of a residential property but is detached from the primary residential structure of such property and does not serve as a residence, the Agencies are proposing an amendment to their regulations on the use of the standard flood hazard determination form. Specifically, the proposed amendment would clarify that a regulated lending institution need not perform a flood hazard determination for any properties or structures that are exempt from the mandatory flood insurance purchase requirement. Because flood insurance is not required on such properties and structures, determination of whether such properties or structures are located in an SFHA is unnecessary, which will, in turn, prevent borrowers being charged unnecessary flood hazard determination fees.

Appendices A & B

As discussed in the **SUPPLEMENTARY INFORMATION** accompanying the revisions to __.__ *Escrow requirement* above, the Agencies are proposing that regulated lending institutions mail or deliver a written notice informing borrowers about the requirement to escrow premiums and fees for required flood insurance. To facilitate compliance with the proposed notice requirement, the Agencies are proposing model language that may be included, if applicable, in the Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance as set forth in the sample form of notice contained in Appendix A.

Also, as discussed above, the Agencies are proposing that lenders must provide a notice of the option to escrow to borrowers of loans outstanding as of January 1, 2016, or July 1 of the succeeding calendar year after a lender no longer qualifies for the small lender exception as applicable. The Agencies are proposing an additional sample clause, Sample Clause for Option to Escrow for Outstanding Loans, as Appendix B to facilitate regulated lending institutions in complying with this proposed requirement.

V. Regulatory Analysis

Regulatory Flexibility Act

OCC: In general, the Regulatory Flexibility Act (RFA) requires that, in connection with a notice of proposed rulemaking, an agency prepare and make available for public comment an initial regulatory flexibility analysis that describes the impact of a proposed rule on small entities.[37] Under section 605(b) of the RFA, this analysis is not required if an agency certifies that the rule would not have a significant economic impact on a substantial number of small entities and publishes its certification and a short explanatory statement in the **Federal Register** along with its rule. We have concluded that the proposed rule does not have a significant economic impact on a substantial number of small entities supervised by the OCC.

The OCC currently supervises approximately 1,200 small national banks, Federal savings associations, trust companies, and Federal branches and agencies.[38] If implemented, the draft NPRM would impact approximately 1,149 of these small institutions.[39] Thus, the proposed rule impacts a substantial number of small banks. The OCC classifies the economic impact of total costs on a bank as significant if the total costs in a single year are greater than 5 percent of total salaries and benefits or greater than 2.5 percent of total non-interest expense. The OCC estimates that the average cost per small bank is approximately $6 thousand in 2015. Using this cost estimate, we believe the proposed rule will have a significant economic impact on two small banks, which is not a substantial number. Therefore, we believe the proposed rule will not have a significant economic impact on a substantial number of small entities.

Therefore, pursuant to section 605(b) of the RFA, the OCC hereby certifies that this proposal would not have a significant economic impact on a substantial number of small entities. Accordingly, an initial regulatory flexibility analysis is not required.

Board: The RFA requires an agency to publish an initial regulatory flexibility analysis with a proposed rule or certify that the proposed rule will not have a

[35] *See* 12 CFR 1005.17(f).

[36] *See* 12 CFR 1026.56(i).

[37] *See* 5 U.S.C. 601 *et seq.*

[38] We base our estimate of the number of active small entities on the SBA's size thresholds for commercial banks and savings institutions, and trust companies, which are $550 million and $38.5 million, respectively. Consistent with the General Principles of Affiliation 13 CFR 121.103(a), we count the assets of affiliated financial institutions when determining if we should classify a bank we supervise as a small entity. We use December 31, 2013, to determine size because a ''financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' See footnote 8 of the U.S. Small Business Administration's *Table of Size Standards.*

[39] To determine the number of banks that may be affected if the NPRM is implemented, we determined the number of banks that self-identified by reporting mortgage servicing assets or other activity associated with 1–4 family residential mortgage loans on the Q1 2014 Call Report or were identified by OCC examiners as a Home Mortgage Disclosure Act (HMDA) filer.

significant economic impact on a substantial number of small entities. The Board is publishing an initial regulatory flexibility analysis and requests public comment on all aspects of its analysis. The Board will conduct a final regulatory flexibility analysis after considering the comments received during the public comment period.

1. *Statement of the need for, and objectives of, the proposed rule.* The Board is proposing revisions to Regulation H to implement certain provisions of HFIAA over which the Agencies, including the Board, have jurisdiction. Consistent with HFIAA, the proposal would exempt any structure that is a part of residential property but is detached from the primary residential structure of such property and does not serve as a residence from the mandatory flood insurance purchase requirement.

The proposal would also implement the provisions in the FDPA, as amended by the Biggert-Waters Act and HFIAA, requiring a regulated lending institution (or its servicer) to escrow the premiums and fees for required flood insurance for any loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, unless the lender or the loan qualifies for exceptions set forth in the statute, including an exception for certain small lenders with assets less than $1 billion.

Furthermore, the proposal would implement the requirement in HFIAA that regulated lending institutions offer and make available to a borrower the option to escrow flood insurance premiums and fees for loans that are outstanding as of January 1, 2016. The proposal would also extend the requirement to offer and make available an option to escrow to a borrower when a regulated lending institution no longer qualifies for the exception for small lenders.

2. *Small entities affected by the proposed rule.* All State member banks that are subject to Regulation H would be subject to the proposed rule. As of October 21, 2014, there were 858 State member banks. Under regulations issued by the Small Business Administration (SBA), banks and other depository institutions with total assets of $550 million or less are considered small. Of the 858 State member banks subject to Regulation H, approximately 652 State member banks would be considered small entities by the SBA.

3. *Recordkeeping, reporting, and compliance requirements.* The proposed rule would provide an exemption from a requirement for certain detached structures, but would also impose new compliance requirements with the proposed escrow provisions. With respect to the proposed rules exempting certain detached structures from the mandatory flood insurance purchase requirement, the Board believes the rules will not have a significant impact on small entities. First, not all designated loans are secured by detached structures that are eligible for the exemption. The proposed rule would have no impact with respect to such loans. Second, for designated loans that are secured by detached structures eligible for the exemption, lenders, including small lenders, may choose to continue requiring flood insurance on such structures as they currently do even though the FDPA does not mandate it, as discussed above in the **SUPPLEMENTARY INFORMATION**. As a result, the proposed rule would not have any impact in such instances. If a lender does choose to exempt detached structures that secure a designated loan from the mandatory flood insurance purchase requirement, the Board expects that the impact would be minimal because these types of structures typically constitute a small portion of the collateral securing designated loans.

Furthermore, as discussed in detail above in the **SUPPLEMENTARY INFORMATION**, regulated lending institutions with total assets less than $1 billion would generally be excepted from the proposed rules implementing the escrow provisions of HFIAA. Therefore, the escrow provisions of the proposed rule generally would not affect small entities.

4. *Other Federal rules.* The Board has not identified any likely duplication, overlap and/or potential conflict between the proposed rule and any Federal rule.

5. *Significant alternatives to the proposed revisions.* The Board solicits comment on any significant alternatives that would reduce the regulatory burden associated with this proposed rule on small entities.

FDIC: The RFA generally requires that, in connection with a notice of proposed rulemaking, an agency prepare and make available for public comment an initial regulatory flexibility analysis that describes the impact of a proposed rule on small entities. A regulatory flexibility analysis is not required, however, if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (defined in regulations promulgated by the SBA to include banking organizations with total assets of less than or equal to $550 million) and publishes its certification and a short, explanatory statement in the **Federal Register** together with the rule. As of August 27, 2014, there were approximately 3,482 small FDIC-supervised banks which include 3,192 State nonmember banks and 241 State-chartered savings banks, and 49 savings associations.

It is the opinion of the FDIC that the proposed rule will not have a significant economic impact on a substantial number of the small entities, which the FDIC supervises. The FDPA, as amended by the Biggert Waters Act, provides that generally a depository institution with assets of less than $1 billion is not required to comply with the escrow requirement. As a result, due to this statutory exclusion, by law the escrow requirement cannot have a significant economic impact on a substantial number of small entities. For this reason, the FDIC certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities that it supervises.

FCA:

Pursuant to section 605(b) of the RFA, the FCA hereby certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Each of the banks in the Farm Credit System, considered together with its affiliated associations, has assets and annual income in excess of the amounts that would qualify them as small entities. Therefore, Farm Credit System institutions are not ''small entities'' as defined in the RFA.

NCUA:

The RFA requires NCUA to prepare an analysis to describe any significant economic impact a regulation may have on a substantial number of small entities.[40] For purposes of this analysis, NCUA considers small credit unions to be those having under $50 million in assets.[41] As of December 31, 2013, there are 4,295 small, federally insured credit unions, and only about 1,970 of these credit unions originate real estate loans. The proposed rule would require a credit union or servicer to escrow the premiums and fees for required flood insurance for any loans secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016. The proposed rule would implement additional exceptions from the escrow requirement, as amended by HFIAA.

[40] 5 U.S.C. 603(a).

[41] Interpretive Ruling and Policy Statement 03–2, 68 FR 31949 (May 29, 2003), as amended by Interpretative Ruling and Policy Statement 13–1, 78 FR 4032 (Jan. 18, 2013).

Under this proposed rule, credit unions with total assets less than $1 billion would generally be excepted from the escrow provisions. Therefore, the escrow provisions of the proposed rule would not affect small credit unions. NCUA finds that this proposed rule would affect relatively few federally insured, small credit unions and the associated cost is minimal. Accordingly, NCUA certifies that this rule will not have a significant economic impact on small entities.

Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*) requires certain agencies, including the OCC, to prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may 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 one year. If a budgetary impact statement is required, section 205 of UMRA also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule.

The OCC has estimated that the total cost associated with this NPRM, if implemented, would be approximately $33 million per year. However, pursuant to section 201 of the UMRA, a regulation does not impose a mandate to the extent it incorporates requirements ''specifically set forth in the law.'' Therefore, we exclude from our UMRA estimate costs specifically related to requirements set forth in Biggert-Waters and HFIAA, such as direct costs associated with establishing escrow accounts. Furthermore, under Title II of the UMRA, indirect costs, foregone revenues and opportunity costs are not included when determining if a mandate meets or exceeds UMRA's cost threshold. Therefore, based on these exclusions, our UMRA cost estimate for the NPRM, if implemented, is approximately $24 million.[42]

Accordingly, because the OCC has determined that this proposed rule would not result in expenditures by State, local, and tribal governments, or by the private sector, of $100 million or more, we have not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

[42] We note that our UMRA cost estimate for the October 2013 Proposed Rule was $0. We have reevaluated our impact of the escrow provision, as amended, in light of the public comments received in response to that proposal that described the anticipated costs associated with the escrow requirement.

Paperwork Reduction Act of 1995

The OCC, Board, FDIC, and NCUA (the PRA Agencies)[43] have determined that this proposed rule involves a collection of information pursuant to the provisions of the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501 *et seq.*).

In accordance with the PRA (44 U.S.C. 3506; 5 CFR 1320 Appendix A.1), the Board reviewed the proposed rule under the authority delegated to the Board by the Office of Management and Budget (OMB). The collection of information that is subject to the PRA by this proposed rule is found in 12 CFR 22.5, 208.25(e), 339.5, and 760.5. In addition, as permitted by the PRA, the Board also proposes to extend for three years its respective information collection.

The PRA Agencies may not conduct or sponsor, and an organization is not required to respond to, this information collection unless the information collection displays a currently valid OMB control number. The Board's OMB control number is 7100–0280. The FDIC, the NCUA, and the OCC will seek new OMB control numbers.

Biggert-Waters required escrow for all new and outstanding loans in a SFHA, unless certain exceptions applied. HFIAA added several new exceptions, and most notably, ties the escrow requirement to a tripwire event (the origination, refinance, increase, extension, or renewal of a loan on or after January 1, 2016). While a regulated lending institution is not required to escrow until a tripwire event occurs, such institution is still required to offer and make available the option to escrow for all outstanding designated loans. This requirement is identical to the prior PRA burden in the October 2013 Proposed Rule, which required an escrow notice for all outstanding designated loans. However, there may be fewer notices because of the additional exceptions under HFIAA. The PRA Agencies believe the paperwork burden estimates remain unchanged from the prior PRA burden estimated in the October 2013 Proposed Rule.[44]

This information collection is required to evidence compliance with the requirements of the Federal flood insurance statutes with respect to lenders and servicers. Because the PRA Agencies do not collect any information, no issue of confidentiality arises. The respondents are for-profit and non-profit financial institutions, including small businesses.

Entities subject to the PRA Agencies' existing flood insurance rules will have to review and revise disclosures that are currently provided to ensure that such disclosures accurately reflect the disclosure requirements in this proposed rule. Entities subject to the rule may also need to develop new disclosures to meet the proposed rule's timing requirements.

The total estimated burden represents averages for all respondents regulated by the PRA Agencies. The PRA Agencies expect that the amount of time required to implement each of the proposed changes for a given institution may vary based on the size and complexity of the respondent.

The PRA Agencies estimate that respondents would take, on average, 40 hours to update their systems in order to comply with the disclosure requirements and the one-time escrow notice under the proposed rule. In an effort to minimize the compliance cost and burden, particularly for small entities that do not meet the requirement for the statutory exception, the proposed rule contains model disclosures in Appendices A and B that may be used to satisfy the requirements.

Burden Estimates

OCC:

Number of Respondents: 1,550.

Burden for Existing Recordkeeping Requirements: 196,907 hours.

Burden for Existing Disclosure Requirements: 244,208 hours.

Burden for Proposed Rule: 62,000 hours.

Total Burden for Collection: 503,115 hours.

Board:

Number of Respondents: 843.

Burden for Existing Recordkeeping Requirements: 14,191 hours.

Burden for Existing Disclosure Requirements: 17,632 hours.

Burden for Proposed Rule: 33,720 hours.

Total Burden for Collection: 65,543 hours.

FDIC:

Number of Respondents: 4,421.

Burden for Existing Recordkeeping Requirements: 61,894 hours.

Burden for Existing Disclosure Requirements: 76,999 hours.

Burden for Proposed Rule: 176,840 hours.

[43] The FCA has determined that the proposed rule does not involve a collection of information pursuant to the PRA for System institutions because System institutions are Federally chartered instrumentalities of the United States and instrumentalities of the United States are specifically excepted from the definition of ''collection of information'' contained in 44 U.S.C. 3502(3).

[44] OCC's and NCUA's burden estimates have been slightly adjusted from the October 2013 Proposed Rule.

Total Burden for Collection: 315,733 hours.

NCUA:

Number of Respondents: 4,192.

Burden for Existing Recordkeeping Requirements: 57,236.52 hours.

Burden for Existing Disclosure Requirements: 70,981.02 hours.

Burden for Proposed Rule: 167,680 hours.

Total Burden for Collection: 295,897.54 hours.

These collections are available to the public at *www.reginfo.gov.*

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the PRA Agencies' functions; including whether the information has practical utility; (2) the accuracy of the PRA Agencies' estimate of the burden of the proposed information collection, including the cost of compliance; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments on the collection of information should be sent to:

OCC: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–ESCROW, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Board: Cynthia Ayouch, Federal Reserve Clearance Officer, Office of the Chief Data Officer, Mail Stop 95, Board of Governors of the Federal Reserve System, Washington, DC 20551, with copies of such comments sent to the Office of Management and Budget, Paperwork Reduction Project (7100–0280), Washington, DC 20503.

FDIC: You may submit comments, which should refer to ''Interagency Flood Insurance, 3064–ESCROW'' by any of the following methods:

- *Agency Web site: http://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the FDIC Web site.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: comments@FDIC.gov.* Include ''Interagency Flood Insurance, 3064–ESCROW'' in the subject line of the message.
- *Mail:* Gary A. Kuiper, Counsel, Attn: Comments, Room NYA–5046, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.

Public Inspection: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/* including any personal information provided.

NCUA: Tracy Crews, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–837–2861, Email: *OCIOPRA@ncua.gov.*

Additionally, commenters may send a copy of their comments to the OMB desk officer for the PRA Agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503; by fax to (202) 395–6974; or by email to *oira_submission@omb.eop.gov.*

List of Subjects

12 CFR Part 22

Flood insurance, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 172

Flood insurance, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 208

Accounting, Agriculture, Banks, banking, Confidential business information, Crime, Currency, Federal Reserve System, Flood insurance, Mortgages, Reporting and recordkeeping requirements, Securities.

12 CFR Part 339

Flood insurance, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 614

Agriculture, Banks, banking, Flood insurance, Foreign trade, Reporting and recordkeeping requirements, Rural areas.

12 CFR Part 760

Credit unions, Mortgages, Flood insurance, Reporting and Recordkeeping requirements.

Office of the Comptroller of the Currency

12 CFR CHAPTER I

Authority and Issuance

For the reasons set forth in the joint preamble and under the authority of 12 U.S.C. 93a, chapter I of title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 22—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

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

Authority: 12 U.S.C. 93a, 1462a, 1463, 1464, and 5412(b)(2)(B); 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

■ 2. Revise § 22.4 to read as follows:

§ 22.4 Exemptions.

The flood insurance requirement prescribed by § 22.3, with respect to national banks, and § 172.3, with respect to Federal savings associations, does not apply with respect to:

(a) Any State-owned property covered under a policy of self-insurance satisfactory to the Administrator of FEMA, who publishes and periodically revises the list of States falling within this exemption;

(b) Property securing any loan with an original principal balance of $5,000 or less and a repayment term of one year or less; or

(c) Any structure that is a part of any residential property but is detached from the primary residential structure of such property and does not serve as a residence.

■ 3. Revise § 22.5 to read as follows:

§ 22.5 Escrow requirement.

(a) *In general*—(1) *Applicability.* Except as provided in paragraph (a)(2) or (c) of this section, a national bank or Federal savings association, or a servicer acting on its behalf, shall require the

escrow of all premiums and fees for any flood insurance required under § 22.3, with respect to national banks, or § 172.3, with respect to Federal savings associations, for any loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, payable with the same frequency as payments on the loan are made for the duration of the loan.

(2) *Exceptions.* Paragraph (a)(1) of this section does not apply if:

(i) The loan is an extension of credit primarily for business, commercial, or agricultural purposes;

(ii) The loan is in a subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which the borrower has obtained flood insurance coverage that meets the requirements of § 22.3, with respect to national banks, or § 172.3, with respect to Federal savings associations;

(iii) Flood insurance coverage for the residential improved real estate or mobile home is provided by a policy that:

(A) Meets the requirements of § 22.3, with respect to national banks or § 172.3, with respect to Federal savings associations;

(B) Is provided by a condominium association, cooperative, homeowners association, or other applicable group; and

(C) The premium for which is paid by the condominium association, cooperative, homeowners association, or other applicable group as a common expense;

(iv) The loan is a home equity line of credit;

(v) The loan is a nonperforming loan that is 90 or more days past due; or

(vi) The loan has a term of not longer than 12 months.

(3) *Escrow account.* The national bank or Federal savings association, or a servicer acting on its behalf, shall deposit the flood insurance premiums and fees on behalf of the borrower in an escrow account. This escrow account will be subject to escrow requirements adopted pursuant to section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) (RESPA), which generally limits the amount that may be maintained in escrow accounts for certain types of loans and requires escrow account statements for those accounts, only if the loan is otherwise subject to RESPA. Following receipt of a notice from the Administrator of FEMA or other provider of flood insurance that premiums are due, the national bank or Federal savings association, or a servicer acting on its behalf, shall pay the amount owed to the insurance provider from the escrow account by the date when such premiums are due.

(b) *Notice.* For any loan for which a national bank or Federal savings association is required to escrow under paragraph (a)(1) or of this section, the national bank or Federal savings association, or a servicer acting on its behalf, shall mail or deliver a written notice with the notice provided under § 22.9, with respect to national banks, or § 172.9, with respect to Federal savings associations, informing the borrower that the national bank or Federal savings association is required to escrow all premiums and fees for required flood insurance, using language that is substantially similar to model clauses on the escrow requirement in appendix A.

(c) *Small lender exception*—(1) *Qualification.* Except as may be required under applicable State law, paragraphs (a), (b), and (d) of this section do not apply to a national bank or Federal savings association:

(i) That has total assets of less than $1 billion as of December 31 of either of the two prior calendar years; and

(ii) On or before July 6, 2012:

(A) Was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of any loan secured by residential improved real estate or a mobile home; and

(B) Did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for any loans secured by residential improved real estate or a mobile home.

(2) *Change in status.* If a national bank or Federal savings association previously qualified for the exception in paragraph (c)(1) of this section, but no longer qualifies for the exception because it had assets of $1 billion or more for two consecutive calendar year ends, the national bank or Federal savings association must escrow premiums and fees for flood insurance pursuant to paragraph (a) of this section for any designated loan made, increased, extended, or renewed on or after July 1 of the succeeding calendar year.

(d) *Option to escrow*—(1) *In general.* Except as provided in paragraph (a)(2) or (c) of this section, a national bank or Federal savings association, or a servicer acting on its behalf, shall offer and make available to the borrower the option to escrow all premiums and fees for any flood insurance required under § 22.3 of this section, with respect to national banks, or § 172.3 with respect to Federal savings associations, for any loan secured by residential improved real estate or a mobile home that is outstanding on January 1, 2016, or July 1 of the calendar year succeeding the calendar year the national bank or Federal savings association has a change in status pursuant to paragraph (c)(2) of this section until the national bank or Federal savings association is required to escrow pursuant to paragraph (a) of this section.

(2) *Notice.* For any loan subject to paragraph (d)(1) of this section, the national bank or Federal savings association, or a servicer acting on its behalf, shall mail or deliver to the borrower no later than March 31, 2016, or September 30 of the calendar year succeeding the calendar year the national bank or Federal savings association has a change in status pursuant to paragraph (c)(2) of this section, a notice in writing, or if the borrower agrees, electronically, informing the borrower of the option to escrow all premiums and fees for any required flood insurance and the method(s) by which the borrower may request the escrow, using language similar to the model clauses in appendix B.

(3) *Timing.* The national bank or Federal savings association or servicer must begin escrowing premiums and fees for flood insurance as soon as reasonably practicable after the national bank or Federal savings association or servicer receives the borrower's request to escrow.

■ 4. Revise § 22.6 to read as follows:

§ 22.6 Required use of standard flood hazard determination form.

(a) *Use of form.* Except for properties or structures that are exempt under § 22.4, a national bank or Federal savings association shall use the standard flood hazard determination form developed by the Administrator of FEMA when determining whether the building or mobile home offered as collateral security for a loan is or will be located in a special flood hazard area in which flood insurance is available under the Act. The standard flood hazard determination form may be used in a printed, computerized, or electronic manner. A national bank or Federal savings association may obtain the standard flood hazard determination form from FEMA's Web site at *www.fema.gov.*

(b) *Retention of form.* A national bank or Federal savings association shall retain a copy of the completed standard flood hazard determination form, in

either hard copy or electronic form, for the period of time the national bank or Federal savings association owns the loan.

■ 5. Revise Appendix A to Part 22 to read as follows:

Appendix A to Part 22—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Administrator of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's *Flood Insurance Rate Map* or the *Flood Hazard Boundary Map* for the following community: _____. This area has a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Administrator of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

____ The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

• At a minimum, flood insurance purchased must cover *the lesser of:*

(1) The outstanding principal balance of the loan; *or*

(2) the maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the building or mobile home and any personal property that secures your loan and not the land itself.

• Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.

Availability of Private Flood Insurance Coverage

Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP may be available from private insurers that do not participate in the NFIP. You should compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and ask an insurance agent as to the availability, cost, and comparisons of flood insurance coverage.

[Escrow Requirement for Residential Loans

Federal law requires a lender or its servicer to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. These premiums and fees must be paid to the lender or its servicer with the same frequency as your loan payments for the duration of your loan and will be deposited in an escrow account on your behalf to be paid to the flood insurance provider. Upon receipt of a notice from the flood insurance provider that the premiums are due, the premiums shall be paid from the escrow account to the insurance provider.]

_____ Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the non-participating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally declared flood disaster.

■ 6. Add Appendix B to part 22 to read as follows:

Appendix B to Part 22—Sample Clause for Option To Escrow for Outstanding Loans

Escrow Option Clause

You have the option to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. If you choose this option, your payments will be deposited in an escrow account to be paid to the flood insurance provider. The escrow amount for flood insurance will be added to your existing periodic mortgage payment. The payments you make into the escrow account will accumulate over time and the funds will be used to pay your flood insurance policy upon receipt of a notice from the flood insurance provider that the flood insurance premium is due. To choose this option, follow the instructions below. If you have any questions about the option, contact [Insert Name of Lender or Servicer] at [Insert Contact Information].

[Instructions for Selecting to Escrow]

PART 172—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

■ 7. The authority citation for part 172 continues to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464 and 42 U.S.C. 4012a, 4104a, 4104b, 4106, 4128 and 5412(b)(2)(B).

■ 8. Revise § 172.4 to read as follows:

§ 172.4 Exemptions.

Exemptions to the flood insurance requirement prescribed by § 172.3 are set forth at 12 CFR 22.3.

■ 9. Revise § 172.5 to read as follows:

§ 172.5 Escrow requirement.

Requirements for the escrow of all premiums and fees for any flood insurance required under § 172.3 are set forth at 12 CFR 22.5.

■ 10. Revise § 172.6 to read as follows:

§ 172.6 Required use of standard flood hazard determination form.

Requirements for the use the standard flood hazard determination form are set forth at 12 CFR 22.6.

§ 172.9 [Amended]

■ 11. Section § 172.9 is amended by removing ''this part'' each time it appears in paragraph (f) and adding in its place ''12 CFR part 22''.

■ 12. Revise appendix A to part 172 to read as follows:

Appendix A to Part 172—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

The Sample Form of Notice of Special Flood hazards and Availability of Federal Disaster Relief Assistance is set forth in Appendix A to 12 CFR part 22.

Federal Reserve System

12 CFR CHAPTER II

Authority and Issuance

For the reasons set forth in the joint preamble, part 208 of chapter II of title 12 of the Code of Federal Regulations is proposed to be amended as set forth below:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

■ 13. The authority citation for part 208 continues to read as follows:

Authority: 12 U.S.C. 36, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1823(j), 1828(o), 1831o, 1831p–1, 3105, 3310, 3331–3351, and 3906–3909; 15 U.S.C. 78b, 781(b), 781(g), 781(i), 78o–4(c)(5), 78q, 78q–1, and 78w; 31 U.S.C. 5318; 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

■ 14. Amend § 208.25 by revising paragraphs (d), (e), and (f), revising appendix A to § 208.25, and adding appendix B to § 208.25 to read as follows:

§ 208.25 Loans in areas having special flood hazards.

* * * * *

(d) *Exemptions.* The flood insurance requirement prescribed by paragraph (c) of this section does not apply with respect to:

(1) Any State-owned property covered under a policy of self-insurance satisfactory to the Administrator of FEMA, who publishes and periodically revises the list of States falling within this exemption;

(2) Property securing any loan with an original principal balance of $5,000 or less and a repayment term of one year or less; or

(3) Any structure that is a part of any residential property but is detached from the primary residential structure of such property and does not serve as a residence.

(e) *Escrow requirement*—(1) *In general*—(i) *Applicability.* Except as provided in paragraph (e)(1)(ii) or (e)(3) of this section, a member bank, or a servicer acting on its behalf, shall require the escrow of all premiums and fees for any flood insurance required under paragraph (c) of this section for any loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, payable with the same frequency as payments on the loan are made for the duration of the loan.

(ii) *Exceptions.* Paragraph (e)(1)(i) of this section does not apply if:

(A) The loan is an extension of credit primarily for business, commercial, or agricultural purposes;

(B) The loan is in a subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which the borrower has obtained flood insurance coverage that meets the requirements of paragraph (c) of this section;

(C) Flood insurance coverage for the residential improved real estate or mobile home is provided by a policy that:

(*1*) Meets the requirements of paragraph (c) of this section;

(*2*) Is provided by a condominium association, cooperative, homeowners association, or other applicable group; and

(*3*) The premium for which is paid by the condominium association, cooperative, homeowners association, or other applicable group as a common expense;

(D) The loan is a home equity line of credit;

(E) The loan is a nonperforming loan that is 90 or more days past due; or

(F) The loan has a term of not longer than 12 months.

(iii) *Escrow account.* The member bank, or a servicer acting on its behalf, shall deposit the flood insurance premiums and fees on behalf of the borrower in an escrow account. This escrow account will be subject to escrow requirements adopted pursuant to section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) (RESPA), which generally limits the amount that may be maintained in escrow accounts for certain types of loans and requires escrow account statements for those accounts, only if the loan is otherwise subject to RESPA. Following receipt of a notice from the Administrator of FEMA or other provider of flood insurance that premiums are due, the member bank, or a servicer acting on its behalf, shall pay the amount owed to the insurance provider from the escrow account by the date when such premiums are due.

(2) *Notice.* For any loan for which a member bank is required to escrow under paragraph (e)(1) or (e)(3)(ii) of this section, the member bank, or a servicer acting on its behalf, shall mail or deliver a written notice with the notice provided under paragraph (i) of this section informing the borrower that the member bank is required to escrow all premiums and fees for required flood insurance, using language that is substantially similar to model clauses on the escrow requirement in appendix A.

(3) *Small lender exception*—(i) *Qualification.* Except as may be required under applicable State law, paragraphs (e)(1), (2), and (4) of this section do not apply to a member bank:

(A) That has total assets of less than $1 billion as of December 31 of either of the two prior calendar years; and

(B) On or before July 6, 2012:

(*1*) Was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of any loan secured by residential improved real estate or a mobile home; and

(*2*) Did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for any loans secured by residential improved real estate or a mobile home.

(ii) *Change in status.* If a member bank previously qualified for the exception in paragraph (e)(3)(i) of this section, but no longer qualifies for the exception because it had assets of $1 billion or more for two consecutive calendar year ends, the member bank must escrow premiums and fees for flood insurance pursuant to paragraph (e)(1) of this section for any designated loan made, increased, extended, or renewed on or after July 1 of the succeeding calendar year.

(4) *Option to escrow*—(i) *In general.* Except as provided in paragraph (e)(1)(ii) or (e)(3) of this section, a member bank, or a servicer acting on its behalf, shall offer and make available to the borrower the option to escrow all premiums and fees for any flood insurance required under paragraph (c) of this section for any loan secured by residential improved real estate or a mobile home that is outstanding on January 1, 2016, or July 1 of the calendar year succeeding the calendar year the member bank has a change in status pursuant to paragraph (e)(3)(ii) of this section until the member bank is required to escrow pursuant to paragraph (e)(1) of this section.

(ii) *Notice.* For any loan subject to paragraph (e)(4)(i) of this section, the member bank, or a servicer acting on its behalf, shall mail or deliver to the borrower no later than March 31, 2016, or September 30 of the calendar year succeeding the calendar year the member bank has a change in status pursuant to paragraph (e)(3)(ii) of this section, a notice in writing, or if the borrower agrees, electronically, informing the borrower of the option to escrow all premiums and fees for any required flood insurance and the method(s) by which the borrower may request the escrow, using language similar to the model clauses in appendix B.

(iii) *Timing.* The member bank or servicer must begin escrowing premiums and fees for flood insurance as soon as reasonably practicable after the member bank or servicer receives the borrower's request to escrow.

(f) *Required use of standard flood hazard determination form*—(1) *Use of form.* Except for properties or structures that are exempt under paragraph (d) of this section, a state member bank shall use the standard flood hazard determination form developed by the Administrator of FEMA when determining whether the building or mobile home offered as collateral security for a loan is or will be located in a special flood hazard area in which flood insurance is available under the Act. The standard flood hazard determination form may be used in a printed, computerized, or electronic manner. A state member bank may obtain the standard flood hazard determination form from FEMA's Web site at *www.fema.gov.*

(2) *Retention of form.* A state member bank shall retain a copy of the completed standard flood hazard determination form, in either hard copy or electronic form, for the period of time the state member bank owns the loan.

* * * * *

Appendix A to § 208.25—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Administrator of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's *Flood Insurance Rate Map* or the *Flood Hazard Boundary Map* for the following community:_____. This area has a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Administrator of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

____ The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

• At a minimum, flood insurance purchased must cover *the lesser of:*

(1) The outstanding principal balance of the loan; *or*

(2) the maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the building or mobile home and any personal property that secures your loan and not the land itself.

• Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.

Availability of Private Flood Insurance Coverage

Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP may be available from private insurers that do not participate in the NFIP. You should compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and ask an insurance agent as to the availability, cost, and comparisons of flood insurance coverage.

[Escrow Requirement for Residential Loans

Federal law requires a lender or its servicer to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. These premiums and fees must be paid to the lender or its servicer with the same frequency as your loan payments for the duration of your loan and will be deposited in an escrow account on your behalf to be paid to the flood insurance provider. Upon receipt of a notice from the flood insurance provider that the premiums are due, the premiums shall be paid from the escrow account to the insurance provider.]

____ Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the non-participating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally declared flood disaster.

Appendix B to § 208.25—Sample Clause for Option To Escrow for Outstanding Loans

Escrow Option Clause

You have the option to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. If you choose this option, your payments will be deposited in an escrow account to be paid to the flood insurance provider. The escrow amount for flood insurance will be added to your existing periodic mortgage payment. The payments you make into the escrow account will accumulate over time and the funds will be used to pay your flood insurance policy upon receipt of a notice from the flood insurance provider that the flood insurance premium is due. To choose this option, follow the instructions below. If you have any questions about the option, contact [Insert Name of Lender or Servicer] at [Insert Contact Information].

[Instructions for Selecting to Escrow]

Federal Deposit Insurance Corporation

12 CFR CHAPTER III

Authority and Issuance

For the reasons set forth in the joint preamble, the Board of Directors of the FDIC proposes to amend part 339 of chapter III of title 12 of the Code of Federal Regulations as follows:

PART 339—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

■ 15. The authority citation for part 339 is revised to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1819 (Tenth), 5412(b)(2)(C) and 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

■ 16. In § 339.4, add paragraph (c) to read as follows:

§ 339.4 Exemptions.

* * * * *

(c) Any structure that is a part of any residential property but is detached from the primary residential structure of such property and does not serve as a residence.

■ 17. Revise § 339.5 to read as follows:

§ 339.5 Escrow requirement.

(a) *In general*—(1) *Applicability.* Except as provided in paragraph (a)(2) or (c) of this section, an FDIC-supervised institution, or a servicer acting on its behalf, shall require the escrow of all premiums and fees for any flood insurance required under § 339.3(a) for any loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, payable with the same frequency as payments on the loan are made for the duration of the loan.

(2) *Exceptions.* Paragraph (a)(1) of this section does not apply if:

(i) The loan is an extension of credit primarily for business, commercial, or agricultural purposes;

(ii) The loan is in a subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which the borrower has obtained flood insurance coverage that meets the requirements of § 339.3(a);

(iii) Flood insurance coverage for the residential improved real estate or mobile home is provided by a policy that:

(A) Meets the requirements of § 339.3(a);

(B) Is provided by a condominium association, cooperative, homeowners association, or other applicable group; and

(C) The premium for which is paid by the condominium association,

cooperative, homeowners association, or other applicable group as a common expense;

(iv) The loan is a home equity line of credit;

(v) The loan is a nonperforming loan that is 90 or more days past due; or

(vi) The loan has a term of not longer than 12 months.

(3) *Escrow account.* The FDIC-supervised institution, or a servicer acting on its behalf, shall deposit the flood insurance premiums and fees on behalf of the borrower in an escrow account. This escrow account will be subject to escrow requirements adopted pursuant to section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) (RESPA), which generally limits the amount that may be maintained in escrow accounts for certain types of loans and requires escrow account statements for those accounts, only if the loan is otherwise subject to RESPA. Following receipt of a notice from the Administrator of FEMA or other provider of flood insurance that premiums are due, the FDIC-supervised institution, or a servicer acting on its behalf, shall pay the amount owed to the insurance provider from the escrow account by the date when such premiums are due.

(b) *Notice.* For any loan for which an FDIC-supervised institution is required to escrow under paragraph (a) of this section or paragraph (c)(2) of this section, the FDIC-supervised institution, or a servicer acting on its behalf, shall mail or deliver a written notice with the notice provided under § 339.9 informing the borrower that the FDIC-supervised institution is required to escrow all premiums and fees for required flood insurance, using language that is substantially similar to model clauses on the escrow requirement in appendix A.

(c) *Small lender exception*—(1) *Qualification.* Except as may be required under applicable State law, paragraphs (a), (b), and (d) of this section do not apply to an FDIC-supervised institution:

(i) That has total assets of less than $1 billion as of December 31 of either of the two prior calendar years; and

(ii) On or before July 6, 2012:

(A) Was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of any loan secured by residential improved real estate or a mobile home; and

(B) Did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for any loans secured by residential improved real estate or a mobile home.

(2) *Change in status.* If an FDIC-supervised institution previously qualified for the exception in paragraph (c)(1) of this section, but no longer qualifies for the exception because it had assets of $1 billion or more for two consecutive calendar year ends, the FDIC-supervised institution must escrow premiums and fees for flood insurance pursuant to paragraph (a) for any designated loan made, increased, extended, or renewed on or after July 1 of the succeeding calendar year.

(d) *Option to escrow*—(1) *In general.* Except as provided in paragraphs (a)(2) or (c) of this section, an FDIC-supervised institution, or a servicer acting on its behalf, shall offer and make available to the borrower the option to escrow all premiums and fees for any flood insurance required under § 339.3 for any loan secured by residential improved real estate or a mobile home that is outstanding on January 1, 2016, or July 1 of the calendar year succeeding the calendar year the FDIC-supervised institution has a change in status pursuant to paragraph (c)(2) of this section until the FDIC-supervised institution is required to escrow pursuant to paragraph (a) of this section.

(2) *Notice.* For any loan subject to paragraph (d) of this section, the FDIC-supervised institution, or a servicer acting on its behalf, shall mail or deliver to the borrower no later than March 31, 2016, or September 30 of the calendar year succeeding the calendar year the FDIC-supervised institution has a change in status pursuant to paragraph (c)(2) of this section, a notice in writing, or if the borrower agrees, electronically, informing the borrower of the option to escrow all premiums and fees for any required flood insurance and the method(s) by which the borrower may request the escrow, using language similar to the model clauses in appendix B.

(3) *Timing.* The FDIC-supervised institution or servicer must begin escrowing premiums and fees for flood insurance as soon as reasonably practicable after the FDIC-supervised institution or servicer receives the borrower's request to escrow.

■ 18. Revise § 339.6 to read as follows:

§ 339.6 Required use of standard flood hazard determination form.

(a) *Use of form.* Except for properties or structures that are exempt under § 339.4, an FDIC-supervised institution shall use the standard flood hazard determination form developed by the Administrator of FEMA when determining whether the building or mobile home offered as collateral security for a loan is or will be located in a special flood hazard area in which flood insurance is available under the Act. The standard flood hazard determination form may be used in a printed, computerized, or electronic manner. An FDIC-supervised institution may obtain the standard flood hazard determination form from FEMA's Web site at *www.fema.gov.*

(b) *Retention of form.* An FDIC-supervised institution shall retain a copy of the completed standard flood hazard determination form, in either hard copy or electronic form, for the period of time the FDIC-supervised institution owns the loan.

■ 19. Revise appendix A to part 339 to read as follows:

Appendix A to Part 339—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Administrator of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's *Flood Insurance Rate Map* or the *Flood Hazard Boundary Map* for the following community: _____. This area has a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Administrator of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

____ The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

• At a minimum, flood insurance purchased must cover *the lesser of:*

(1) The outstanding principal balance of the loan; *or*

(2) the maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the building or mobile home and any personal property that secures your loan and not the land itself.

• Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.

Availability of Private Flood Insurance Coverage

Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP may be available from private insurers that do not participate in the NFIP. You should compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and ask an insurance agent as to the availability, cost, and comparisons of flood insurance coverage.

[Escrow Requirement for Residential Loans

Federal law requires a lender or its servicer to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. These premiums and fees must be paid to the lender or its servicer with the same frequency as your loan payments for the duration of your loan and will be deposited in an escrow account on your behalf to be paid to the flood insurance provider. Upon receipt of a notice from the flood insurance provider that the premiums are due, the premiums shall be paid from the escrow account to the insurance provider.]

____ Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the non-participating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally declared flood disaster.

■ 20. Add appendix B to part 339 to read as follows:

Appendix B to Part 339—Sample Clause for Option To Escrow for Outstanding Loans

Escrow Option Clause

You have the option to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. If you choose this option, your payments will be deposited in an escrow account to be paid to the flood insurance provider. The escrow amount for flood insurance will be added to your existing periodic mortgage payment. The payments you make into the escrow account will accumulate over time and the funds will be used to pay your flood insurance policy upon receipt of a notice from the flood insurance provider that the flood insurance premium is due. To choose this option, follow the instructions below. If you have any questions about the option, contact [Insert Name of Lender or Servicer] at [Insert Contact Information].

[Instructions for Selecting to Escrow]

Farm Credit Administration

12 CFR CHAPTER VI

Authority and Issuance

For the reasons stated in the preamble, part 614 of chapter VI, title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 614—LOAN POLICIES AND OPERATIONS

■ 21. The authority citation for part 614 continues to read as follows:

Authority: 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128; secs. 1.3, 1.5, 1.6, 1.7, 1.9, 1.10, 2.0, 2.2, 2.3, 2.4, 2.10, 2.12, 2.13, 2.15, 3.0, 3.1, 3.3, 3.7, 3.8, 3.10, 3.20, 3.28, 4.12, 4.12A, 4.13, 4.13B, 4.14, 4.14A, 4.14C, 4.14D, 4.14E, 4.18, 4.19, 4.36, 4.37, 5.9, 5.10, 5.17, 7.0, 7.2, 7.6, 7.7, 7.8, 7.12, 7.13, 8.0, 8.5 of the Farm Credit Act (12 U.S.C. 2011, 2013, 2014, 2015, 2017, 2018, 2071, 2073, 2074, 2075, 2091, 2093, 2094, 2096, 2121, 2122, 2124, 2128, 2129, 2131, 2141, 2149, 2183, 2184, 2199, 2201, 2202, 2202a, 2202c, 2202d, 2202e, 2206, 2207, 2219a, 2219b, 2243, 2244, 2252, 2279a, 2279a–2, 2279b, 2279b–1, 2279b–2, 2279f, 2279f–1, 2279aa, 2279aa–5); sec. 413 of Pub. L. 100–233, 101 Stat. 1568, 1639.

■ 22. Amend § 614.4930 by adding paragraph (c)(3) to read as follows:

§ 614.4930 Requirement to purchase flood insurance where available.

* * * * *

(c) * * *

(3) Any structure that is a part of any residential property but is detached from the primary residential structure of such property and does not serve as a residence.

■ 23. Revise § 614.4935 to read as follows:

§ 614.4935 Escrow requirement.

(a) *In general*—(1) *Applicability.* Except as provided in paragraph (a)(2) or (c) of this section, a System institution, or a servicer acting on its behalf, shall require the escrow of all premiums and fees for any flood insurance required under § 614.4930 for any loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, payable with the same frequency as payments on the loan are made for the duration of the loan.

(2) *Exceptions.* Paragraph (a)(1) of this section does not apply if:

(i) The loan is an extension of credit primarily for business, commercial, or agricultural purposes;

(ii) The loan is in a subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which the borrower has obtained flood insurance coverage that meets the requirements of § 614.4930;

(iii) Flood insurance coverage for the residential improved real estate or mobile home is provided by a policy that:

(A) Meets the requirements of § 614.4930;

(B) Is provided by a condominium association, cooperative, homeowners association, or other applicable group; and

(C) The premium for which is paid by the condominium association, cooperative, homeowners association, or other applicable group as a common expense;

(iv) The loan is a home equity line of credit;

(v) The loan is a nonperforming loan that is 90 or more days past due; or

(vi) The loan has a term of not longer than 12 months.

(3) *Escrow account.* The System institution, or a servicer acting on its behalf, shall deposit the flood insurance premiums and fees on behalf of the borrower in an escrow account. This escrow account will be subject to escrow requirements adopted pursuant to section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) (RESPA), which generally limits the amount that may be maintained in escrow accounts for certain types of loans and requires escrow account statements for those accounts, only if the loan is otherwise subject to RESPA. Following receipt of a notice from the Administrator of FEMA or other provider of flood insurance that premiums are due, the System institution, or a servicer acting on its behalf, shall pay the amount owed to the insurance provider from the escrow account by the date when such premiums are due.

(b) *Notice.* For any loan for which a System institution is required to escrow under paragraph (a) of this section or paragraph (c)(2) of this section, the System institution, or a servicer acting on its behalf, shall mail or deliver a written notice with the notice provided under Appendix A informing the borrower that the System institution is required to escrow all premiums and

fees for required flood insurance, using language that is substantially similar to model clauses on the escrow requirement in appendix A.

(c) *Small lender exception*—(1) *Qualification.* Except as may be required under applicable State law, paragraphs (a), (b), and (d) of this section do not apply to a System institution:

(i) That has total assets of less than $1 billion as of December 31 of either of the two prior calendar years; and

(ii) On or before July 6, 2012:

(A) Was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of any loan secured by residential improved real estate or a mobile home; and

(B) Did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for any loans secured by residential improved real estate or a mobile home.

(2) *Change in status.* If a System institution previously qualified for the exception in paragraph (c)(1) of this section, but no longer qualifies for the exception because it had assets of $1 billion or more for two consecutive calendar year ends, the System institution must escrow premiums and fees for flood insurance pursuant to paragraph (a) for any designated loan made, increased, extended, or renewed on or after July 1 of the succeeding calendar year.

(d) *Option to escrow*—(1) *In general.* Except as provided in paragraph (a)(2) or (c) of this section, a System institution, or a servicer acting on its behalf, shall offer and make available to the borrower the option to escrow all premiums and fees for any flood insurance required under § 614.4930 for any loan secured by residential improved real estate or a mobile home that is outstanding on January 1, 2016, or July 1 of the calendar year succeeding the calendar year the System institution has a change in status pursuant to paragraph (c)(2) of this section until the System institution is required to escrow pursuant to paragraph (a) of this section.

(2) *Notice.* For any loan subject to paragraph (d) of this section, the System institution, or a servicer acting on its behalf, shall mail or deliver to the borrower no later than March 31, 2016, or September 30 of the calendar year succeeding the calendar year the System institution has a change in status pursuant to paragraph (c)(2) of this section, a notice in writing, or if the borrower agrees, electronically, informing the borrower of the option to escrow all premiums and fees for any required flood insurance and the method(s) by which the borrower may request the escrow, using language similar to the model clauses in Appendix B.

(3) *Timing.* The System institution or servicer must begin escrowing premiums and fees for flood insurance as soon as reasonably practicable after the System institution or servicer receives the borrower's request to escrow.

■ 24. Revise § 614.4940 to read as follows:

§ 614.4940 Required use of standard flood hazard determination form.

(a) *Use of form.* Except for properties or structures that are exempt under § 614.4930(c), a System institution shall use the standard flood hazard determination form developed by the Administrator of FEMA when determining whether the building or mobile home offered as collateral security for a loan is or will be located in a special flood hazard area in which flood insurance is available under the Act. The standard flood hazard determination form may be used in a printed, computerized, or electronic manner. A System institution may obtain the standard flood hazard determination form from FEMA's Web site at *www.fema.gov.*

(b) *Retention of form.* A System institution shall retain a copy of the completed standard flood hazard determination form, in either hard copy or electronic form, for the period of time the System institution owns the loan.

■ 25. Revise Appendix A to part 614 to read as follows:

Appendix A to Part 614—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Administrator of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's *Flood Insurance Rate Map* or the *Flood Hazard Boundary Map* for the following community: _____. This area has a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Administrator of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

____ The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

• At a minimum, flood insurance purchased must cover *the lesser of:*

(1) The outstanding principal balance of the loan; *or*

(2) the maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the building or mobile home and any personal property that secures your loan and not the land itself.

• Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.

Availability of Private Flood Insurance Coverage

Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP may be available from private insurers that do not participate in the NFIP. You should compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and ask an insurance agent as to the availability, cost, and comparisons of flood insurance coverage.

[Escrow Requirement for Residential Loans

Federal law requires a lender or its servicer to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. These premiums and fees must be paid to the lender or its servicer with the same frequency as your loan payments for the duration of your loan and will be deposited in an escrow account on your behalf to be paid to the flood insurance provider. Upon receipt of a notice from the flood insurance provider that the premiums are due, the premiums shall be paid from the escrow account to the insurance provider.]

____ Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the non-participating community has been

identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally declared flood disaster.

■ 26. Add Appendix B to part 614 to read as follows:

Appendix B to Part 614—Sample Clause for Option To Escrow for Outstanding Loans

Escrow Option Clause

You have the option to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. If you choose this option, your payments will be deposited in an escrow account to be paid to the flood insurance provider. The escrow amount for flood insurance will be added to your existing periodic mortgage payment. The payments you make into the escrow account will accumulate over time and the funds will be used to pay your flood insurance policy upon receipt of a notice from the flood insurance provider that the flood insurance premium is due. To choose this option, follow the instructions below. If you have any questions about the option, contact [Insert Name of Lender or Servicer] at [Insert Contact Information].

[Instructions for Selecting to Escrow]

National Credit Union Administration

12 CFR CHAPTER VII

Authority and Issuance

For the reasons set forth in the joint preamble, the NCUA Board proposes to amend part 760 of chapter VII of title 12 of the Code of Federal Regulations as follows:

PART 760—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

■ 27. The authority citation for part 760 continues to read as follows:

Authority: 12 U.S.C. 1757, 1789; 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

■ 28. In § 760.4, add paragraph (c) to read as follows:

§ 760.4 Exemptions.

* * * * *

(c) Any structure that is a part of any residential property but is detached from the primary residential structure of such property and does not serve as a residence.

■ 29. Revise § 760.5 to read as follows:

§ 760.5 Escrow requirement.

(a) *In general*—(1) *Applicability.* Except as provided in paragraph (a)(2) or (c) of this section, a credit union, or a servicer acting on its behalf, shall require the escrow of all premiums and fees for any flood insurance required under § 760.3(a) for any loan secured by residential improved real estate or a mobile home that is made, increased, extended, or renewed on or after January 1, 2016, payable with the same frequency as payments on the loan are made for the duration of the loan.

(2) *Exceptions.* Paragraph (a)(1) of this section does not apply if:

(i) The loan is an extension of credit primarily for business, commercial, or agricultural purposes;

(ii) The loan is in a subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which the borrower has obtained flood insurance coverage that meets the requirements of § 760.3(a);

(iii) Flood insurance coverage for the residential improved real estate or mobile home is provided by a policy that:

(A) Meets the requirements of § 760.3(a);

(B) Is provided by a condominium association, cooperative, homeowners association, or other applicable group; and

(C) The premium for which is paid by the condominium association, cooperative, homeowners association, or other applicable group as a common expense;

(iv) The loan is a home equity line of credit;

(v) The loan is a nonperforming loan that is 90 or more days past due; or

(vi) The loan has a term of not longer than 12 months.

(3) *Escrow account.* The credit union, or a servicer acting on its behalf, shall deposit the flood insurance premiums and fees on behalf of the borrower in an escrow account. This escrow account will be subject to escrow requirements adopted pursuant to section 10 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2609) (RESPA), which generally limits the amount that may be maintained in escrow accounts for certain types of loans and requires escrow account statements for those accounts, only if the loan is otherwise subject to RESPA. Following receipt of a notice from the Administrator of FEMA or other provider of flood insurance that premiums are due, the credit union, or a servicer acting on its behalf, shall pay the amount owed to the insurance provider from the escrow account by the date when such premiums are due.

(b) *Notice.* For any loan for which a credit union is required to escrow under paragraph (a) of this section or paragraph (c)(2) of this section, the credit union, or a servicer acting on its behalf, shall mail or deliver a written notice with the notice provided under § 760.9 informing the borrower that the credit union is required to escrow all premiums and fees for required flood insurance, using language that is substantially similar to model clauses on the escrow requirement in appendix A.

(c) *Small lender exception*—(1) *Qualification.* Except as may be required under applicable State law, paragraphs (a), (b), and (d) of this section do not apply to a credit union:

(i) That has total assets of less than $1 billion as of December 31 of either of the two prior calendar years; and

(ii) On or before July 6, 2012:

(A) Was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of any loan secured by residential improved real estate or a mobile home; and

(B) Did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for any loans secured by residential improved real estate or a mobile home.

(2) *Change in status.* If a credit union previously qualified for the exception in paragraph (c)(1) of this section, but no longer qualifies for the exception because it had assets of $1 billion or more for two consecutive calendar year ends, the credit union must escrow premiums and fees for flood insurance pursuant to paragraph (a) for any designated loan made, increased, extended, or renewed on or after July 1 of the succeeding calendar year.

(d) *Option to escrow*—(1) *In general.* Except as provided in paragraph (a)(2) or (c) of this section, a credit union, or a servicer acting on its behalf, shall offer and make available to the borrower the option to escrow all premiums and fees for any flood insurance required under § 760.3 for any loan secured by residential improved real estate or a mobile home that is outstanding on January 1, 2016, or July 1 of the calendar year succeeding the calendar year the credit union has a change in status pursuant to paragraph (c)(2) of this section until the credit union is required to escrow pursuant to paragraph (a) of this section.

(2) *Notice.* For any loan subject to paragraph (d) of this section, the credit union, or a servicer acting on its behalf, shall mail or deliver to the borrower no later than March 31, 2016, or September 30 of the calendar year succeeding the calendar year the credit union has a change in status pursuant to paragraph (c)(2) of this section, a notice in writing, or if the borrower agrees, electronically,

informing the borrower of the option to escrow all premiums and fees for any required flood insurance and the method(s) by which the borrower may request the escrow, using language similar to the model clauses in appendix B.

(3) *Timing.* The credit union or servicer must begin escrowing premiums and fees for flood insurance as soon as reasonably practicable after the credit union or servicer receives the borrower's request to escrow.

■ 30. Revise § 760.6 to read as follows:

§ 760.6 Required use of standard flood hazard determination form.

(a) *Use of form.* Except for properties or structures that are exempt under § 760.4, a credit union shall use the standard flood hazard determination form developed by the Administrator of FEMA when determining whether the building or mobile home offered as collateral security for a loan is or will be located in a special flood hazard area in which flood insurance is available under the Act. The standard flood hazard determination form may be used in a printed, computerized, or electronic manner. A credit union may obtain the standard flood hazard determination form from FEMA's Web site at *www.fema.gov.*

(b) *Retention of form.* A credit union shall retain a copy of the completed standard flood hazard determination form, in either hard copy or electronic form, for the period of time the credit union owns the loan.

■ 31. Revise Appendix A to part 760 to read as follows:

Appendix A to Part 760—Sample Form of Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance

We are giving you this notice to inform you that:

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards.

The area has been identified by the Administrator of the Federal Emergency Management Agency (FEMA) as a special flood hazard area using FEMA's *Flood Insurance Rate Map* or the *Flood Hazard Boundary Map* for the following community: _____. This area has a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a special flood hazard area is 26 percent (26%).

Federal law allows a lender and borrower jointly to request the Administrator of FEMA to review the determination of whether the property securing the loan is located in a special flood hazard area. If you would like to make such a request, please contact us for further information.

____ The community in which the property securing the loan is located participates in the National Flood Insurance Program (NFIP). Federal law will not allow us to make you the loan that you have applied for if you do not purchase flood insurance. The flood insurance must be maintained for the life of the loan. If you fail to purchase or renew flood insurance on the property, Federal law authorizes and requires us to purchase the flood insurance for you at your expense.

• At a minimum, flood insurance purchased must cover *the lesser of:*

(1) The outstanding principal balance of the loan; *or*

(2) The maximum amount of coverage allowed for the type of property under the NFIP.

Flood insurance coverage under the NFIP is limited to the building or mobile home and any personal property that secures your loan and not the land itself.

• Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.

Availability of Private Flood Insurance Coverage

Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP may be available from private insurers that do not participate in the NFIP. You should compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and ask an insurance agent as to the availability, cost, and comparisons of flood insurance coverage.

[Escrow Requirement for Residential Loans

Federal law requires a lender or its servicer to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. These premiums and fees must be paid to the lender or its servicer with the same frequency as your loan payments for the duration of your loan and will be deposited in an escrow account on your behalf to be paid to the flood insurance provider. Upon receipt of a notice from the flood insurance provider that the premiums are due, the premiums shall be paid from the escrow account to the insurance provider.]

____ Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the non-participating community has been identified for at least one year as containing a special flood hazard area, properties located in the community will not be eligible for Federal disaster relief assistance in the event of a Federally declared flood disaster.

■ 32. Add Appendix B to part 760 to read as follows:

Appendix B to Part 760—Sample Clause for Option To Escrow for Outstanding Loans

Escrow Option Clause

You have the option to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. If you choose this option, your payments will be deposited in an escrow account to be paid to the flood insurance provider. The escrow amount for flood insurance will be added to your existing periodic mortgage payment. The payments you make into the escrow account will accumulate over time and the funds will be used to pay your flood insurance policy upon receipt of a notice from the flood insurance provider that the flood insurance premium is due. To choose this option, follow the instructions below. If you have any questions about the option, contact [Insert Name of Lender or Servicer] at [Insert Contact Information].

[Instructions for Selecting to Escrow]

Dated: October 20, 2014.

Thomas J. Curry,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, October 23, 2014.

Robert deV. Frierson,

Secretary of the Board.

Dated at Washington, DC, this 21st day of October, 2014.

By order of the Board of Directors of the Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

Dated at Alexandria, VA, this 23rd day of October, 2014.

By order of the Board of the Farm Credit Administration.

Dale L. Aultman,

Secretary.

Dated at McLean, VA, this 22nd day of October, 2014.

By order of the Board of the National Credit Union Administration.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2014–25722 Filed 10–29–14; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 7535–01–P; 6714–01–P; 6705–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0342; FRL–9918–67–Region–3]

Approval and Promulgation of Implementation Plans; Pennsylvania; Pennsylvania Regional Haze State Implementation Plan Revision—Particulate Matter Best Available Retrofit Technology Limit for the Cheswick Power Plant in Allegheny County

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of a revision to the Pennsylvania State Implementation Plan (SIP) submitted by the Commonwealth of Pennsylvania through the Pennsylvania Department of Environmental Protection (PADEP). This SIP revision addresses an error in the Best Available Retrofit Technology (BART) requirements for Boiler Number 1 of the Cheswick Generating Station (Cheswick) in Allegheny County. EPA is proposing approval of the portion of Pennsylvania's SIP revision addressing the particulate matter (PM) BART requirements as it is in accordance with the requirements of the Clean Air Act (CAA) and EPA's rules for BART.

DATES: Comments must be received on or before December 1, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0342, by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2014–0342, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted 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–R03–OAR–2014–0342. 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 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 *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201.

FOR FURTHER INFORMATION CONTACT: Irene Shandruk, (215) 814–2166, or by email at *shandruk.irene@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Regional haze is visibility impairment that is produced by a multitude of sources and activities which are located across a broad geographic area and emit fine particles (*e.g.,* sulfates, nitrates, organic carbon, elemental carbon, and soil dust) and their precursors (*e.g.,* sulfur dioxide (SO_2), nitrogen oxides (NO_X), and in some cases, ammonia (NH_3) and volatile organic compounds (VOC)). Fine particle precursors react in the atmosphere to form fine particulate matter ($PM_{2.5}$), which impairs visibility by scattering and absorbing light. Visibility impairment reduces the clarity, color, and visible distance that one can see. Section 169A of the CAA establishes as a national goal the ''prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution'' and requires SIPs for states whose emissions may reasonably be anticipated to cause or contribute to visibility impairment in Class I areas to contain emission limits, compliance schedules and other measures as may be necessary to make reasonable progress toward the national goal of achieving natural visibility conditions in Class I areas. A regional haze SIP generally must include, among other measures, source-specific BART emission limits for each source subject to BART. A detailed discussion of the requirements of the regional haze program can be found in our earlier notice proposing action on Pennsylvania's regional haze SIP. *See* 77 FR 3984 (January 26, 2012).

On December 20, 2010, PADEP submitted revisions to the Pennsylvania SIP to address regional haze requirements as required by the CAA. Among the measures included in the SIP submission and approved by EPA was a coarse PM (PM_{10}) BART emission limit for Cheswick of 361 tons per year (tpy). PADEP has determined that this limit was set in error and has submitted this SIP revision to correct the PM_{10} BART emission limit. EPA originally finalized a limited approval of the Pennsylvania regional haze SIP on July 13, 2012. 77 FR 41279. Our approval was limited due to Pennsylvania's reliance upon the Clean Air Interstate Rule (CAIR) for sulfur dioxide (SO_2) and nitrogen oxide (NO_X) BART for electric generating units (EGUs). On June 7, 2012, EPA had finalized the limited disapproval of Pennsylvania's regional haze SIP (and other states' regional haze SIPs that relied similarly on CAIR) due to its reliance on CAIR as EPA had issued the Cross State Air Pollution Rule (CSAPR) to replace CAIR. 77 FR 33641. EPA also finalized a limited Federal Implementation Plan (FIP) for Pennsylvania and other states, which merely substituted reliance on EPA's more recent CSAPR NO_X and SO_2

trading programs for EGUs for the SIP's reliance on CAIR. *See* 77 FR 33641.[1]

For the December 20, 2010 regional haze SIP, the Allegheny County Health Department (ACHD) had performed a BART analysis for Cheswick. In the May 4, 2009 Cheswick BART review memo, ACHD stated it performed its BART analysis in accordance with 40 CFR 51.308(e) and 40 CFR Part 51, Appendix Y, Guidelines for BART Determinations Under the Regional Haze Rule (BART Guidelines).[2] The May 4, 2009 Cheswick BART review memo was included in Pennsylvania's December 20, 2010 regional haze SIP (in Appendix J) and recommended that the conditions of Cheswick's operating permit and installation permits satisfied BART for PM for Cheswick, an EGU in Allegheny County.[3] [4] In the December 20, 2010 regional haze SIP submittal, Pennsylvania specifically included a PM_{10} BART emission limit for Cheswick of 361 tpy in error even though ACHD had recommended permit conditions as BART.[5] After EPA proposed limited approval of the Pennsylvania regional haze SIP on January 26, 2012 (77 FR 3984), the owner of Cheswick commented that Cheswick's BART emission limits including PM_{10} were inconsistent with the plant's current permits which had a higher allowable PM_{10} emissions limitation than 361 tpy. Cheswick's owner also commented that the 361 tpy potential to emit PM_{10} included in the May 4, 2009 Cheswick BART review memo in the ''Process Description'' section was derived from Cheswick's 1995 Title V permit application which contained an error in the calculation of Cheswick's potential to emit PM_{10}.[6]

II. Summary of SIP Revision

Since EPA first approved the regional haze SIP in July 2012, ACHD has updated the BART review memo for Cheswick to reflect the current control devices, emission limits, and regulations to which Cheswick is subject. This March 25, 2014 SIP revision revises the incorrect PM_{10} emission limit of 361 tpy to 180 pounds per hour (lbs/hr) for Boiler No. 1 and also seeks removal of the errant inclusion of an SO_2 emission limit of 67,452 tpy and a NO_X emission limit of 10,840 tpy for Cheswick's Boiler No. 1 from the regional haze SIP because Pennsylvania intended CAIR as SO_2 and NO_X BART for all EGUs including Cheswick.[7] PADEP submitted this SIP revision in accordance with the visibility and regional haze provisions of sections 169A and 169B of the CAA and the regional haze rule at 40 CFR 51.308.

PADEP stated in its submittal that the SO_2 and NO_X BART emission limits for Cheswick were included in the BART table in its December 10, 2010 regional haze SIP in conflict with the ACHD Cheswick BART review memo and the narrative portion of the SIP submittal which discussed CAIR as satisfying SO_2 and NO_X BART for BART-eligible EGUs in Pennsylvania. In this rulemaking, EPA is proposing to approve the corrected PM_{10} limit of 180 lbs/hr and will take later, separate action concerning the SO_2 and NO_X BART portion of the March 25, 2014 SIP revision submittal.

PADEP explained in its March 25, 2014 SIP revision that the PM_{10} BART emission limit of 361 tpy for Boiler No. 1 at Cheswick included in the December 20, 2010 regional haze SIP was found to be incorrect during the public comment period for EPA's proposed approval of the regional haze SIP. The December 20, 2010 regional haze SIP submittal included the 361 tpy PM_{10} limit because at the time PADEP was assessing the appropriate BART limits, it decided to base the PM_{10} BART limit on the May 4, 2009 BART review memo for Cheswick which referred to conditions of certain permits for Cheswick as BART, and the review memo listed Cheswick's potential to emit at 361 tpy. However, on April 20, 2010, ACHD issued an Installation Permit (IP No. 0054–I004a) and a Title V operating permit (TVOP No. 0054) for Cheswick with a PM_{10} limit of 180 lbs/hr.[8] During the permitting process in 2010, ACHD discovered the PM_{10} potential to emit included in the May 4, 2009 BART review memo was incorrect. Despite the PM_{10} emission limit in Cheswick's permits of 180 lbs/hr and discovery of the incorrect PM_{10} potential to emit, the December 20, 2010 regional haze SIP submission incorrectly contained the 361 tpy PM_{10} limit as BART for Cheswick. This March 25, 2014 SIP revision replaces the incorrect PM_{10} emission limit of 361 tpy with the correct BART PM_{10} emission limit for Boiler No. 1 of 180 lbs/hr, which includes condensable particulate matter, but excludes sulfuric acid mist (H_2SO_4). The 180 lbs/hr PM_{10} emission limit is the applicable PM_{10} emissions limitation in Cheswick's permits. This SIP revision also contains corrected permit numbers and permit issuance dates for Boiler No. 1 of the Cheswick Plant.

ACHD updated the BART analysis for Boiler No. 1 at Cheswick with a new memo on November 7, 2012. The November 7, 2012 BART review memo includes the current control devices in operation at Cheswick and the correct, applicable emission limits and regulations. The November 7, 2012 BART review memo describes ACHD's consideration of the five statutory BART factors for Cheswick and explained that Cheswick has the most stringent controls installed such that the flue gas stream is not allowed to bypass the SO_2 control, flue gas desulfurization (FGD), or PM control, electrostatic precipitator (ESP) system, and that Cheswick has a new, shorter stack. The November 7, 2012 BART review memo indicated the PM_{10} emission limit is in two Federally-enforceable permits (an Installation Permit and a Title V Permit), and that two separate modeling studies show that visibility impacts from Cheswick are minimal even without considering SO_2 removal by the FGD or the newer, shorter stack. The review memo concluded that additional controls were not warranted given the minimal visibility impact of 0.0336 deciviews (dv) from the Cheswick Plant.

PADEP included the November 7, 2012 Cheswick BART review memo in the March 25, 2014 SIP revision and recommends the PM_{10} emission limit of 180 lbs/hr as BART for Cheswick because the November 7, 2012 review memo followed the BART Guidelines

[1] In response to a petition for review of EPA's limited approval of Pennsylvania's regional haze SIP in the United States Court of Appeals for the Third Circuit, EPA successfully moved for a voluntary remand without vacatur. On April 30, 2014, EPA reissued its final limited approval of the Pennsylvania SIP to implement the Commonwealth's regional haze program for the first planning period through 2018. 79 FR 24340.

[2] The BART Guidelines provide a process for making BART determinations that states and local agencies can use in implementing the regional haze BART requirements on a source-by-source basis, as provided in 40 CFR 51.308(e)(1).

[3] Cheswick was formerly owned by Orion Power, but is presently owned by NRG Energy.

[4] After the May 4, 2009 BART review memo, ACHD issued for Cheswick an Installation Permit (IP No. 0054–I004a) and a Title V Operating Permit (TVOP No. 0054).

[5] The December 20, 2010 regional haze SIP submittal included the following BART emission limits for Cheswick: 67,452 tpy of SO_2, 10,840 tpy of NO_X, and 361 tpy of PM_{10}. According to Pennsylvania and explained in the March 25, 2014 SIP submittal, these emission limits were included in error.

[6] The comments from the owner of Cheswick on the proposed Cheswick BART are available in the rulemaking docket from our approval of the Pennsylvania regional haze SIP, docket number EPA–R03–OAR–2012–0002, at *www.regulations.gov.*

[7] The March 25, 2014 SIP revision also updates the owner's name of Cheswick from Orion Power to GenOn Power Midwest LP and updates the permit numbers and dates of issuance for Cheswick's Boiler No. 1. EPA notes the present owner of Cheswick is NRG Energy.

[8] According to PADEP, the 180 lbs/hr PM_{10} emission limit equates to 788 tpy for Cheswick.

and showed that there are minimal visibility impacts to Class I areas and that additional controls were not cost effective given the visibility impact of 0.0336 dv. The modeling of potential visibility impacts from Boiler No. 1 for purposes of the May 4, 2009 ACHD review memo was conducted prior to the installation of the FGD unit for SO_2 control and the construction of a new stack which is 198.5 feet shorter than the previous stack. The modeled analysis was done by the Northeast States for Coordinated Air Use Management (NESCAUM) for the Mid-Atlantic/Northeast Visibility Union (MANE–VU). BART modeling information provided independently by Cheswick's owner and operator produced comparable results. PADEP and ACHD assert that the reductions in sulfur oxides and PM_{10} emissions due to the FGD installation as well as the significantly shorter stack will reduce even further the visibility impacts from Boiler No. 1 from what was originally modeled for Cheswick. Therefore, in the March 25, 2014 SIP revision, PADEP states that the revised BART PM_{10} emission limit will not interfere with any applicable CAA requirements, particularly the visibility and regional haze provisions of sections 169A and 169B of the CAA, and the regional haze regulations codified at 40 CFR 51.308.

III. EPA's Analysis of SIP Revision for PM_{10} BART Limit

EPA proposes to approve the revised PM_{10} emission limit of 180 lbs/hr for Cheswick based on the explanation provided by PADEP in its SIP submittal as the previous limit of 361 tpy was incorrectly determined by ACHD and PADEP and was an error. The May 4, 2009 BART review memo for Cheswick referred to current permit conditions for Cheswick as the recommended PM_{10} BART limit. On April 20, 2010, ACHD had revised an Installation Permit (IP No. 0054–I004a) and issued a Title V Permit (TVOP No. 0052) for Cheswick with a PM_{10} limit of 180 lbs/hr. No permit for Cheswick had ever contained a 361 tpy PM_{10} limit, and ACHD discovered the error with the potential to emit calculation of PM_{10} while issuing the permits in 2010. Despite the discovery of the erroneous PM_{10} potential to emit calculation and the new PM_{10} emission limit of 180 lbs/hr, the December 20, 2010 regional haze SIP submission incorrectly recommended the 361 tpy PM_{10} calculation as BART for Cheswick.

PADEP has explained the basis for its determination that the limit of 180 lbs/hr is appropriate for BART. In the November 7, 2012 revised BART review memo for Cheswick, ACHD recommended the existing PM_{10} BART emission rate of 180 lbs/hr after considering the five CAA statutory factors for BART and following EPA's BART Guidelines in 40 CFR Part 51, Appendix Y. In its review, ACHD evaluated retrofit control technologies, eliminated technically infeasible options and evaluated effectiveness and impacts of the remaining options. The ACHD's conclusion for Cheswick was that the plant already had the most stringent controls available for a coal-fired boiler, had Federally-enforceable permit limits for PM_{10} (Installation Permit and Title V Permit), as well as other FGD operating restrictions in Federally-enforceable permits, and had minimal estimated visibility impacts from PM_{10} emissions on Class I areas. Most of the modeling which supports the BART determinations in the Pennsylvania regional haze SIP was conducted by NESCAUM for MANE–VU in September 2006 for individual BART-eligible sources using CALPUFF. The MANE–VU modeling was in accordance with the BART Guidelines and was used by Pennsylvania to assess the degree of visibility improvement that could result from installation of BART controls. This was included in the December 20, 2010 Pennsylvania regional haze SIP as Appendix I.[9] The minimal visibility impact from Cheswick's emissions on the most impacted Class I area (Otter Creek Wilderness Area) of 0.0336 dv is from the MANE–VU CALPUFF modeling included in the December 20, 2010 regional haze SIP which was conducted prior to installation and operation of the FGD and its lower stack.

EPA also analyzed the source-specific January 2007 modeling from AECOM conducted for Cheswick. The AECOM modeling was included in the March 25, 2014 SIP revision and is available in the docket for this rulemaking. The AECOM modeling included cumulative visibility impacts from Cheswick on multiple Class I areas including Dolly Sods Wilderness Area, Otter Creek Wilderness Area and Shenandoah National Park. From our review of the AECOM modeling for Cheswick, EPA concludes Cheswick's cumulative visibility impact of 0.06 dv from its PM_{10} emissions on these three Class I areas is likewise minimal. Because Cheswick has installed a FGD and a lower stack since the January 2007 modeling, EPA believes Cheswick's visibility impact on these Class I areas has likely been further reduced. EPA finds the corrected PM_{10} BART emission limit for Boiler No. 1 a reasonable application of the BART statutory factors and BART guidelines considering the controls installed at Cheswick, technical feasibility and cost-effectiveness of additional controls, and Cheswick's minimal visibility impacts as explained in ACHD's November 7, 2012 BART review memo. EPA proposes to approve this SIP revision for Cheswick's PM_{10} BART limit in accordance with sections 169A and 169B of the CAA.

IV. EPA's Analysis of Section 110(l)

Section 110(l) of the CAA states that ''[t]he Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of this chapter.'' EPA does not interpret section 110(l) to require a full attainment or maintenance demonstration before any changes to a SIP may be approved. Generally, a SIP revision may be approved under section 110(l) if the EPA finds that it will at least preserve status quo air quality, particularly where the pollutants at issue are those for which an area has not been designated nonattainment. EPA does not believe the proposed approval of the revisions to the Cheswick BART emission limitations will interfere with the CAA requirements for BART or for preventing interference with other states' programs to protect visibility because our proposal is supported by an evaluation that those CAA requirements are met. This SIP revision will correct an error by PADEP in the BART limit determined for Cheswick and approved by EPA in Pennsylvania's regional haze SIP and will replace a BART emission limitation with a limit intended by Pennsylvania which EPA finds reasonable. This SIP revision for the PM_{10} BART for Cheswick will not result in any substantive changes to other CAA requirements. Cheswick will continue to be subject to CAA requirements for BART.

The revised PM_{10} emission limitation reflects Cheswick's applicable and enforceable PM_{10} emission limit which Pennsylvania intended to recommend for Cheswick's BART. EPA does not expect any increase in PM_{10} emissions from this BART revision and does not expect this revision will interfere with visibility in Class I areas impacted by

[9] The December 20, 2010 Pennsylvania regional haze SIP submission is available in the EPA rulemaking docket for our approval of the Pennsylvania regional haze SIP, docket number EPA–R03–OAR–2012–0002, at *www.regulations.gov.*

Cheswick.[10] Thus, EPA does not anticipate the revisions to Cheswick's BARTs to interfere with neighboring states' ability to achieve reasonable progress goals (RPGs) given Cheswick's minimal visibility impact, Cheswick's SO_2, NO_X, and PM controls and newer shorter stack, and recent monitored data from neighboring states showing progress towards RPGs.[11]

EPA also believes that approval of the submitted SIP revision will not interfere with attainment and maintenance of the NAAQS. Cheswick has been subject to the 180 lbs/hr PM_{10} emission limit since April 2010. While Cheswick is in the Pittsburgh-Beaver Valley nonattainment area for 1997 and 2006 $PM_{2.5}$ NAAQS, this area has had monitored clean data for $PM_{2.5}$ for the last few years.[12] Because Cheswick had the 180 lbs/hr PM_{10} limit during the time when Pittsburgh-Beaver Valley has monitored attainment, EPA does not anticipate this PM_{10} BART revision will interfere with attainment or maintenance of the 1997 and 2006 $PM_{2.5}$ NAAQS.[13] [14] EPA believes approval of Pennsylvania's revision will not contribute to conditions of nonattainment or interfere with maintenance of any standard. Thus, EPA finds this SIP revision to Cheswick's PM_{10} BART complies with Section 110(l) of the CAA and will not interfere with any applicable requirements concerning attainment and reasonable further progress or any other applicable requirement of the CAA, such as the visibility and regional haze provisions of sections 169A and 169B of the CAA.

V. EPA's Proposed Action

EPA is proposing to approve a portion of Pennsylvania's March 25, 2014 revision to its regional haze SIP which revises the PM_{10} BART emission limitation for Cheswick. EPA will take later, separate action concerning the remainder of the March 25, 2014 SIP revision. This conclusion is based on our review of the March 25, 2014 SIP revision as well as Pennsylvania's December 20, 2010 regional haze SIP submission including technical data and supporting analysis. If approved by EPA, the PM_{10} emission rate of 180 lbs/hr (including condensables and excluding H_2SO_4) supercedes the previous PM_{10} BART determination for Cheswick included in the December 20, 2010 regional haze SIP revision. EPA finds Pennsylvania's PM_{10} BART determination for Cheswick reasonable and finds the revision will not interfere with visibility improvements or any other CAA requirements set forth in sections 110(l), 169A, and 169B of the CAA, as well as in our implementing regulations at 40 CFR 51.308.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed 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'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule to approve Pennsylvania's regional haze SIP revision pertaining to Cheswick 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.

List of Subjects in 40 CFR Part 52

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

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

Dated: October 21, 2014.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2014–25848 Filed 10–29–14; 8:45 am]

BILLING CODE 6560–50–P

[10] In fact, Cheswick has been subject to this 180 lbs/hr. PM_{10} emissions rate since April 2010 well before EPA approved the Pennsylvania regional haze SIP in July 2012. Therefore, EPA does not expect any increase in PM_{10} emissions from this BART revision.

[11] EPA notes Cheswick has Selective Catalytic Reduction installed for NO_X controls. For further discussion of progress towards RPGs and current visibility conditions in nearby Class I areas based on the latest available Interagency Monitoring of Protected Visual Environments (IMPROVE) monitoring data, see EPA's approvals of Virginia's and Delaware's five-year progress reports on regional haze at 79 FR 25019 (May 2, 2014) (Virginia) and 79 FR 25506 (May 5, 2014) (Delaware). *See also* 79 FR 10451 (February 25, 2014) (proposed approval of Virginia's progress report) and 79 FR 10442 (February 25, 2014) (proposed approval of Delaware's progress report). EPA's proposed approval of West Virginia's five-year progress report on regional haze is at 79 FR 14460 (March 14, 2014).

[12] EPA finalized a clean data determination for the Pittsburgh-Beaver Valley nonattainment area for 1997 $PM_{2.5}$ NAAQS on October 12, 2012. *See* 77 FR 62147. EPA finalized a clean data determination for the Pittsburgh-Beaver Valley nonattainment area for 2006 $PM_{2.5}$ NAAQS (24-hour standard) on May 2, 2014. *See* 79 FR 25014.

[13] EPA has not finalized designations of areas for the 2012 $PM_{2.5}$ NAAQS at this time. However, because Cheswick has had the 180 lbs/hr PM_{10} emission limit since April 2010 and has been in compliance with that limit since 2010 according to stack test data EPA has reviewed from ACHD and Cheswick, EPA does not anticipate approval of this SIP revision will significantly impact the Pittsburgh Beaver Valley area. If the Pittsburgh Beaver Valley area is designated nonattainment, Pennsylvania will be required to submit an attainment plan in accordance with Section 172 of the CAA.

[14] EPA has also not required separate emission limits for each form of particulates for BART, and the BART Guidelines do not specify that states must establish a BART limit for both PM_{10} and $PM_{2.5}$. If $PM_{2.5}$ emission limitations are needed for the Pittsburgh-Beaver Valley area to attain any $PM_{2.5}$ NAAQS, ACHD can set such limits when implementing SIP attainment planning requirements in CAA section 172.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2013–0602; FRL–9918–53–OAR]

RIN 2060–AR33

Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units

AGENCY: Environmental Protection Agency.

ACTION: Notice of data availability.

SUMMARY: The Environmental Protection Agency (EPA) is issuing this notice of data availability (NODA) in support of the proposed rule titled ''Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units,'' which was published on June 18, 2014. In this document, the EPA is providing additional information on several topics raised by stakeholders and is soliciting comment on the information presented. The three topic areas are the emission reduction compliance trajectories created by the interim goal for 2020 to 2029, certain aspects of the building block methodology, and the way state-specific carbon dioxide (CO_2) goals are calculated.

DATES: Comments must be received on or before December 1, 2014.

ADDRESSES: *Comments.* Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2013–0602, by one of the following methods:

Federal eRulemaking portal: http://www.regulations.gov. Follow the online instructions for submitting comments.

Email: A-and-R-Docket@epa.gov. Include Docket ID No. EPA–HQ–OAR–2013–0602 in the subject line of the message.

Facsimile: (202) 566–9744. Include Docket ID No. EPA–HQ–OAR–2013–0602 on the cover page.

Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Mail code 28221T, Attn: Docket ID No. EPA–HQ–OAR–2013–0602, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

Hand/Courier Delivery: EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Ave. NW., Washington, DC 20004, Attn: Docket ID No. EPA–HQ–OAR–2013–0602. Such deliveries are accepted only during the Docket Center's normal hours of operation (8:30 a.m. to 4:30 p.m., Monday through Friday, excluding federal holidays), and special arrangements should be made for deliveries of boxed information.

Instructions: All submissions must include the agency name and Docket ID number (EPA–HQ–OAR–2013–0602). The EPA's policy is to include all comments received without change, including any personal information provided, in the public docket, available online at *http://www.regulations.gov,* unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. Send or deliver information identified as CBI only to the following address: Ms. Amy Vasu, c/o OAQPS Document Control Officer (C404–02), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2013–0602. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on 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 you claim as CBI. In addition to one complete version of the comment that includes information claimed as CBI, you must submit a copy of the comment that does not contain the information claimed as CBI 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.

The EPA requests that you also submit a separate copy of your comments to the contact person identified below (see **FOR FURTHER INFORMATION CONTACT**). If the comment includes information you consider to be CBI or otherwise protected, you should send a copy of the comment that does not contain the information claimed as CBI or otherwise protected.

The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the 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 *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, 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.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available (e.g., CBI or other information whose disclosure is restricted by statute). Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the EPA Docket Center, EPA WJC West Building, 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 federal 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. Visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm* for additional information about the EPA's public docket.

In addition to being available in the docket, an electronic copy of the proposed rule is posted on the World Wide Web (WWW) at: *http://www2.epa.gov/cleanpowerplan/.*

FOR FURTHER INFORMATION CONTACT: Ms. Amy Vasu, Sector Policies and Programs Division (D205–01), U.S. EPA, Research Triangle Park, NC 27711; telephone number (919) 541–0107, facsimile number (919) 541–4991; email address: *vasu.amy@epa.gov* or Ms. Marguerite McLamb, Sector Policies and Programs Division (D205–01), U.S. EPA, Research Triangle Park, NC 27711; telephone number (919) 541–7858, facsimile number (919) 541–4991; email address: *mclamb.marguerite@epa.gov.*

SUPPLEMENTARY INFORMATION:

Organization of This Document. The information presented in this document is organized as follows:

I. Background
- A. Proposed Clean Power Plan
- B. Purpose of the NODA
- C. Overview of Topics Discussed in This NODA

II. Stakeholder Input on Select Topics in the Proposed Rule
- A. The 2020 to 2029 Glide Path
- B. Certain Aspects of the Building Block Methodology
- C. Implementation of the Goal-Setting Equation

III. Topics Upon Which the EPA Is Soliciting Additional Comment
A. The 2020 to 2029 Glide Path
B. Certain Aspects of the Building Block Methodology
C. Implementation of the Goal-Setting Equation

I. Background

A. Proposed Clean Power Plan

Under the authority of Clean Air Act (CAA) section 111(d), on June 18, 2014, the EPA proposed emission guidelines for states to follow in developing plans to address greenhouse gas (GHG) emissions from existing fossil fuel-fired electric generating units (EGUs) (79 FR 34830). The proposed rule, which we refer to as the Clean Power Plan, would continue progress already underway to lower the carbon intensity of power generation in the United States (U.S.). Lower carbon intensity means, for each megawatt-hour (MWh) of generation, fewer emissions of CO_2, which is a potent greenhouse gas that contributes to climate change. The proposal incorporates critical elements that reflect the information and views shared during what stakeholders have called an unprecedented effort by the EPA, beginning in the summer of 2013, to interact directly with, and solicit input from, a wide range of states and stakeholders. This effort encompassed several hundred meetings across the country with, among others, officials in state environmental and energy agencies, as well as public utility commissions; entities in the electricity sector, including utilities, generators, and system operators; and tribal governments, industry, citizens groups and members of the public. Many participants submitted written material and data to the EPA as well.

B. Purpose of the NODA

Since publication of the proposal on June 18, 2014, the EPA has held public hearings and has continued outreach to stakeholders. During the week of July 29, 2014, the EPA conducted eight days of public hearings in four cities. Over 1,300 people shared their thoughts and ideas about the proposal, and over 1,400 additional people attended those hearings. Agency officials have also continued to engage with states and stakeholders through meetings, webinars, and conference calls.

The agency has heard a broad range of questions, concerns, and constructive suggestions from stakeholders on how the proposed rule could be improved. Many of these comments and suggestions relate to the array of alternatives presented in the proposed rule. This document is not intended to address all of the many issues that have been raised; we will summarize and respond to all comments in the final rule. Rather, the purpose of this document is to describe and seek comment on several ideas raised by multiple stakeholders that may go beyond those for which the agency sought comment in the June 18, 2014 proposal. By issuing this notice, we are ensuring that other stakeholders and the public have the opportunity to consider these ideas as they formulate their own comments on the proposal. In section II, we describe the specific issues and ideas raised by stakeholders and explain which of those ideas we consider to be within or possibly beyond the scope of comment already requested. In section III, we further discuss the approaches stakeholders have suggested which go beyond the June 18, 2014 proposal and on which we are seeking comment through this document.

The purpose of this document is to bring these ideas to the attention of other stakeholders and the public and provide commenters with a sense of the way in which the EPA believes these ideas relate to determining the best system of emission reduction (BSER) so that they have the opportunity to consider these ideas as they are formulating their comments on the proposal.

It should be noted that the topics discussed in the NODA interact with each other and some of them could have the effect of increasing the stringency of the BSER as reflected in each state's target, while others could have the impact of decreasing it. The effect of the ideas presented here may have different impacts in different states, increasing the stringency of the BSER as expressed in the state goals in some states while decreasing it in others. The EPA welcomes comment specifically on the potential changes identified in this document in terms both of the rationale for these changes and of their effects on the stringency of the state goals, as well as the ways in which the potential changes interact with each other.

C. Overview of Topics Discussed in This NODA

Since the June 18, 2014 proposed rule, the EPA has received feedback on a wide range of topics. This feedback includes comments from a significant number of stakeholders that may go beyond the scope of what the EPA originally took comment on in the proposal. The EPA would like to identify these ideas for other stakeholders and the public so that all stakeholders and the public are made aware of these ideas and have the opportunity to comment on them. The topics that the EPA is seeking additional comment on are: The compliance trajectory or glide path of emission reductions from 2020 to 2029, certain aspects of the building block methodology, and the way the state-specific CO_2 goals are calculated. These issues are described briefly here and discussed in more detail in sections II and III of this document.

Some stakeholders have expressed concern that, as proposed, the interim goals, which govern emission reductions over the 2020–2029 period, do not provide enough flexibility for some states—specifically, states in which building block 2 results in large amounts of the overall required CO_2 reductions relative to other building blocks—to choose measures other than relying heavily on re-dispatch from fossil steam generation (e.g., coal-, oil-, or gas-fired boilers) to natural gas combined cycle (NGCC) units to achieve the required reductions. Further, they have expressed concern that this effect of the interim goals severely limits the opportunity to fully take advantage of the remaining asset value of existing coal-fired generation. Some stakeholders have even suggested that the interim goals would force retirements of coal plants that could make unexpected events such as last winter's polar vortex more challenging to address. As reflected in the proposal, in a world impacted by climate change, such severe weather events are likely to become more frequent. The agency is seeking to ensure that, consistent with the BSER, the overall framework that we have proposed includes sufficient flexibility, particularly with respect to time and emission reduction strategies in meeting the required emission goals, to allow states and sources to readily respond to unexpected changes or demands on the system, such as severe weather. This flexibility also reflects consideration of cost (which could, in part, be reflected in concerns about stranded assets).

In section II.A, the EPA discusses these concerns in more detail, as well as two alternate approaches that have been suggested by stakeholders. We also explain that the original proposal already requests comment on one of these alternative approaches—achieving some reductions earlier than 2020 to allow for a more gradual reduction of emissions between 2020 and 2030. In section III.A, we discuss and solicit comment on another approach offered by stakeholders—the concept of phasing in the reductions required under building block 2 over time, just as

reductions required under building blocks 3 and 4 are phased in over time.

Stakeholders, including states, have also noted concerns with the methodology used for the individual building blocks, particularly building blocks 2 and 3. With respect to building block 2, stakeholders have offered a range of views. Some have commented that this component should be less stringent (i.e., require shifting less utilization from existing coal-fired units to existing NGCC units), some have offered that it should be more stringent (i.e., require shifting more utilization from existing coal-fired units to existing NGCC units), and others have offered that it should be more stringent in some states and less stringent in other states. Some stakeholders have also noted that they believe the higher levels of utilization of existing NGCC units proposed for building block 2 are not feasible in the early years of the 2020–2029 compliance period due to infrastructure constraints and recent significant capital investments at some existing coal-fired units.

Other stakeholders have suggested that focusing solely on increasing utilization of existing NGCC units ignores opportunities for emission reductions from the use of natural gas from states that are not already using natural gas for electricity generation.

With respect to renewable energy (RE), stakeholders have expressed concern about the discrepancy between setting targets based on in-state renewable assets or resources while allowing other states that import renewable energy to count certain amounts of that generation toward their compliance. Some have also expressed concern that the approaches proposed with respect to renewable energy impose greater stringency on states that have already taken action to promote and deploy renewable energy. With respect to nuclear facilities and generation, stakeholders have raised concerns about a variety of aspects of including nuclear power in the goal-setting equation.

In section II.B of this document, the EPA discusses these concerns in more detail, describes alternative approaches put forward by stakeholders and identifies which of these alternative approaches the EPA requested comment on in the original proposal. In section III.B, we discuss and solicit comment on additional concepts stakeholders have suggested for addressing concerns with the methodology used for building blocks 2 and 3. In particular, the EPA requests comment on ways that building block 2 could be expanded to include new NGCC units and natural gas co-firing in existing coal-fired boilers and ways that state-level RE targets could be set based on regional potential for renewable energy. Although a number of stakeholders have also commented that building block 1 is too stringent, we are not discussing it at length in this document because we have already requested comment on this in the June 18, 2014 proposal. Comments that stakeholders have offered on the treatment of nuclear power are also covered in the June 18, 2014 proposal and, therefore, we do not believe that it is necessary to request additional comment on those ideas in this document.

Stakeholders, including states, have also noted concerns with the way the state-specific CO_2 goals are calculated. These include concerns that the numeric formula for calculating each state's goal is not consistent in its application of the best system of emission reduction (BSER) for building block 2, as compared with building blocks 3 and 4, and concerns with the use of data for the single year 2012. In section II.C, the EPA discusses these concerns in more detail, describes alternatives noted by stakeholders and explains that the original proposal requests comment on some of the potential alternatives suggested by stakeholders. In section III.C we discuss and solicit comment on two ideas suggested by stakeholders: Alternative approaches for the goal-setting equation and alternative uses of data in calculating the goals.

This document is not intended to be a complete summary of the wide variety of ideas that have been raised. The agency has heard many other concepts that are not highlighted in this document because they are covered in the June 18, 2014 proposal.

II. Stakeholder Input on Select Topics in the Proposed Rule

In this section, the EPA explains some of the concerns, and ideas to address those concerns, that have been raised by multiple stakeholders. We also explain how some of those ideas have already been addressed in the June 18, 2014 proposal and, in section III of this document, we identify the additional new ideas on which the agency is seeking comment.

A. The 2020 to 2029 Glide Path

Some stakeholders have expressed concern that the goal-setting methodology—in particular, calculating the interim goals on the basis of achieving the shift in generation assumed under building block 2 by 2020—requires states to achieve such a significant portion of the required CO_2 emission reductions early in the interim period that it defeats the intended purpose of providing states flexibility in how they may achieve the required emission reductions. In addition, we have heard that there may be technical challenges associated with achieving all of the reductions that states would be required to make as early as 2020, when the interim period commences. Stakeholders also have expressed concerns that such a lack of flexibility would prevent them from taking advantage of more cost effective reduction strategies and from ensuring that the energy system can respond to severe weather events such as occurred during the polar vortex in 2014. The EPA is interested in considering additional stakeholder ideas, such as those regarding the 2020–2029 glide path, to ensure that the overall framework includes sufficient flexibility, particularly with respect to timing of and strategies for reducing emissions from the affected units so that states can develop cost-effective strategies, and states, utilities, grid operators and others can readily respond to unexpected changes or demands on the energy system, such as severe weather.

Stakeholders have suggested two ways of addressing these concerns. The first involves allowing credit for early CO_2 emission reductions that could be used to allow flexibility to defer additional CO_2 emission reductions until later in the 2020–2029 period. The second approach involves phasing in building block 2 over time, just as building blocks 3 and 4 are currently phased in.

1. Early Reductions

With regard to the suggestion that early reductions could be used as a way to ease the 2020–2029 glide path, the agency believes that the existing proposal provides both stakeholders and the EPA the latitude to consider this concept. In the proposed rule, the EPA requests comment on a range of possible approaches to this type of credit for early action (79 FR 34918–34919). In the first approach, full accounting of emission reductions continues to begin in 2020 but credit could be received for certain pre-2020 reductions that could be used to reduce the amount of reductions needed during the 2020–2029 period. The EPA also requests comment in the proposed rule on a second approach in which states could choose early (e.g., pre-2020) implementation of state goal requirements, which could provide states with the ability to achieve the

same amount of overall emission reductions but do so by making some reductions earlier (79 FR 34919). The EPA recognizes that some measures may take longer than 2020 to implement, while others can be, and are being, implemented more quickly. Implementation of any of these ideas would allow states or sources to include such reductions in their compliance strategies in lieu of achieving the full measure of reductions otherwise required in 2020 to meet the interim goal, and would thereby result in states and/or sources being able to phase in these reductions.[1] It may be possible for at least some states to take advantage of these approaches by, for example, taking advantage of RE and demand-side energy efficiency (EE) projects already under development and scheduled to be implemented prior to 2020 or by expediting other projects currently scheduled to be implemented after 2020. The EPA is interested in these and other ways to ensure that states continue the progress they are making to reduce CO_2 from the power sector prior to 2020 and that this rule does not create disincentives for those pre-2020 actions.

2. Phasing in Building Block 2 and a More Gradual Glide Path

Some stakeholders have stated that significant shifts of generation away from coal-fired generators to NGCC units (as calculated under building block 2 and illustrated in the Regulatory Impact Analysis (RIA) in support of the June 18, 2014 proposal) will be difficult for some states to achieve by 2020 as a result of technical, engineering, and infrastructure limitations or other considerations, and may limit cost-effective options for emission reductions. According to these stakeholders, these concerns exist even though the proposal does not require all emission reductions to be achieved in 2020, but rather provides that the interim goal can be met on an average basis for the 2020–2029 period.

In the proposal, the EPA determined that emission reductions are feasible and achievable at fossil fuel-fired steam EGUs by shifting from more carbon-intensive EGUs to less carbon-intensive EGUs, as part of the BSER.[2] More specifically, the EPA concluded that, by shifting generation from fossil fuel-fired steam units (which are primarily coal-fired) to NGCC units, up to a utilization of 70% could be achieved by 2020, as part of building block 2 and for purposes of establishing state goals. In contrast, in the approach to building blocks 3 and 4, the EPA concluded that reductions in CO_2 emissions from fossil fuel-fired units associated with increased utilization of RE and EE would be achievable on a phased-in basis between 2020–2029, reflecting the necessary time needed for deployment (79 FR 34866).

We note that the design of the guidelines makes clear that states are not required to reach their targets using precisely the building blocks that EPA used to determine each state's goal. Nevertheless, some stakeholders have expressed concern that it may not be feasible to ensure significantly higher levels of utilization for existing NGCC units that might be required in order to meet the interim state goals because of the time required to improve natural gas pipeline infrastructure in some states, as well as other factors. Stakeholders have also stated that, while some coal-fired units have recently been constructed and many have received significant capital investment (e.g., in the form of pollution control retrofits), some states' interim goals could not be achieved unless these units stop operating by 2020. According to stakeholders, this concern particularly applies for states that have both significant amounts of steam generation and significant amounts of existing NGCC capacity that is not currently being operated at high levels of utilization. While the EPA solicited comment in the proposal broadly on the proposed start date of 2020 (79 FR 34902), the proposal does not discuss specific potential rationales for phasing in dispatch changes under building block 2. Therefore, in this document, the EPA is explicitly requesting comment on that topic. More detail on specific suggestions we have heard from stakeholders is provided in section III.B of this document.

B. Certain Aspects of the Building Block Methodology

While the agency has already received significant feedback on all four building blocks, there are specific comments and concerns regarding particular aspects of the way in which building blocks 2 and 3 were designed that may not have been fully evident in the original proposal and that commenters may want to consider as they prepare their comments.

1. Stringency of Building Block 2

With regard to the ultimate stringency of building block 2 (dispatch changes among affected EGUs), stakeholders have offered a wide range of views, with some suggesting that building block 2 should be less stringent, others suggesting that it should be more stringent and still others suggesting changes that could make it more stringent in some states and less stringent in others. Some stakeholders have expressed concerns that it might not be possible for all NGCC units to operate at capacity factors of 70%. Other stakeholders have raised concerns that, with respect to states with large amounts of steam generation, the proposed approach to building block 2 creates significant disparities in state goals between those states with little or no NGCC generating capacity and those with significant amounts of NGCC capacity not currently being used fully. Some stakeholders have also suggested that the EPA's BSER determination should recognize that there are additional opportunities to employ natural gas beyond what the EPA included in the proposed rule: The construction and/or increased utilization of new NGCC units and additional co-firing of natural gas at existing fossil steam units.

In the proposed rule, the EPA invited comment on whether the BSER should include: (1) Increasing utilization of NGCC units that are under construction, from an expected capacity factor of 55% to 70% (reflecting a 15% increase), and displacing generation from fossil fired-steam units by an equivalent amount (79 FR 34876); and (2) co-firing with natural gas (79 FR 34875). In the proposed rule, the EPA also discussed the opportunity to reduce CO_2 emissions at affected EGUs by means of the addition, and greater operation, of new NGCC units (i.e., beyond what is currently under construction). The agency also solicited comment on whether new NGCC units should be included as part of the BSER, and how to define state-level goals based on consideration of new NGCC deployment (79 FR 34876–77).

While the agency requested comment on the use of co-firing of natural gas and the inclusion of new NGCC units, a number of stakeholders have suggested that building block 2 should not focus purely on re-dispatch, but instead should focus more comprehensively or holistically on the use of natural gas as a means of reducing CO_2 from the power sector. This concept may go beyond ideas raised in the original proposal; therefore, the EPA invites comment on

[1] It should be noted that, in the June 2014 proposal, the EPA recognized that programs that are implemented between 2015 and 2020, to the extent that they continue to generate low- or zero-carbon in 2020 and beyond, are beneficial, even in the absence of crediting such emission reductions toward compliance in 2020 because states possessing these programs will be better positioned to comply beginning in 2020 (79 FR 34918).

[2] See 79 FR 34862 for a discussion of the BSER analysis of building block 2.

this idea, as discussed in section III.B.1 of this document.

It is also worth noting that, although the EPA calculated the proposed state goals on the basis of applying building block 2 on a state-by-state basis (under which generation from fossil fuel-fired steam units within the state is shifted to NGCC units within the state), the EPA also invited comment on whether building block 2 should be applied on a regional basis, under which generation from fossil fuel-fired steam units within a region is shifted to NGCC units within the region (79 FR 34865, 34899). The EPA is noting this idea to alert commenters to the fact that it might be another possible mechanism for addressing stakeholders' concerns about the disparity of the impact of building block 2 between states that have already invested significantly in developing NGCC generation and those that have not.

2. Methodology for Building Block 3 and How Building Block 3 Targets Relate to Compliance Options

Stakeholders have noted concerns both with the treatment of renewable generation and the treatment of nuclear generation in building block 3.

a. *Approaches for RE target setting.* Stakeholders have raised concerns regarding the renewable energy target-setting component of building block 3, specifically what they describe as a potential misalignment between estimating each state's target based on in-state renewables while allowing use of out-of-state renewables for compliance with state goals.[3] Stakeholders have expressed interest in a target-setting methodology that takes into account interstate exchanges of RE in the calculation of state goals, on the premise that such an approach would better align with existing state RE policies and potential claims on a given state's RE generation by parties from other states (such as renewable energy certificates and power purchase agreements). This feedback has been received both from states that are net suppliers of RE generation to other states and from states that are net consumers of RE generation produced in other states. Some stakeholders have highlighted that the state physically hosting the RE generation in question approved its siting, issued its permits, and may make other claims as to having supported its development and operation and, thus, has a stake in such renewable resources. Other stakeholders have raised concerns that, due to dynamics of the target-setting calculations related to the in-state nature of targets, the RE target-setting approaches in the June 2014 proposal may require substantially more RE development from states that have already invested considerably in RE while requiring less from states that have not put significant effort into developing RE resources. Some stakeholders suggest that better aligning goal-setting to probable compliance approaches may mitigate some of these potential concerns.

The June 2014 proposed rule included two approaches for RE target-setting. The approach that the EPA proposed established state RE targets premised upon an average of state RPS requirements across states in certain regions (see 79 FR 34866–34869 and Chapter 4 of the technical support document (TSD) titled ''GHG Abatement Methods,'' Docket ID No. EPA–HQ–OAR–2013–0602–17180). The EPA also requested comment on an alternative approach that used a state-by-state determination of RE targets, based on technical and market potential (see 79 FR 34869–34870 and ''Alternative RE Approach Technical Support Document,'' Docket ID No. EPA–HQ–OAR–2013–0602–0458).

Both of these approaches focused on the ability to develop renewable generation within a state. At the same time, the EPA proposed that, for compliance, a state could take credit for any RE generation that was related to an enforceable measure in its state, whether that generation originated in its state or in another state. This approach was designed to reflect the nature of existing state policy that allows for compliance with out-of-state generation, such as renewable energy standards (RES).

The proposed rule acknowledged the interstate nature of the electricity system (79 FR 34921–34922), while focusing requests for comment on alternative state plan options that could help states better align interstate RE measures and related emission reductions in their plan with the proposed in-state RE targets that informed their goal.[4] These options included:

(1) Allowing states to participate in multi-state plans to distribute the CO_2 emission reductions among states in the multi-state area equivalent to the total CO_2 emission reductions of each state's in-state emission reductions from RE measures, or to jointly demonstrate RE-related emission performance, which would make distribution of RE impacts unnecessary (note that these plans may be limited to, for example, RE or RE and EE, or they may encompass all of the building blocks);

(2) allowing states to take into account only RE generation related to emission reductions occurring in-state; and

(3) allowing a state to take credit for out-of-state emission reductions related to RE generation only if the state demonstrates that the generation will not also be credited by the other relevant state(s).

Some stakeholders have suggested a different way to align state goal setting and state compliance through adjusting the state goal-setting method. Consistent with the proposed idea that states could take credit for renewables developed in other states if they were attributable to state policies such as RES programs, these stakeholders have suggested that state targets could be developed by defining regional RE targets, then assigning shares of those regional targets to individual states within the region. We believe this idea lies beyond the scope of the June 18, 2014 proposal; thus, we are sharing this idea more broadly and requesting comment on this idea, which is discussed in more depth in section III.

b. *Inclusion of nuclear units in building block 3.* Stakeholders have provided numerous suggestions about inclusion of nuclear power in the calculation of state goals and as a compliance option. The EPA believes that the topics that stakeholders, including states, have raised related to whether to, and if so, how to, include nuclear units that are currently under construction and at-risk existing nuclear capacity in the calculation of goals are covered in the original proposal (79 FR 34870–34871). We are carefully considering stakeholders comments on these topics and others for which we requested comment in the June 18, 2014 proposal.

C. Implementation of the Goal-Setting Equation

1. Goal-Setting Equation

Some stakeholders have raised concerns that the numeric formula for calculating each state's goal is not consistent in its application of the BSER for building block 2, as compared with building blocks 3 and 4. They state that the goal calculation for building block 2 not only reflects an increase in less carbon-intensive generation, but also

[3] While the June 2014 proposal included two different approaches for quantifying RE targets to inform state goals, both approaches premised RE targets on in-state generation potential.

[4] There is also an extensive discussion of interstate effects and related compliance strategies in section VII of the TSD titled ''State Plan Considerations,'' Docket ID No. EPA–HQ–OAR–2013–0602–0463.

applies an equal downward adjustment to each state's total existing fossil steam generation level in 2012, reflecting a generation shift away from higher-emitting fossil steam generation and toward lower-emitting NGCC generation. The result is that total generation is held constant, with only the mix of more and less carbon-intensive generation changing.[5] In contrast, they state, the approach in the proposal for incorporating building blocks 3 and 4 in the goal calculations does not reflect shifting generation away from fossil units because the total amount of generation is increased (including ''megawatts'' from EE as ''generation'') without any offsetting decrease in generation from 2012 fossil generation levels. Some stakeholders suggest that, by holding existing fossil generation at 2012 levels for purposes of goal calculation and estimating building blocks 3 and 4 independent of the interaction with those existing fossil generation levels, the state goals do not reflect the potential for added generation from building block 3 and avoided generation from building block 4 to shift generation away from existing fossil steam generation below the 2012 level and, therefore, do not reduce generation, and thus emissions, from affected fossil fuel-fired generation in keeping with the EPA's proposed approach to the BSER.

Since the EPA did not address this issue explicitly in the June 2014 proposal, the EPA discusses alternative approaches that have been suggested by stakeholders and solicits comment on these in section III.C of this document so that all stakeholders will have an opportunity to consider these ideas as they prepare their comments.

2. Alternatives to the 2012 Data Year

Since publication of the proposed rule, many states and other stakeholders have expressed concern over the use of 2012 as the single data year for calculating interim and final goals. Some states and stakeholders have identified anomalies with generation in their state or at their companies for 2012 that they believe make 2012 an inappropriate base year. At proposal, the EPA considered using average fossil generation and emission rate values over a longer period than a single year. As a result of the goal calculation methodology, the EPA determined that, on average, any potential changes to state goals using a multi-year base year would be minimal, and would result in increases for some states and decreases for others (see ''Goal Computation Technical Support Document'' at 4, Docket ID No. EPA–HQ–OAR–2013–0602–0460). Numerous stakeholders have expressed interest in obtaining Emissions and Generation Resource Integrated Database (eGRID) data for years prior to 2012 to foster comparison with results from the 2012 dataset. As is discussed further in section III.C.2 of this document, the EPA is making available the 2010 and 2011 eGRID data and requesting comment on the use of 2010 and 2011 data, in addition to 2012 data, in setting state-specific CO_2 goals.

III. Topics Upon Which the EPA Is Soliciting Additional Comment

As discussed above, stakeholders, including states, have raised questions or concerns, and provided suggestions, regarding several topics that relate either to the EPA's determination of the BSER or to states' and sources' options for compliance with the rule requirements and, if addressed in the final rule, could result in changes to the stringency of the proposed emission rate-based CO_2 goals, at least for some states. The EPA is identifying these topics to ensure that all stakeholders have the opportunity to consider these topics as they comment on the proposal.

This document is not a comprehensive presentation of the issues raised by stakeholders or under consideration by the EPA. The issues presented here arise from the agency having heard concerns and suggestions raised about the stringency of the CO_2 goals; the timeframe required for complying with those goals and its potential impact on flexibility and cost; and unwanted effects that may arise from the differences between and among state goals. Potential changes to the rule based on any one of these issues could increase or decrease the stringency of the goals or shift stringency levels between and among states.

A. The 2020 to 2029 Glide Path

It was the EPA's intent in the proposal that, through the inclusion of a ten-year averaging period and other flexibility mechanisms, the interim goals would provide states with a reasonable glide path to compliance with their final goals by 2030. However, as noted in section II.A above, some stakeholders have expressed concerns with the approach that the EPA used to determine states' interim goals and have stated that, notwithstanding the flexibility provided in the proposal, significant shifts of generation away from coal-fired generators to NGCC units (as calculated under building block 2) will be necessary by 2020 and will be difficult for at least some states to reasonably achieve in that timeframe. To facilitate further consideration of these and other stakeholder concerns about the potential challenges associated with achieving all of the reductions that states may need to obtain as early as 2020, the EPA is seeking comment on two additional specific adjustments to the interim goal calculations, discussed below, that would allow for a more gradual phase-in of building block 2 during the 2020–2029 period.

With regard to the glide path, some stakeholders have also suggested that a phase-in of building block 1 would be appropriate. The EPA is also requesting comment on that idea.

Stakeholders have suggested at least two additional ways that a trajectory for a gradual phase-in could be developed to respond to their concerns. First, a phase-in schedule could be developed for building block 2 on the basis of whether, and to what extent, any additional infrastructure improvements (e.g., natural gas pipeline expansion or transmission improvements) are needed to support more use of existing natural gas-fired generation. To the extent that more infrastructure is needed, the methodology for building block 2 could be modified on the basis of how much utilization shift toward existing NGCC generation would be possible by 2020, by factoring in how quickly additional infrastructure could be developed to support any additional use of natural gas-fired generation by that date. This would result in two parameters, parallel to the way that building blocks 3 and 4 are implemented in the proposal. The first parameter would define an amount of utilization shift to existing natural gas that is feasible by 2020, and the second parameter would define how quickly that amount could grow until the full amount of natural gas utilization could be achieved as part of the BSER.

Second, building block 2 could be modified to respond to stakeholder concerns about the pace with which generation in some states may need to be shifted from higher-emitting to lower-emitting units. In particular, stakeholders have expressed a concern that shifting generation away from existing generating assets, particularly coal-fired EGUs, could, in some situations, result in limiting cost-effective options. As discussed in the proposal (79 FR 34925), due to the flexibility provided by the EPA's approach to establishing state goals, and the flexibility provided to states in developing plans to achieve those goals, the EPA believes that the proposal

[5] Note that, in states with under-construction NGCC units, the total fossil generation assumed in the proposed goal-setting equation exceeds the 2012 level due the 55% capacity factor assumed from these new sources.

provides states the flexibility to specify appropriate requirements for individual EGUs, including coal-fired EGUs, taking into account the potential for stranded investments and other unit-specific factors. However, to the extent that stakeholders are concerned that the tools available to states under the proposal may, in some instances, be inadequate to address concerns regarding stranded investments, an additional way to address these concerns may be for the agency to take account of the book life of the original generation asset, as well as the book life of any major upgrades to the asset, such as major pollution control retrofits. For example, in its modeling, the EPA assumes a book life of 40 years for new coal-fired units.[6] The EPA requests comment on whether, and how, book life might be either used as part of the basis for the development of an alternative emission glide path for building block 2 or used to evaluate whether other ways of developing an alternative glide path (such as the phase-in approaches discussed above) would address stakeholders' stranded investment concerns. The EPA is providing this additional information, arising from stakeholder concerns, to allow additional continued engagement of stakeholders in the comment process.

It is also important to consider that changes to the structure of building blocks 2 and 3, as well as changes to the goal-setting equation discussed below in section III.D, would likely impact the glide path. The EPA continues to welcome other ideas on how to craft a glide path that offers states flexibility while still ensuring that they can achieve the final goals.

B. Certain Aspects of the Building Block Methodology

This section describes alternative approaches, including approaches based on regional considerations or allocations. In offering these stakeholder ideas for comment, the agency's intent is not to require regional plans. Rather, it is to respond to stakeholder concerns that currently proposed approaches could limit some states' flexibility in meeting the goals. To address this concern, the agency is offering additional stakeholder ideas that could support states' flexibility in achieving the goals. Under any of the approaches, each state would still have the option of submitting an individual CAA section 111(d) plan or of participating in a multi-state CAA section 111(d) plan.

The EPA acknowledges that determining the component of the BSER related to shifting generation from fossil fuel-fired units to renewable units based on regional considerations or allocations among states could result in changes to state's goals relative to a non-regional approach. Furthermore, ultimate decisions about how a source may respond are dependent both on whether a state participates in a regional plan (which could effectively change the impact of the goals across the states involved) and on how a state assigns obligations to sources. The agency is also aware that how states decide to assign reduction obligations in their state plans, as well as a state's decision to develop an individual state plan or to participate in a regional plan, can play a significant role in how sources respond.

1. Stringency of Building Block 2

In section II.B.1 above, we identified stakeholder comments on the treatment of natural gas in building block 2 and described stakeholder suggestions for approaches that are covered in the June 2014 proposal. In this section, we further describe stakeholder comments and also present new approaches for the treatment of natural gas for which the agency is seeking comment. The EPA is providing this additional information, arising from stakeholder concerns, to allow additional continued engagement of stakeholders in the comment process.

Some stakeholders have raised concerns that, with respect to states with large amounts of steam generation, the proposed approach to building block 2 creates significant disparities in state goals between those states with little or no NGCC generating capacity, and those with significant amounts of NGCC capacity not currently being used fully. Stakeholders have also raised concerns that these disparities could result in distortions in regional electricity markets. Some stakeholders have suggested that these disparities could be reduced by increasing the obligation of those states with little or no NGCC generating capacity to employ natural gas beyond what the EPA included in the proposed rule, including the construction and/or increased utilization of new NGCC units and additional co-firing of natural gas at existing fossil steam units.

Greater use of new NGCC units or additional co-firing of natural gas at existing steam boilers could result in changes in natural gas use. Some have argued that if there is increased demand for natural gas for new NGCC units and/or co-firing, it could add upward pressure on natural gas prices. However, commenters may want to consider whether there are ways to incorporate new NGCC units and co-firing into the BSER that might not result in an overall increase in the amount of natural gas usage, For example, if the EPA adopts the type of more gradual glide path for building block 2 described above in section III.A, increases in natural gas use from new NGCC units and increased co-firing might leave the amount of overall natural gas use similar to what would result from what the EPA proposed in building block 2 (at least in the early years of the glide path).

Some stakeholders have suggested other reasons to consider new NGCC generation and natural gas co-firing as part of building block 2. They note that the incorporation of natural gas as part of the BSER should consider the cost and feasibility of the total amount of natural gas used, as opposed to the extent to which the gas is used for particular types of generation (i.e., existing NGCC generation, new NGCC generation, or co-firing). In the proposal, the EPA concluded that existing NGCC generation, which relies upon existing infrastructure, was the most cost-effective manner in which to base building block 2. However, there may be other important considerations that can shape the relationship of the BSER to natural gas consumption, such as the ability to build new infrastructure and the flexibility that co-firing could provide.

These stakeholders note that this expanded approach would be more consistent with historic NGCC deployment, better reflect growing geographic availability of natural gas supply, contribute to expanded generation fuel diversity in states that currently have relatively little NGCC capacity, and offer more cost-effective emission reductions.

The EPA has identified one potential approach to accommodate these stakeholder suggestions about utilization of new NGCC generation or co-firing, especially in states with little or no existing NGCC capacity, to assist public engagement during the comment process and to solicit more specific comment. This approach would be to include an assumption about some minimum level of generation shift from higher-emitting to lower-emitting sources for all states containing some fossil steam generation in the state goals. In determining this minimum amount, it should be recalled that the proposal indicated a total amount of generation shift from fossil steam to NGCC generation assumed in building

[6] IPM version 5.13 Documentation, Chapter 8, Financial Assumptions, available at: *http://www.epa.gov/airmarkets/progsregs/epa-ipm/docs/v513/Chapter_8.pdf.*

block 2 for each state.[7] The 2012 eGRID data, used for purposes of setting state goals, reflects the total generation for each state. Dividing the former by the latter provides the percentage of each state's generation that is shifted from higher-emitting to lower-emitting sources. For example, on average, the states that are able to shift fossil steam generation to lower-emitting generation sources shift 55% of their fossil steam generation, on average, under the proposed approach. The lower quartile of these states shift approximately 12% of their fossil steam generation.[8]

The EPA solicits comment on whether to establish some minimum value as a floor for the amount of generation shift for purposes of building block 2, whether that shift takes the form of re-dispatch from steam generation to existing NGCC units, re-dispatch to new NGCC units, or co-firing natural gas in existing coal-fired boilers. The EPA also solicits comment on what that value should be, e.g., the lower quartile value of 12%, or any other value between 0 and the 55% average described above. To illustrate this minimum approach, if the lower quartile value were used, a state with 100 MWh of fossil generation and no existing NGCC generation in 2012 would have a state goal premised on 12 MWh shifting from higher-emitting to lower-emitting NGCC generation.

The EPA also solicits comment on how this approach to add a minimum requirement for states that currently have little or no NGCC capacity should relate to the proposed approach that requires states with significant amounts of unused NGCC capacity to utilize up to 70% of that capacity. Note at the outset that the total nationwide amount of NGCC generation assumed under building block 2 is approximately 1,450 terrawatt-hours (TWh). Should the minimum generation shifts in states with little or no NGCC capacity be in addition to this total amount? Alternatively, should the total level of gas use for purposes of building block 2 be held the same? Under the latter approach, the amount of generation from states with higher amounts of NGCC capacity would be reduced in amounts equal to the additional NGCC generation applied to states with zero- or low-NGCC capacity states, for building block 2. This approach would further reduce the disparities between states with little or no NGCC capacity and those with significant amounts of NGCC capacity.

Some stakeholders have made additional observations about natural gas co-firing, in response to the EPA's solicitation of comment in the proposed rulemaking (79 FR 34865). They have brought to the EPA's attention that there are some benefits associated with the co-firing of natural gas with coal that might make it a practical option for consideration in goal setting and compliance in lieu of, or in addition to, shifting from coal-fired steam generating units to NGCC units. For example, stakeholders point out that co-firing can reduce emissions of nitrogen oxides (NO_X); sulfur dioxide (SO_2); particulate matter; and hazardous air pollutants, including mercury. Co-firing could also reduce some portion of the costs related to control of these pollutants (depending on the extent of co-firing). Co-firing might also provide additional operational flexibility, particularly for coal-fired units that are regularly used at less than full load or that cycle regularly. Co-firing may allow units to ramp up and down more quickly, which could give a company the opportunity to take advantage of low fuel prices, when they occur, to achieve cost savings. Co-firing could allow additional time for implementation of strategies in state plans that have a lengthier implementation timeframe, such as building up a robust energy efficiency program. Further, co-firing could provide an opportunity to achieve emission reductions at existing higher-emitting units with relatively low levels of capital investment, thereby addressing companies' concerns about stranded assets. It should also be noted that utilities continue to announce conversions or plans to convert coal-fired steam boilers to natural gas.[9] We noted and requested comment on some, but not all, of these observations in the June 18, 2014 proposal (see 79 FR 34875–34876).

We are requesting comment on these aspects of the costs and potential benefits (or offsetting cost advantages) of co-firing natural gas at existing coal plants, to the extent they were not considered or presented for comment in the proposed rule, along with any other additional costs and potential benefits of such co-firing that could be considered in goal setting. In addition, we are requesting comment on other factors or variables that might affect the decision to use natural gas in co-firing at a particular unit (e.g., type, age, or size of a boiler), as well as factors that could limit the amount of co-firing that could be done. For units currently co-firing with natural gas, we request comment on the benefits experienced and the extent to which co-firing is being done.

It should be noted that in its June 2014 proposal, the EPA stated that replacing fossil steam generation with new NGCC units and natural gas co-firing at existing fossil steam units may be considered the BSER for various reasons. New NGCC units and natural gas co-firing at existing fossil steam units may be considered part of a ''system of emission reduction,'' in light of the broad definition of that phrase; for example, the affected sources can themselves undertake those actions (i.e., fossil steam generators may invest in new NGCC units and coal-fired steam generators may co-fire with natural gas); and steam generators may reduce their utilization, which, through the operation of the market, would lead to the construction of new NGCC capacity (see 79 FR 34885–90). In addition, replacing fossil steam generation with new NGCC units and natural gas co-firing at existing fossil steam units are ''adequately demonstrated'' in light of the extent to which they have already occurred.

As discussed above in section II.B, the June 2014 proposal already solicits comment on an alternative approach to addressing the concern that states with little existing natural gas infrastructure do not have the same opportunities to shift generation to lower-emitting NGCC units. We are highlighting this alternative approach from the June 2014 proposal so that stakeholders can consider whether this approach could address their concerns. Under this approach, regional availability of NGCC generation would be considered rather than just in-state availability of NGCC generation in setting building block 2 targets. Determining the appropriate levels of generation shift under building block 2 in a similar, regional manner—

[7] See ''Regulatory Impact Analysis for the Proposed Carbon Pollution Guidelines for Existing Power Plants and Emission Standards for Modified and Reconstructed Power Plants'' (June 2014). Docket ID No. EPA–HQ–OAR–2013–0602–0391 at 3–24.

[8] This is based on the forty states that had: (1) NGCC capacity in 2012, and (2) some fossil steam generation from which shifting could occur. The 55% and 12% discussed here are non-weighted averages of the percentage fossil steam generation shift observed in each state, the nationwide percentage of fossil steam generation shift assumed was 28%. See ''Goal Computation Technical Support Document,'' Docket ID No. EPA–HQ–OAR–2013–0602–0460, ''Appendix 1—State Goal Data and Computation,'' Docket ID No. EPA–HQ–OAR–2013–0602–0255, and ''2012 Unit-level Data Using the eGRID Methodology,'' Docket ID No. EPA–HQ–OAR–2013–0602–0254.

[9] ''Coal unit retirements, conversions continue to sweep through power sector.'' M. Niven and N. Powell. SNL Financial, Charlottesville, VA. October 14, 2014. Accessed on 10/22/14 at: *https://www.snl.com/InteractiveX/Article.aspx?cdid=A-9431641-13357*.

using either the same regional structure as that defined by the EPA for the RIA of the proposed rule (i.e., six regions whose borders are informed by North American Electric Reliability (NERC) regions and Regional Transmission Organizations (RTOs)) (79 FR 34865 n. 142),[10] or some alternative regional structure—could be another way to mitigate the concerns expressed by stakeholders that building block 2 has little or no effect on certain states with large amounts of coal-fired generation and limited excess NGCC capacity. The EPA seeks comment on the appropriate regional structure to use in such a framework and the appropriate manner in which the goals could be derived and allocated among states.

2. Methodology for Building Block 3 and How Building Block 3 Targets Relate to Compliance Options

In section II.B.2 above, we identified stakeholder comments on the renewable energy target-setting component of building block 3 and described two methodological approaches for RE target-setting that are within the scope of the June 2014 proposal. In this section, we provide a conceptual discussion of a third methodological option for RE targets that some stakeholders have suggested and which we refer to here as a regionalized approach. This approach adjusts each state's RE target based on the RE potential available across a multi-state region in which the state is located. Under this approach, a state's goal would be informed by the opportunity to develop out-of-state RE resources as part of its state plan, and thus better align RE targets with the proposal to allow the use of certain out-of-state renewables for compliance, in accordance with stakeholder comments described in section II.B.2. This regionalized approach could group states into regions; aggregate RE generation potential across states within each region; and then reapportion the aggregate identified RE generation to individual states according to criteria that assume regional RE development in which parties in multiple states participate, regardless of the specific state where the generation occurs. One example of this type of regionalized approach would be grouping states into the regional structure shown in the June 2014 proposal[11] (79 FR 34866–34867); for each region, summing the RE target generation identified under the alternative approach in the June 2014 proposal for all states in that region; and then reallocating that summed generation proportionally to each state within that region by a chosen criterion, such as each state's share of total electricity sales within that region in 2012.[12] The EPA requests comment on this regionalized approach for RE target setting, and specifically on the reallocation criterion.

The agency also requests comment on several key methodological assumptions involved in this regionalized approach. First, the EPA requests comment on what the regional structure would be, as well as a justification for that structure. One option would be grouping states together that are currently involved in interstate RE exchanges and are likely to do so in the future, and would include a balance of states that are net suppliers and states that are net consumers of RE generation. We invite comment on how a potential regional structure for this regionalized RE approach could address these concerns.

Regional structures could be informed by NERC regions,[13] FERC Planning Regions,[14] RTOs,[15] current regional renewable energy credit tracking systems,''[16] or some other approach. We recognize that some of these structures may need to be adjusted to conform to state boundaries for the purposes of informing state goals, and we invite comment on how to do so. In addition, some of these regional structures may yield isolated states, and we seek comment on whether these should be single-state regions or whether adjustments should be made to incorporate such states into multi-state regions. We also cite the regional structure used in the proposed target-setting approach and in compliance modeling as one example of a regional structure that could be used (79 FR 34866–34867). We noted above in section II.B.1, as well as in section III.B.1, that the June 2014 proposal sought comment on a regional approach to building block 2 and provided analysis using a structure informed by NERC regions and RTOs. It may be appropriate to use the same regional structure for building blocks 2 and 3, whether it is the one specified in the block 2 analysis or an alternative structure, particularly if transmission concerns are a primary driver of the structure. The EPA seeks comment on these regional structure considerations.

Second, the EPA requests comment on the criteria that should be used for reapportioning state RE targets within given regions, as well as a justification for those criteria. The agency believes that a useful criterion would provide a simple state-specific quantitative characteristic that reflects interstate patterns to develop RE potential at reasonable cost across a region. Total electricity sales in each state in 2012 is an example of a possible criterion. Another possible criterion is total generation in each state in 2012. The EPA requests comment on other possible criteria.

Third, the EPA requests comment on what components of the state RE targets should be regionalized under such an approach. For example, a regional approach may or may not apply to the entirety of each state's RE target from the alternative approach in the June 2014 proposal; the generation that would be reallocated across states in a given region may or may not include existing generation (as of 2012), incremental generation (beyond 2012 levels), or all types of RE generation (e.g., solar, wind) considered. In the June 2014 proposed rule, the EPA sought comment on the role of existing hydropower in target-setting (79 FR 34869), and we also request comment on whether a regionalized approach should or should not reallocate existing hydropower generation across states (even if all other types of RE generation

[10] See ''Regulatory Impact Analysis for the Proposed Carbon Pollution Guidelines for Existing Power Plants and Emission Standards for Modified and Reconstructed Power Plants'' (June 2014) Docket ID No. EPA–HQ–OAR–2013–0602–0391 at 3–11; TSD on ''GHG Abatement Measures'' (June 2014), Docket ID No. EPA–HQ–OAR–2013–0602–0437 at 3–25.

[11] The regions were defined as follows, East Central: Delaware, District of Columbia, Maryland, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia; North Central: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, South Dakota, Wisconsin; Northeast: Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont; South Central: Arkansas, Kansas, Louisiana, Nebraska, Oklahoma, Texas; Southeast: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee; and West: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming. Alaska and Hawaii were considered as two individual regions. Because Vermont and the District of Columbia lack affected sources, no goals are being proposed for these jurisdictions.

[12] This criterion could be informed by publicly available data in 2012 Retail Sales of Electricity by State by Sector by Provider, as reported from EIA Form 861, available at: *http://www.eia.gov/electricity/data/state./*

[13] Further information is available at: *http://www.nerc.com/AboutNERC/keyplayers/Pages/Regional-Entities.aspx.*

[14] An illustrative map is provided on p. 4 of the document at the following link: *http://www.ferc.gov/media/news-releases/2011/2011-3/07-21-11-E-6-presentation.pdf.*

[15] Further information and an illustrative map are available at *http://www.ferc.gov/industries/electric/indus-act/rto.asp.*

[16] There are several renewable energy tracking systems that serve to issue and retire renewable energy credits (RECs) across regions in the U.S. More information, including an illustrative map, is available from the U.S. Department of Energy at *http://apps3.eere.energy.gov/greenpower/markets/certificates.shtml?page=3.*

are reallocated across states under a regionalized approach).[17]

The EPA is requesting comment on the above approach, the extent to which the approach allows for states to address interstate RE concerns, and whether there are other ways to treat RE target-setting informing state goals that would take into account interstate effects. We are also still taking comment on the two approaches for RE target-setting specified in the June 2014 proposal. Finally, the EPA notes that there are a number of possible methodologies for using technical and economic renewable energy potential to quantify RE generation for purposes of state goals. The EPA invites comment on other possible techno-economic approaches.

C. Implementation of the Goal-Setting Equation

1. Goal-Setting Equation

As noted above in section II.C.1, stakeholders have raised concerns that the proposed numeric formula for calculating each state's goal is not consistent in its application of the BSER for incremental generation from existing NGCC units under building block 2, as compared with incremental RE generation and EE generation avoidance under building blocks 3 and 4. (For ease of reference, unless otherwise indicated, we refer to both incremental RE generation and incremental EE generation avoidance [18] as ''incremental RE and EE.'') [19] They state that, for building block 2, the formula subtracts 1 MWh of fossil steam generation and corresponding emissions from the 2012 baseline levels for every 1 MWh of incremental NGCC generation (subtracting emissions from the numerator and subtracting generation from the denominator of the goal calculation formula) (see 79 FR 34896 and ''Goal Computation Technical Support Document,'' Docket ID No. EPA–HQ–OAR–2013–0602–0460, at 10–12). In the stakeholders' view, this approach reflects the assumption that incremental NGCC generation will supplant historical fossil steam generation levels.

In contrast, as the stakeholders also point out, the formula adds incremental RE and EE to 2012 baseline generation levels (in the denominator of that formula) but does not reduce the 2012 baseline levels of fossil generation (in the denominator of the formula) by that incremental RE and EE, or remove the corresponding emissions (in the numerator of that formula) (see 79 FR 34896 and ''Goal Computation Technical Support Document,'' Docket ID No. EPA–HQ–OAR–2013–0602–0460, at 15–18). In the stakeholders' view, by holding existing fossil generation and the corresponding emissions at 2012 levels, and not reducing them based on the amounts of incremental RE and EE, the state goals fail to reflect the full potential, under the BSER, for incremental RE and EE to replace fossil steam generation. Instead, simply adding incremental RE and EE to the denominator, while making no equivalent subtraction from the 2012 levels of fossil generation and corresponding emissions, does not clearly indicate whether, and to what extent, that generation will replace existing fossil generation as opposed to future generation increases from existing sources.

Some stakeholders have suggested an alternative approach of applying generation from building blocks 3 and 4 to reduce fossil generation below 2012 levels in the goal calculation. They have stated that this alternative approach is more consistent with the treatment of generation under building block 2, while also achieving greater CO_2 reductions. They suggest that the alternative approach, in which incremental RE and EE explicitly replaces generation from fossil fuel-fired sources in the goal calculation, better represents the BSER by better reflecting the likely reductions in fossil generation (and corresponding reduction in emissions) that can be achieved by affected sources.[20]

The following subsections describe two different approaches for revising the state goal-setting formula to address this concern. These approaches are being shared more broadly to allow continued stakeholder engagement and to enhance the ability of stakeholders to submit substantive comments.

a. *Replace all historical fossil generation on a pro rata basis.* The proposed state goal-setting formula assumes a constant level of generation for total existing fossil generation greater than or equal to 2012 historical levels (i.e., the amount of fossil generation in the denominator of the state goal equation is greater than or equal to 2012 levels).[21] In the proposal, incremental RE and EE was simply added to the denominator of the state goal formula. An alternative treatment of this incremental RE and EE would be to assume that it directly replaces 2012 fossil generation levels and the corresponding emissions on a pro rata basis across generation types (i.e., fossil steam and gas turbine). Although the incremental generation levels assumed for building blocks 3 and 4 would not change under this approach, this adjustment to the goal-setting formula would yield more stringent state goals. Note that, under this alternative approach, the incremental RE would replace fossil steam and NGCC generation in proportion (i.e., pro rata) to their historical generation.

The incremental RE and EE is assumed to replace generation from existing fossil sources in both the goal-setting calculation approach in the June 2014 proposal and this alternative approach. However, these two approaches reflect two different interpretations of how this replacement occurs. Under the approach in the June 2014 proposal, incremental RE and EE could replace a generation increase from existing fossil sources that would otherwise occur after 2012, while under this alternative approach, incremental RE and EE could replace historical fossil generation below 2012 levels. The assumption is that the former of these two scenarios results in a smaller reduction in carbon intensity and, hence, a less stringent state goal than under the latter scenario. The former scenario also implicitly assumes significant increases in existing fossil generation beyond 2012 levels absent building block three or four.

This alternative approach would recognize a greater reduction potential in carbon intensity from incremental RE and EE, and it would be more closely analogous to the treatment of

[17] It should be noted that the EPA is not, in this document, addressing stakeholder comments concerning whether existing RE generation should be included in building block 3 or what types of generation (e.g., hydropower) to include in existing RE or incremental RE, the possibility of a floor based on 2012 generation or the possibility of a limitation based on 2012 fossil fuel-fired generation—those issues are already clearly covered in the June 2014 proposal's request for comments and should be applied to this regionalized approach as well. Stakeholders are encouraged to provide input on these and other issues addressed in the proposal.

[18] EE avoidance is incorporated into the goal-setting formula as zero-emitting generation.

[19] This section discusses approaches for state goal calculations that focus specifically on the treatment of incremental RE generation and EE generation avoidance. The June 2014 proposal set out a methodology for state goal calculations that includes existing RE, and comments on that inclusion are within the scope of the proposal. The state goal calculation methods outlined in this section are independent of the treatment of existing RE.

[20] This alternative approach would be consistent with identifying, as part of the BSER, fossil generating sources replacing their historical generation levels with incremental RE and EE.

[21] Fossil generation in the formula is greater than 2012 historical levels in states where ''existing'' NGCC units were under construction during 2012 and, therefore, did not report generation in that year.

incremental NGCC generation identified under building block 2 (given that under the proposal, generation from building block 2 was assumed to reduce carbon intensity by replacing generation from 2012 levels). The rationale for this approach would be that the BSER for all fossil generation includes replacing that generation with incremental RE and EE. Moreover, this approach acknowledges that, taken by itself, such incremental generation would not necessarily replace the highest-emitting generation, but would likely replace a mix of existing fossil generating technologies.

b. *Prioritize replacement of historical fossil steam generation.* A second alternative approach would be similar to the one described above, but the adjustment would reflect incremental RE and EE first replacing *fossil steam* generation below 2012 levels rather than replacing *all fossil* generation on a pro rata basis. Subsequent to replacing *fossil steam* generation, if there were any remaining incremental RE or EE, it would replace gas turbine generation levels and the corresponding emissions. Therefore, the reduction in carbon intensity observed from this type of adjustment would be more than that estimated in the proposal's goal-setting formula and more than the alternative approach above, in section III.C.1.a, because incremental and avoided generation would replace generation from higher-emitting fossil steam sources first. The rationale for this alternative approach would be based on the view that, as part of the BSER, because fossil steam generation has higher carbon intensity, it should be replaced before NGCC generation.

By identifying the two alternative approaches above and providing more detailed data by which to assess them, the EPA is seeking additional engagement during the public comment process and supporting the ability of stakeholders to provide comment. The EPA is requesting comment on whether a formula change of this nature would better reflect the emission reduction potential from incremental RE and EE. In particular, the EPA is seeking comment on how the amount of incremental RE and EE in the June 2014 proposal relate to potential future generation increases from existing fossil sources. The EPA is also soliciting comment on approaches where some portion of such incremental generation is calculated to replace future increases in existing fossil generation with the remainder assumed to replace historical existing fossil generation. The EPA is also requesting comment on how to treat a state in which the incremental RE and EE exceeds historical fossil steam generation levels. Together, the approach in the proposal and the alternative approach in this document reflect a range of possible emission rate impacts that could be expected through the application of the incremental RE and EE in the state goal calculation. The EPA is seeking comment on which approach better reflects the BSER. At the same time, we note that the alternative state goal formula approaches listed here may raise a number of additional considerations. These approaches, for example, would increase the collective stringency of the state goals, which would likely increase both the costs and benefits of the proposed rule.

As noted above, at least some of these alternative applications of the target-setting equation would result in many states having tighter rate-based goals. Therefore, in considering any of these changes, the EPA would also consider how they relate to other issues discussed in this document, as well as in the original proposal, particularly inclusion of new NGCC units in the state goal calculation and alternatives to the 2020–2029 glide path. While the goal-setting formula adjustments described here would tighten the state goals, the glide path adjustments discussed previously would have the offsetting effect of reducing the stringency of the goals. The EPA welcomes comment specifically on the potential changes identified in this document in terms both of the rationale for these changes and of their effects on the stringency of the state goals.

2. Alternatives to the 2012 Data Year

A number of stakeholders have raised concerns over the use of 2012 as the single data year for calculating interim and final goals. The EPA has identified several approaches that stakeholders may want to consider and upon which we are requesting comment. The EPA is seeking comment on whether we should use a different single data year or the average of a combination of years (such as 2010, 2011, and 2012) to calculate the state fossil fuel emission rates used in state goal calculations. The agency is also seeking comment on whether state-specific circumstances exist that could justify using different data years for individual states, as opposed to using the same data year, or combination of years, consistently across states.

Stakeholders have also expressed interest in obtaining eGRID data for years prior to 2012 in order to foster comparison with results from the 2012 dataset. The EPA is adding, to the docket for this action, data for the years 2010 and 2011 that are based on the same information sources and presented in the same format as the 2012 dataset used for the June 2014 proposed rule. We are also making these data available at: *http://www2.epa.gov/cleanpowerplan/.*

Dated: October 27, 2014.

Janet G. McCabe,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2014–25845 Filed 10–29–14; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

[Docket No. FWS–HQ–ES–2013–0052]

RIN 1018–AZ53

Notice of Intent To Include Four Native U.S. Freshwater Turtle Species in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule: Notice of intent to amend CITES Appendix III.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to include the common snapping turtle (*Chelydra serpentina*), Florida softshell turtle (*Apalone ferox*), smooth softshell turtle (*Apalone mutica*), and spiny softshell turtle (*Apalone spinifera*) in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Convention), including live and dead whole specimens, and all readily recognizable parts, products, and derivatives. Listing these four native U.S. freshwater turtle species (including their subspecies, except *Apalone spinifera atra,* which is already included in Appendix I of CITES) in Appendix III of CITES is necessary to allow us to adequately monitor international trade in these species; to determine whether exports are occurring legally, with respect to State and Federal law; and to determine whether further measures under CITES or other laws are required to conserve these species.

DATES: To ensure that we are able to consider your comment on this proposed rulemaking action, you must send it by December 29, 2014.

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

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–ES–2013–0052.

• *U.S. Mail or Hand-Delivery:* Public Comments Processing, Attn: Docket No. FWS–HQ–ES–2013–0052; U.S. Fish and Wildlife Service Headquarters, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Craig Hoover, Chief, Wildlife Trade and Conservation Branch, Division of Management Authority, U.S. Fish and Wildlife Service Headquarters, MS: IA; 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2095; facsimile 703–358–2298. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We intend that any final action resulting from this proposal will be based on accurate information and as effective as possible. Therefore, we request comments or suggestions on this proposed rule. We particularly seek comments concerning:

(1) Biological, trade, or other relevant data concerning any threats (or lack thereof) to these species (including subspecies) and regulations that may be addressing those threats.

(2) Additional information concerning the range, distribution, and population size of these species (including subspecies).

(3) Any information on the biological or ecological requirements of these species (including subspecies).

(4) Any information regarding legal or illegal collection of or trade in these species (including subspecies).

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We will not consider comments sent by email or fax or to an address not listed in **ADDRESSES**.

If you submit a comment via *http://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays, at: U.S. Fish and Wildlife Service Headquarters, Division of Management Authority, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2095.

Background

CITES, an international treaty, regulates the import, export, re-export, and introduction from the sea of certain animal and plant species. CITES was negotiated in 1973 in Washington, DC, at a conference attended by delegations from 80 countries. The United States ratified the Convention on September 13, 1973, and it entered into force on July 1, 1975, after it had been ratified by the required 10 countries. Currently 180 countries have ratified, accepted, approved, or acceded to CITES; these countries are known as Parties.

The text of the Convention and the official list of all species included in its three Appendices are available from the CITES Secretariat's Web site at *http://www.cites.org* or upon request from the Division of Management Authority at the address provided in **FOR FURTHER INFORMATION CONTACT** above.

Section 8A of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), designates the Secretary of the Interior as the U.S. Management Authority and U.S. Scientific Authority for CITES. These authorities have been delegated to the U.S. Fish and Wildlife Service. The original U.S. regulations implementing CITES took effect on May 23, 1977 (42 FR 10465, February 22, 1977), after the first meeting of the Conference of the Parties (CoP) was held. The CoP meets every 2 to 3 years to vote on proposed resolutions and decisions that interpret and implement the text of the Convention and on amendments to the list of species in the CITES Appendices. The last major revision of U.S. CITES regulations was in 2014 (79 FR 30399, May 27, 2014) and incorporated provisions from applicable resolutions and decisions adopted at meetings of the Conference of the Parties up to and including the fifteenth meeting (CoP15), which took place in 2010. In 2008, through a direct final rule, we incorporated certain provisions adopted at CoP14 regarding international trade in sturgeon caviar (73 FR 40983, July 17, 2008).

The Service's International Wildlife Trade Program convened a freshwater turtle workshop in St. Louis in September 2010 to discuss the pressing management, regulatory, scientific, and enforcement needs associated with the harvest and trade of freshwater turtles in the United States. As a follow up to one of the recommendations put forth at the St Louis Workshop in 2010 the Service hosted a workshop in Baton Rouge, LA in November 2011 for all 16 States with turtle farms to develop best management practices for turtle farms operating in the United States. Information on these workshops can be found on our Web site at *http://www.fws.gov/international/animals/freshwater-turtles.html* or from DMA (see **FOR FURTHER INFORMATION CONTACT**).

CITES Appendices

Species covered by the Convention are listed in one of three Appendices. Appendix I includes species threatened with extinction that are or may be affected by international trade, and are generally prohibited from commercial trade. Appendix II includes species that, although not necessarily threatened with extinction now, may become so unless the trade is strictly controlled. It also lists species that must be regulated so that trade in other listed species may be brought under effective control (e.g., because of similarity of appearance to other listed species). Appendix III includes native species, identified by any Party, that are regulated to prevent or restrict exploitation, where the Party requests the help of other Parties to monitor and control the trade of the species.

To include a species in or remove a species from Appendices I or II, a Party must propose an amendment to the Appendices for consideration at a meeting of the CoP. The adoption of such a proposal requires approval of at least two-thirds of the Parties present and voting. However, a Party may add a native species to Appendix III independently at any time, without the vote of other Parties, under Articles II and XVI of the Convention. Likewise, if the status of an Appendix-III species improves or new information shows that it no longer needs to be listed, the listing country can remove the species from Appendix III without consulting the other CITES Parties.

Inclusion of native U.S. species in Appendix III provides the following benefits:

(1) An Appendix-III listing ensures the assistance of the other CITES Parties, through the implementation of

CITES permitting requirements in controlling international trade in these species.

(2) Listing these species in Appendix III enhances the enforcement of State and Federal conservation measures enacted for the species by regulating international trade in the species. Shipments containing CITES-listed species receive greater scrutiny from border officials in both the exporting and importing countries. When a shipment containing a non-listed species is exported from the United States, it is a lower inspection priority for the Service than a shipment containing a CITES-listed species. Many foreign countries have limited legal authority and resources to inspect shipments of non-CITES-listed wildlife. Appendix-III listings for U.S. species will give these importing countries the legal basis to inspect such shipments, and to deal with CITES and national violations when they detect them.

(3) Another practical outcome of listing a species in Appendix III is that better records are kept and international trade in the species is better monitored. We will gain and share improved information on such trade with State fish and wildlife agencies, and others who have jurisdiction over resident populations of the Appendix-III species. They will then be able to better determine the impact of trade on the species and the effectiveness of existing State management activities, regulations, and cooperative efforts. International trade data and other relevant information gathered as a result of an Appendix-III listing will help policymakers determine whether we should propose the species for inclusion in Appendix II, or remove it from or retain it in Appendix III.

(4) When any live CITES-listed species (including an Appendix-III species) is exported (or imported), it must be packed and shipped according to the International Air Transport Association (IATA) Live Animals Regulations to reduce the risk of injury and cruel treatment. This requirement helps to ensure the survival and health of the animals when they are shipped internationally.

Criteria for Listing a Native U.S. Species in Appendix III

Article II, paragraph 3, of CITES states that ''Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other parties in the control of trade.'' Article XVI, paragraph 1, of the Convention states further that ''any Party may at any time submit to the Secretariat a list of species which it identifies as being subject to regulation within its jurisdiction for the purpose mentioned in paragraph 3 of Article II. Appendix III shall include the names of the Parties submitting the species for inclusion therein, the scientific names of the species so submitted, and any parts or derivatives of the animals or plants concerned that are specified in relation to the species for the purposes of subparagraph (b) of Article I.''

At the ninth meeting of the Conference of the Parties to CITES (CoP9), held in the United States in 1994, the Parties adopted Resolution Conf. 9.25 (amended at the 10th, 14th, 15th, and 16th meetings of the CoP), which provides further guidance to Parties for the listing of their native species in Appendix III. The Resolution, which is the basis for our criteria for listing species in Appendix III provided in our regulations at 50 CFR 23.90(c), recommends that a Party:

(a) Ensure that (i) the species is native to its country; (ii) its national regulations are adequate to prevent or restrict exploitation and to control trade, for the conservation of the species, and include penalties for illegal taking, trade, or possession and provisions for confiscation; and (iii) its national enforcement measures are adequate to implement these regulations;

(b) Determine that, notwithstanding these regulations and measures, circumstances indicate that the cooperation of the Parties is needed to control illegal trade; and

(c) Inform the Management Authorities of other range States, the known major importing countries, the Secretariat, and the Animals Committee or the Plants Committee that it is considering the inclusion of the species in Appendix III and seek their opinion on the potential effects of such inclusion.

Therefore, we apply the following criteria in deciding to list U.S. species in Appendix III as outlined in 50 CFR 23.90(c):

(1) The species must be native to the United States.

(2) The species must be protected under State, Tribal, or Federal regulations to prevent or restrict exploitation and control trade, and the laws or regulations are being implemented.

(3) The species is in international trade, and circumstances indicate that the cooperation of other Parties would help to control illegal trade.

(4) We must inform the Management Authorities of other range countries, the known major importing countries, the Secretariat, and the Animals Committee or the Plants Committee that we are considering the listing and seek their opinions on the potential effects of the listing.

CITES does not allow the exclusion of particular parts or derivatives for any species listed in Appendix I or the exclusion of parts or derivatives of animal species in Appendix II. However, Article XVI of the Convention allows for either all specimens of a species or only certain identifiable parts or derivatives of a specimen (in addition to whole specimens) to be listed in Appendix III. For example, the current listing in CITES Appendix III of *Cedrela odorata* (Spanish cedar) by Brazil, Bolivia, Colombia, Guatemala, and Peru includes only logs, sawn wood, and veneer sheets. Therefore, if the criteria listed above are met, we could designate specific parts or products (e.g., turtle meat) of a species for inclusion in Appendix III, rather than inclusion of all parts and derivatives, if we inform the CITES Secretariat of the limited listing.

U.S. Procedure and Submission of Information to the CITES Secretariat

For this listing proposal of four native U.S. freshwater turtle species, we will consult with and solicit comments from all States and Tribes where the species occurs and all other range countries pursuant to 50 CFR 23.90(e)(1). After reviewing the information submitted in response to this proposal, we will make a final decision on whether to include these four species in CITES Appendix III. We will publish our decision in the **Federal Register**. If we decide to list these four species in CITES Appendix III, we will notify the CITES Secretariat. The listings will take effect 90 days after the CITES Secretariat informs the CITES Parties of the listings.

Change in Status of Appendix-III Species Based on New Information

We monitor the trade of all species listed in Appendix III by the United States and periodically evaluate whether each species continues to meet the listing criteria contained in 50 CFR 23.90(c). If the following occurs, we will consider removing the species from Appendix III: (1) We determine that international trade in the species is very limited (as a general guide, fewer than 5 shipments per year or fewer than 100 individual animals or plants); and (2) we determine that trade (legal and illegal) in the species is not a concern. If, after monitoring the trade of any species listed in Appendix III by the United States and evaluating its status,

we determine that the species meets the CITES criteria for listing in Appendix I or II, based on the criteria contained in 50 CFR 23.89, we will consider whether to propose the species for inclusion in Appendix I or II.

Practical Effects of Listing a Native U.S. Species in Appendix III

Permits and other requirements: The export of an Appendix-III species listed by the United States requires an export permit issued by the Service's Division of Management Authority (DMA). DMA will issue a permit only if the applicant obtained the specimen(s) legally, in compliance with applicable U.S. laws, including relevant State and Tribal wildlife laws and regulations, and live specimens are packed and shipped in accordance with the IATA Live Animals Regulations to reduce the risk of injury, damage to health, or cruel treatment. DMA, in determining if an applicant legally obtained a specimen, may consult relevant State, Tribal, and Federal agencies. Since the conservation and management of these species is primarily under the jurisdiction of State and Tribal agencies, we may consult those agencies to ensure that specimens destined for export were obtained in compliance with State and Tribal laws and regulations. Unlike species listed in Appendices I and II, no scientific non-detriment finding is required from the Service's Division of Scientific Authority (DSA) for export of an Appendix-III species. However, DSA will monitor and evaluate the trade, to decide if there is a conservation concern that would require any further action on our part. With a few exceptions, any shipment containing wildlife must be declared to a Service Wildlife Inspector upon import, export, or re-export, and must comply with all applicable regulations.

Permits, Findings, and Fees: To apply for a CITES permit, an individual or business is required to submit a completed CITES export permit application to DMA (with check or money order to cover the application fee). You may obtain information about CITES permits from our Web site at *http://www.fws.gov/international/* or from DMA (see **FOR FURTHER INFORMATION CONTACT**). We will review the application to decide if the export meets the criteria in 50 CFR 23.60.

In addition, live animals must be shipped to reduce the risk of injury, damage to health, or cruel treatment. We carry out this CITES requirement by stating clearly on all CITES permits that shipments must comply with the IATA Live Animals Regulations. The Service's Office of Law Enforcement (OLE) is authorized to inspect shipments of CITES-listed species at the time of export to ensure that they comply with these regulations. Additional information on permit requirements is available from DMA (see **FOR FURTHER INFORMATION CONTACT**); additional information on declaration of shipments, inspection, and clearance of shipments is available upon request from the OLE: U.S. Fish and Wildlife Service, Office of Law Enforcement, U.S. Fish and Wildlife Service Headquarters, MS: OLE; 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–1949; facsimile 703–358–2271. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

Previous Federal Actions

In a notice published in the **Federal Register** in 1975, we proposed listing the Cuatro Cienegas spiny softshell turtle (*Trionyx ater,* also known as *Apalone spinifera atra*) as endangered pursuant to the Endangered Species Act of 1973 (40 FR 44329, September 26, 1975), since this softshell turtle was already included in Appendix I of the Convention. In a subsequent notice published in the **Federal Register** (41 FR 24062, June 14, 1976), we listed the Cuatro Cienegas spiny softshell turtle as endangered pursuant to the Endangered Species Act of 1973. In a notice published in the **Federal Register** a few years later (47 FR 39219, September 7, 1982), we invited comments on a proposal to delist the *T. ater* (also known as *A. s. atra*) from Appendix I. The basis of the proposal was that *T. ater* was becoming genetically swamped by *T. spiniferus,* currently known as *A. spinifera.* In a follow-up notice (47 FR 57524, December 27, 1982), we decided it would be premature to propose removal of the Cuatro Cienegas spiny softshell turtle from Appendix I and it currently remains in that Appendix.

In a 2002 **Federal Register** notice (67 FR 19207, April 18, 2002), we stated our tentative positions on recommendations for species proposals for the United States to consider for submission for CoP12. Pending additional information and consultations, the United States was undecided on a proposal to include the Florida softshell turtle (*Apalone ferox*), the smooth softshell turtle (*Apalone mutica*), and the spiny softshell turtle (*Apalone spinifera*) in Appendix II. In a notice published in the **Federal Register** in 2009 (74 FR 33460, July 13, 2009), the United States was undecided, pending additional information and consultations, on submitting a proposal at CoP15 to include these three species of North American softshell turtles in Appendix II. Ultimately, we did not propose to include any of the softshell species in the CITES Appendices at CoP15.

In a notice published in the **Federal Register** on April 11, 2012 (77 FR 21798), we stated our tentative positions on recommendations for species proposals for the United States to consider submitting at CoP16. Pending receipt of additional significant information, we indicated that the United States was not likely to submit for consideration at CoP16 a proposal to include the Florida softshell turtle, the smooth softshell turtle, and the spiny softshell turtle in Appendix II. We also stated that we would not submit a proposal to include the common snapping turtle (*Chelydra serpentina*) in Appendix III because inclusion of a species in Appendix III is a unilateral decision and does not require a proposal to be brought forward to the CoP. Ultimately, we did not propose to include any of the softshell species in the CITES Appendices at CoP16.

Summary of Threats

Common Snapping Turtle

Populations are known to be robust throughout much of the species' range, and the common snapping turtle is among the most widely distributed turtle species in the United States. Threats to the common snapping turtle, besides habitat degradation and destruction, include (in no particular order) collecting, the impact on eggs and newly emerged hatchlings (primarily) of subsidized predators (i.e., predation magnified as a result of human activity, e.g., cats, dogs, raccoons), road mortality, and pollution (van Dijk, 2011, no pagination). The reproductive parameters of the species are such that populations are ''severely constrain[ed]'' in their ability to recover from long-term and persistent off-take (Congdon, Dunham, and Sels 1994, p. 397). In general the species is marked by a life-history strategy of slow recruitment, late maturity, long lifespan, and high adult survivorship. Any given population's persistence is dependent on high adult survivorship, which makes the species vulnerable to directed anthropogenic activities, such as collecting (Congdon, Dunham, and Sels 1994, p. 397).

Table 1 shows recent trends in exportations of live common snapping turtles and meat harvested from these turtles.

TABLE 1—U.S. EXPORTATIONS OF LIVE COMMON SNAPPING TURTLES AND COMMON SNAPPING TURTLE MEAT 2009–2011

	2009	2010	2011
Live common snapping turtles exported from the United States	655,549	709,869	811,717
Common snapping turtle meat (in kg) exported from the United States	36.29	27.22	46.52

Although a significant proportion of these live specimens and meat originated from turtle farms, the level of wild harvest necessary to maintain farm production is unknown. While export levels vary from year to year, since at least 1990, the trend has been a significant increase in common snapping turtle exports over an extended period of time (Hoover, C. 1998 and USFWS, LEMIS database as cited in Weissgold, B., unpublished, 2010).

Florida Softshell Turtle

Eggs are vulnerable to predation by a variety of terrestrial species, and hatchlings are equally vulnerable to predation by other turtles, birds, and fish. Adults are less vulnerable, but may be taken by alligators. The species is considered vulnerable to (in no particular order) overcollection for human consumption, the impact of subsidized predators (i.e., predation magnified as a result of human activity, e.g., cats, dogs, raccoons), habitat destruction, and road mortality, and as by-catch from freshwater fishing activities (Buhlmann, Tuberville, and Gibbons 2008; p. 119, and Bonin, Devaux, and Dupre 2006, p. 129; and Ernst and Lovich 2009, p. 612). While in Florida the species does not appear to be in danger, it is the most intensively harvested freshwater turtle in Florida, and locally severe declines or extirpations from over-fishing might be possible (Meylan and Moler 2006, p. 166).

Table 2 shows recent trends in exportations of Florida softshell turtles and eggs harvested from these turtles.

TABLE 2—U.S. EXPORTATIONS OF FLORIDA SOFTSHELL TURTLES AND FLORIDA SOFTSHELL TURTLE EGGS 2009–2011

	2009	2010	2011
Live Florida softshell turtles exported from the United States	214,787	209,453	367,629
Florida softshell turtle eggs exported from the United States	67,200	66,100	130,624

Although a portion of these specimens and eggs were shipped from turtle farms, the level of wild harvest necessary to maintain farm production is unknown. While export levels vary from year to year, since at least 1995, the trend suggests that the potential remains for significant exports in the future for human consumption and stocking of farms in East Asia, particularly China. The Service is not aware of any evidence indicating that this trend will reverse.

Smooth Softshell Turtle

Both eggs and juveniles are vulnerable to a wide assortment of predators, although adults are generally only vulnerable to human and alligator predation (Buhlmann, Tuberville, and Gibbons 2008, p. 144). In recent years, smooth softshell turtle populations have declined due to river channelization, siltation, and water pollution (retrieved September 2, 2014, from the Minnesota Department of Natural Resources, Rare Species Guide at *http://www.dnr.state.mn.us/rsg/profile.html?action=elementDetail&selectedElement=ARAAG01020*).

U.S. export data show that 200 live smooth softshell turtles were exported in 2009 sourced from the wild, and none were exported in 2010 or 2011. While export levels vary from year to year, we believe that the potential remains for significant exports in the future based on overseas demand principally, but not limited to, China.

Spiny Softshell Turtle

Populations are in decline in many areas due to (in no particular order) pollution, habitat degradation, and collection as a food source (Buhlmann, Tuberville, and Gibbons 2008, p. 141; and Ernst and Lovich 2009, p. 634).

Table 3 shows the recent trend in exportations of spiny softshell turtles. While export levels vary from year to year, we believe that the potential remains for significant exports in the future. The Service is not aware of any evidence indicating that this trend will reverse.

TABLE 3—U.S. EXPORTATIONS OF SPINY SOFTSHELL TURTLES 2009–2011

	2009	2010	2011
Live spiny softshell turtles exported from the United States	46,117	56,056	55,713

Species and Subspecies for Listing in Appendix III

We propose to list these four native U.S. freshwater turtle species, including their subspecies, except *A. s. atra:* common snapping turtle, Florida softshell turtle, smooth softshell turtle, and the spiny softshell turtle in Appendix III of CITES, including live and dead whole specimens, and all readily recognizable parts and derivatives. The term ''readily recognizable'' is defined in our regulations at 50 CFR 23.5 and means any specimen that appears from a visual, physical, scientific, or forensic examination or test; an accompanying document, packaging, mark, or label; or any other circumstances to be a part, product, or derivative of any CITES wildlife or plant, unless such part, product, or derivative is specifically exempt from the provisions of CITES or 50 CFR part 23. Listing these four native U.S. freshwater turtle species in Appendix III of CITES is necessary to

allow us to adequately monitor international trade in these species; to determine whether exports are occurring legally, with respect to State, Tribal, and Federal law; and to determine whether further measures under CITES or other laws are required to conserve these species.

Common Snapping Turtle

The common snapping turtle (*Chelydra serpentina,* Linnaeus 1758) is the second-largest freshwater turtle species native to the United States. Currently two subspecies are widely recognized: *C. s. osceola* (Stejneger, 1918), distributed in the Florida peninsula, and *C. s. serpentina* (Linnaeus, 1758), distributed throughout the remainder of the species range, which encompasses most of the eastern two-thirds of the United States and portions of southern Canada, including Nova Scotia. The species has been introduced into the wild outside its range both within and outside the United States, including into the wild in China and Taiwan, where it is also bred on turtle farms. The common snapping turtle is easily recognized by a roughly textured black to grey carapace (top shell), a long tail studded with large saw-toothed tubercles, large claws, and a large head with strong jaws and a sharp beak.

The species is readily distinguished from the alligator snapping turtle (*Macrochelys temmincki*) because the latter has a larger head, hooked beak, a smooth tail, and three distinct keels on the carapace. There are other morphological differences as well. The common snapping turtle inhabits a wide variety of freshwater habitats, including rivers, ponds, lakes, swamps, and marshes, although it prefers slow-moving aquatic habitats with mud or sand bottoms, abundant vegetation, and submerged tree branches, trunks, and brush. Common snapping turtles feed on a wide variety of both plants and animals (Ernst and Lovich 2009, pp. 9, 132–133).

Irrespective of the taxonomic differentiation of the common snapping turtle, all currently recognized common snapping turtle subspecies would be included in the CITES Appendix-III listing.

Florida Softshell Turtle

The Florida softshell turtle (*Apalone ferox,* Schneider 1783) is one of three species of softshell turtle native to the United States. The Florida softshell, the largest North American softshell turtle, occurs from southern South Carolina, through southern Georgia and Florida, and west into the extreme southern portions of Alabama. No subspecies are currently recognized. Females may reach a Maximum Carapace Length (SCLmax) of 67.3 centimeters, over twice the size of males, which may reach 32.4 centimeters SCLmax. The leathery skin-covered carapace has rough, rounded tubercles (bumps) on its front edge; the limbs are grey to brown with lighter-colored mottling. The feet are webbed, and the species has an extended nose tip. In large specimens, the head can grow disproportionately large compared to the body. The Florida softshell inhabits calm waters, including rivers, swamps, marshes, lakes, and ponds. The species may spend extended periods of time submerged, buried in the silty or sandy bottom. The Florida softshell is largely carnivorous, eating a variety of aquatic and sometimes terrestrial animals, although vegetation may also be consumed (Ernst and Lovich 2009, p. 611).

Smooth Softshell Turtle

The smooth softshell turtle (*Apalone mutica,* Le Sueur 1827) is the smallest of the three softshell species native to the United States. The species is generally found in streams, rivers, and channels. It inhabits the Ohio River drainage (Ohio, Indiana, and Illinois), the upper Mississippi River watershed (Minnesota and Wisconsin), the Missouri River in the Dakotas, south through the watershed and eventually spreading to the western Florida Panhandle, and west to Central Texas (including all States between these areas). The smooth softshell is considered extinct in Pennsylvania, where it previously inhabited the Allegheny River. An isolated population exists in New Mexico's Canadian River drainage. Two subspecies are recognized: The smooth softshell turtle (*A. m. mutica;* Le Sueur 1827) and the Gulf Coast smooth softshell turtle (*A. m. calvata;* Webb 1959). Females may reach 35.6 centimeters SCLmax and males may reach 26.6 centimeters SCLmax. The carapaces of males may have blotchy dark markings, and a yellow stripe is present on each side of the head; females have darkly mottled carapaces, and the yellow head stripe may be faint or nonexistent in older animals. The smooth softshell has webbed feet and an extended nose tip. The species is fully aquatic, only leaving the water to nest or bask. Smooth softshells consume insect larvae, other aquatic invertebrates, small fish, and plant material (Ernst and Lovich 2009, pp. 619–620).

Irrespective of the taxonomic differentiation of the smooth softshell turtle, all currently recognized smooth softshell turtle subspecies would be included in the CITES Appendix-III listing.

Spiny Softshell Turtle

The spiny softshell turtle (*Apalone spinifera,* Le Sueur 1827) is a small softshell with webbed feet and large claws. It has a leathery shell colored from brown to sand to grey, with dark black ocelli or blotches and a pair of light stripes on the side of its head. Limbs are grey and may have dark streaks or spots. The population of the spiny softshell in the United States is divided into six subspecies: The spiny softshell turtle (*A. s. spinifera,* Le Sueur 1827), Gulf Coast spiny softshell (*A. s. aspera,* Agassiz 1857), Texas spiny softshell (*A. s. emoryi,* Agassiz 1857), Guadalupe spiny softshell (*A. s. guadalupensis,* Webb 1962), western spiny softshell (*A. s. hartwegi,* Conant and Goin 1948), and pallid spiny softshell (*A. s. pallida,* Webb 1962). An additional subspecies, the Cuatro Cienegas spiny softshell (*A. s. atra* [=*Apalone atra*], Webb and Legler 1960), occurs in Mexico and is listed in Appendix I of CITES and as endangered under the U.S. Endangered Species Act (as *Trionyx ater*) (50 CFR 17.11(h)).

The spiny softshell inhabits the largest range of the three softshell turtles of North America, occurring from New York, south to Florida, west through Texas to New Mexico, and over most of the midwestern United States, including to the States bordering the Great Lakes, and extreme southern portions of Canada, and naturally in northern portions of Mexico. It has also been introduced widely in other parts of Mexico. Disjunct populations also are found from New Mexico to California and in Montana and Wyoming. Isolated populations are found in a number of States. The spiny softshell inhabits creeks and rivers, but also occurs in other types of water bodies, including artificial bodies, so long as the bottom is sandy or muddy to support its burrowing behavior. The species is almost entirely aquatic and largely carnivorous; its reported list of food items is extensive and includes insects, molluscs, and other invertebrates, fish, amphibians, and small snakes. It will also consume plant material (Ernst and Lovich 2009, pp. 632–633).

Conservation

The common snapping turtle (since 2012) and spiny softshell turtle (since 2011) are considered to be of ''Least Concern'' by the International Union for Conservation of Nature (IUCN) with the population trend being stable. The Florida softshell turtle (since 2011) and

the smooth softshell (since 2011) turtle are also considered to be of ''Least Concern'' by the IUCN, but with the population trend being unknown.

These four native U.S. freshwater turtle species are protected to varying degrees by State and Tribal laws within the United States, with significant differences in levels and types of protection.

Common Snapping Turtle

Personal collection and commercial harvest of the common snapping turtle (*Chelydra serpentina*) is permitted in Alabama, Arkansas, Georgia, Iowa, Maryland, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Wisconsin, and Wyoming.

In Arizona, where the species has been introduced, an unlimited number may be collected. In Colorado, Indiana, Kansas, Maine, Michigan, Montana, New Hampshire, Oregon, and West Virginia, collection for personal use is permitted; however, commercial harvest and trade is not permitted. In Connecticut and Massachusetts, collection and trade is allowed, with a 4 inch and 6 inch minimum shell length requirement for trade, respectively. Delaware requires limits on take to individuals with 8 inches or greater curved carapace length along with harvest equipment restrictions in place. North Dakota allows for harvest as specified on the appropriate permit.

Personal harvest and commercial trade are prohibited in the District of Columbia, and Florida prohibits harvest from the wild (including eggs) or commercial trade in wild-caught specimens. In Illinois, commercial harvest is prohibited; however, aquaculture is allowed, and limited harvest for personal use is permitted in some areas.

Florida Softshell Turtle

Commercial harvest and trade of the Florida softshell turtle is permitted in Alabama, Georgia, and South Carolina. In Florida, one specimen per day per person may be taken from the wild, but commercial sale is not permitted. There are exceptions with specific requirements and limitations for commercial aquaculture.

Smooth Softshell Turtle

Personal collection and commercial harvest of the smooth softshell turtle are permitted in Alabama, Arkansas, Iowa, Kentucky, Louisiana, Missouri, New Mexico, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

Collection for personal use is permitted in Indiana, Kansas, Mississippi, and West Virginia; however, commercial harvest and trade are not permitted.

In Florida, State regulations allow one specimen per day per person to be taken from the wild, but commercial sale is not permitted; there are exceptions with specific requirements and limitations for commercial aquaculture. In Illinois, commercial harvest is prohibited; however, aquaculture is allowed as well as limited harvest for personal use in some areas.

Spiny Softshell Turtle

Collection for personal use and commercial harvest of the spiny softshell turtle are permitted in Alabama, Arkansas, Georgia, Iowa, Kentucky, Louisiana, Minnesota, Missouri, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Vermont, Wisconsin, and Wyoming.

In Arizona, where the species has been introduced, an unlimited number may be collected. Collection for personal use is permitted in Colorado, Indiana, Kansas, Maryland, Michigan, Mississippi, Montana, and West Virginia; however, commercial harvest and trade are not permitted. In Florida, one specimen per day per person may be taken from the wild, but commercial sale is not permitted. There are exceptions with specific requirements and limitations for commercial aquaculture. In Illinois, commercial harvest is prohibited; however, aquaculture is allowed, as well as limited harvest for personal use in some areas.

Federal Status

Under section 3372(a)(1) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371–3378), it is unlawful to import, export, transport, sell, receive, acquire, or purchase any wildlife taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States. This prohibition would apply in instances where these four native U.S. freshwater turtle species were unlawfully collected from Federal lands, such as those Federal lands within the range of these four native U.S. freshwater turtle species that are managed by the U.S. Forest Service, the National Park Service, U.S. Fish and Wildlife Service, or other Federal agency.

It is unlawful under section 3372(a)(2)(A) of the Lacey Act to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State. Because many State laws and regulations regulate the take of these four native U.S. freshwater turtle species, certain acts with these four native U.S. freshwater turtle species acquired unlawfully under State law could result in a violation of the Lacey Act Amendments of 1981 and thus provide for Federal enforcement action due to a violation of State law.

Decision To Propose To List Four Native U.S. Freshwater Turtle Species

Based on the recommendations contained in Resolution Conf. 9.25 (Rev. CoP16) and the listing criteria provided in our regulations at 50 CFR 23.90, these four native U.S. freshwater turtle species, including all subspecies, qualify for listing in CITES Appendix III. Declines have been documented or locally severe declines may be possible in at least some portions of the range of these four native U.S. freshwater turtle species, although the Florida softshell seems to be resistant to high levels of commercial harvest. Its take in Florida is regulated and it is a species of special concern in South Carolina. Although snapping turtle populations are known to be vigorous throughout much of the species' range, long-term persistent take makes the species vulnerable to decline. Existing laws have not been completely successful in preventing the unauthorized collection and trade of these four native U.S. freshwater turtle species. Listing these four native U.S. freshwater turtle species, including their subspecies, except the Cuatro Cienegas spiny softshell turtle which is already listed in Appendix I, in Appendix III is necessary to allow us to adequately monitor international trade in these taxa; to determine whether exports are occurring legally, with respect to State law; and to determine whether further measures under CITES or other laws are required to conserve these species and subspecies. An Appendix-III listing would lend additional support to State wildlife agencies in their efforts to regulate and manage these species, improve data gathering to increase our knowledge of trade in these species, and strengthen State and Federal wildlife enforcement activities to prevent poaching and illegal trade. Furthermore, listing these species in Appendix III would enlist the assistance of other Parties in our efforts to monitor and control trade in these species and subspecies.

Required Determinations

Regulatory Planning and Review—Executive Orders 12866 and 13563

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rulemaking in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 802(2)), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The Department of the Interior certifies that this action would not have a significant effect on a substantial number of small entities for the reasons discussed below.

This proposed rule establishes the means to monitor the international trade in species native to the United States and does not impose any new or changed restriction on the trade of legally acquired specimens. Based on current exports of these four native U.S. freshwater turtle species, we estimate that the costs to implement this rule will be less than $100,000 annually due to the costs associated with obtaining permits.

According to the Small Business Administration, small entities include small organizations, such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. This proposed rule:

(a) Would not have an annual effect on the economy of $100 million or more.

(b) Would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501), the Service makes the following findings: (a) This rulemaking would not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or Tribal governments,'' with two exceptions. It excludes ''a condition of federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and Tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding'' and the State, local, or Tribal governments ''lack authority'' to adjust accordingly. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance; or (ii) a duty arising from participation in a voluntary Federal program.'' This proposed rule would not impose a legally binding duty on non-Federal Government entities or private parties and would not impose an unfunded mandate of more than $100 million per year or have a significant or unique effect on State, local, or Tribal governments or the private sector because we, as the lead agency for CITES implementation in the United States, are responsible for the authorization of shipments of live wildlife, or their parts and products, that are subject to the requirements of CITES.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This proposed rule does not contain any new collections of information that require approval by Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. Information that we would collect under this proposed rule on FWS Form 3–200–27 is covered by an existing OMB approval and has been assigned OMB control number 1018–0093, which expires on May 31, 2017. We may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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

The Service has analyzed this proposed rule in accordance with the National Environmental Policy Act of 1969 (NEPA). The Council on Environmental Quality's (CEQ) regulations implementing NEPA, at 40 CFR 1508.4, define a ''categorical exclusion'' as a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect on the human environment. CEQ's regulations further require Federal agencies to adopt NEPA procedures, including the adoption of categorical exclusions for which neither an environmental assessment nor an environmental impact statement is required (40 CFR 1507.3). The Service has determined that this rulemaking is categorically excluded from further environmental analysis under NEPA in accordance with the Department's NEPA regulations at 43 CFR 46.210(i), which categorically excludes ''[p]olicies, directives, regulations, and guidelines: That are of an administrative, financial, legal, technical, or procedural nature.'' In addition, the Service has determined that none of the extraordinary circumstances listed under the Department's regulations at 43 CFR 46.215, in which a normally excluded action may have a significant environmental effect, applies to this proposed rule.

Takings (Executive Order 12630)

In accordance with Executive Order (E.O.) 12630 (''Government Actions and Interference with Constitutionally Protected Private Property Rights''), we have determined that this proposed rule would not have significant takings implications since there are no changes in what may be exported.

Federalism (Executive Order 13132)

In accordance with E.O. 13132 (Federalism), this proposed rule would not have significant Federalism effects. A Federalism assessment is not required because this proposed rule would not have a substantial direct effect on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Although this proposed rule would generate information that would be beneficial to State wildlife agencies, we do not anticipate that any State monitoring or control programs would need to be developed to fulfill the purpose of this proposed rule. We have consulted the States, through the Association of Fish and Wildlife Agencies, on this proposed action. The CITES Technical Work Group, comprising representatives from States in different regions of the United States, of the Association of Fish and Wildlife Agencies has concluded that including these four native U.S. freshwater turtle species in CITES Appendix III is warranted in order to help ensure conservation of these species in the wild and to assist State agencies in regulating harvest and trade.

Further, formal and informal consultation with various interested parties regarding this proposal has generally resulted in support for the proposal. These proposed changes will help us more effectively conserve these species and will help those affected by CITES to understand how to conduct lawful international trade in wildlife and wildlife products.

Civil Justice Reform (Executive Order 12988)

The Department, in promulgating this rulemaking, has determined that it 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.

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), E.O. 13175, and the Department of the Interior's manual at 512 DM 2, we have a responsibility to communicate meaningfully with Federally recognized Indian Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. We determined that this proposed action will not interfere with the Tribes' ability to manage themselves or their funds or to regulate these turtle species on Tribal lands.

Energy Supply, Distribution, or Use (Executive Order 13211)

E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking actions that significantly affect energy supply, distribution, and use. This proposed action is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Clarity of the Rule

We are required by Executive Orders 12866 and 12988, and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the proposed rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

References Cited

A complete list of all references cited in this proposed rule is available on the Internet at *http://www.regulations.gov* or upon request from the Division of Management Authority, U.S. Fish and Wildlife Service (see **FOR FURTHER INFORMATION CONTACT**).

Author

The primary author of this proposed rule is Clifton A. Horton, Division of Management Authority, U.S. Fish and Wildlife Service (see **FOR FURTHER INFORMATION CONTACT**).

Proposed Amendment to CITES Appendix III

Our regulations at 50 CFR 23.90 require us to publish a proposed rule and, if appropriate, a final rule for a CITES Appendix-III listing, even though the final rule would not result in any changes to the Code of Federal Regulations. Accordingly, for the reasons provided in this document, we propose to ask the CITES Secretariat to amend Appendix III of CITES to include for the United States these four native U.S. freshwater turtle species, including their subspecies (except the Cuatro Cienegas spiny softshell turtle, which is in Appendix I): The common snapping turtle (*Chelydra serpentina*), Florida softshell turtle (*Apalone ferox*), smooth softshell turtle (*Apalone mutica*), and spiny softshell turtle (*Apalone spinifera*).

After analysis of any comments received on the proposed rule, we will publish our final decision in the **Federal Register**. If we adopt a final rule, we will contact the CITES Secretariat prior to publishing the rule to clarify the exact time period required by the Secretariat to inform the Parties of the listing, so that the effective date of the final rule coincides with the effective date of the listing in Appendix III. The listing would take effect 90 days after the CITES Secretariat informs the Parties of the listing.

Dated: October 7, 2014.

Stephen Guertin,

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

[FR Doc. 2014–25768 Filed 10–29–14; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 79, No. 210

Thursday, October 30, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Request an Extension of a Currently Approved Information Collection

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agricultural Research Service's (ARS) intention to request an extension of a currently approved information collection, Form AD–761, USDA Patent License Application for Government Invention that expires April 30, 2015.

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

ADDRESSES: Comments may be sent to Mojdeh Bahar, USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4–1174, Beltsville, Maryland 20705–5131; Telephone Number 301–504–5989.

FOR FURTHER INFORMATION CONTACT: Mojdeh Bahar, USDA, ARS, Office of Technology Transfer, 301–504–5989.

SUPPLEMENTARY INFORMATION:

Title: USDA Patent License Application for Government Invention.

OMB Number: 0518–0003.

Expiration Date of Approval: April 30, 2015.

Type of Request: To extend a currently approved information collection.

Abstract: The USDA patent licensing program grants patent licenses to qualified businesses and individuals who wish to commercialize inventions arising from federally supported research. The objective of the program is to use the patent system to promote the utilization of inventions arising from such research. The licensing of federally owned inventions must be done in accordance with the terms, conditions and procedures prescribed under 37 CFR part 404. Application for a license must be addressed to the Federal agency having custody of the invention. Licenses may be granted only if the license applicant has supplied the Federal agency with a satisfactory plan for the development and marketing of the invention and with information about the applicant's capability to fulfill the plan. 37 CFR 404.8 sets forth the information which must be provided by a license applicant. For the convenience of the applicant, USDA has itemized the information needed on Form AD–761, and instructions for completing the form are provided to the applicant. The information submitted is used to determine whether the applicant has both a complete and sufficient plan for developing and marketing the invention and the necessary manufacturing, marketing, technical and financial resources to carry out the submitted plan.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3 hours per response.

Description of Respondents: Businesses or other for profit individuals.

Estimated Number of Respondents: 75.

Frequency of Responses: One time per invention.

Estimated Total Annual Burden on Respondents: 225 hours.

This data will be collected under the authority of 44 U.S.C. #3506(c)(2)(A).

Copies of this information collection and related instructions can be obtained without charge from Mojdeh Bahar, USDA, ARS, Office of Technology Transfer by calling 301–504–5989.

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 will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on 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. Comments may be sent to USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4–1174, Beltsville, Maryland 20705–5131. 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.

Mojdeh Bahar,

Assistant Administrator.

[FR Doc. 2014–25815 Filed 10–29–14; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0084]

Notice of Request for Extension of Approval of an Information Collection; Importation of Longan From Taiwan

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the regulations for the importation of longan from Taiwan.

DATES: We will consider all comments that we receive on or before December 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-2014-0084.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0084, 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-2014-0084* or

in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the importation of longan from Taiwan, contact Ms. Nicole Russo, Assistant Director, RCC, RPM, PHP, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737; (301) 851–2159. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2727.

SUPPLEMENTARY INFORMATION:

Title: Importation of Longan From Taiwan.

OMB Control Number: 0579–0351.

Type of Request: Extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. Regulations authorized by the PPA concerning the importation of fruits and vegetables into the United States from certain parts of the world are contained in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–71).

Under these regulations, longan from Taiwan are subject to certain conditions before entering the United States to ensure that exotic plant pests are not introduced into the United States. The regulations require the use of cold treatment and special port-of-arrival inspection procedures for certain quarantine pests. In addition, the fruit must be accompanied by a phytosanitary certificate stating that the fruit was inspected and found to be free of certain pests, and the individual cartons or boxes in which the longan are shipped must be stamped or printed with a statement prohibiting their importation into or distribution within the State of Florida.

Since the last extension of approval for these information collection activities, we realized that we counted the estimated annual number of responses per respondent under the estimated annual number of respondents. We have corrected both estimates in this document.

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 0.0018 hours per response.

Respondents: National plant protection organization of Taiwan and importers of longan.

Estimated annual number of respondents: 2.

Estimated annual number of responses per respondent: 6,009.

Estimated annual number of responses: 12,018.

Estimated total annual burden on respondents: 22 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 24th day of October 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–25803 Filed 10–29–14; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Washington Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Washington Advisory Committee (Committee) to the Commission will convene by conference call at 11:00 a.m. Pacific Time on Wednesday, November 19, 2014. The purpose of the meeting is for the Committee to discuss administrative matters and its project on equal education opportunity.

This meeting is available to the public through the following toll-free call-in number: 877–446–3914, conference ID: 2161251. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by December 19, 2014. The address is U.S. Commission on Civil Rights, Western Regional Office, 300 North Los Angeles St., Suite 2010, Los Angeles, CA, 90012. Comments may be emailed to *atrevino@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Western Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Western Regional Office at the above email or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated: October 23, 2014.

David Mussatt,

Chief, Regional Programs Coordination Unit.

[FR Doc. 2014–25825 Filed 10–29–14; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Idaho Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Idaho

Advisory Committee (Committee) to the Commission will convene by conference call at 11:00 a.m. Mountain Time (10:00 p.m. Pacific Time) on Tuesday, November 18, 2014. The purpose of the meeting is for the Committee to discuss project proposals on disability and equal opportunity and equal education opportunity.

This meeting is available to the public through the following toll-free call-in number: 877–446–3914, conference ID: 4973966. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by December 18, 2014. The address is U.S. Commission on Civil Rights, Western Regional Office, 300 North Los Angeles St., Suite 2010, Los Angeles, CA, 90012. Comments may be emailed to *atrevino@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Western Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Western Regional Office at the above email or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated October 23, 2014.

David Mussatt,

Chief, Regional Programs Coordination Unit.

[FR Doc. 2014–25823 Filed 10–29–14; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Oregon Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Oregon Advisory Committee (Committee) to the Commission will convene by conference call at 1:00 p.m. Pacific Time on Thursday, November 20, 2014. The purpose of the meeting is for the Committee to discuss its report on civil rights issues in Oregon.

This meeting is available to the public through the following toll-free call-in number: 877–446–3914, conference ID: 6281269. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by December 20, 2014. The address is U.S. Commission on Civil Rights, Western Regional Office, 300 North Los Angeles St., Suite 2010, Los Angeles, CA, 90012. Comments may be emailed to *atrevino@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Western Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Western Regional Office at the above email or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated October 23, 2014.

David Mussatt,

Chief, Regional Programs Coordination Unit.

[FR Doc. 2014–25824 Filed 10–29–14; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

SUMMARY: The Department of Commerce (''the Department'') has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with September anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

DATES: Effective Date: October 30, 2014.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with September anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (''POR''), it must notify the Department within 60 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *http://iaaccess.trade.gov* in accordance with 19 CFR 351.303.[1] Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (''Act''). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on the Department's service list.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the POR. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within seven days of publication of this initiation notice and to make our decision regarding respondent selection

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

within 21 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the applicable review. Rebuttal comments will be due five days after submission of initial comments.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (''Q&V'') Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

Separate Rates

In proceedings involving non-market economy (''NME'') countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers From the People's Republic of China,* 56 FR 20588 (May 6, 1991), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide From the People's Republic of China,* 59 FR 22585 (May 2, 1994). In accordance with the separate rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to the Department no later than 60 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to the Department no later than 60 calendar days of publication of this **Federal Register** notice. The deadline and requirement

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than September 30, 2015.

	Period to be reviewed
Antidumping Duty Proceedings	
India: Certain Lined Paper Products, A–533–843	9/1/13–8/31/14
Kokuyo Riddhi Paper Products Private Limited	
Marisa International	
Navneet Education Ltd. (aka Navneet Publications (India) Ltd.)	
Pioneer Stationery Private Limited	
Riddhi Enterprises	
SAB International	
Super Impex (AKA M/S Super Impex)	
Mexico: Certain Magnesia Carbon Bricks, A–201–837	9/1/13–8/31/14
Ferro Alliages & Mineraux Inc.	
RHI-Refmex S.A. De C.V.	
Trafinsa S.A. de C.V.	
Vesuvius Mexico S.A. de C.V.	
Taiwan: Narrow Woven Ribbons with Woven Selvedge, A–583–844	9/1/13–8/31/14
A-Madeus Textile Ltd.	
Cheng Hsing Ribbon Factory	
Fujian Rongshu Industry Co., Ltd.	
Guangzhou Complacent Weaving Co., Ltd.	
Hen Hao Trading Co. Ltd. a.k.a. Taiwan Tulip Ribbons and Braids Co. Ltd.	
King Young Enterprises Co., Ltd.	
Roung Shu Industry Corporation	
Xiamen Especial Industrial Co., Ltd.	
Xiamen Yi He Textile Co., Ltd.	
Thailand: Polyethylene Retail Carrier Bags,[4] A–549–821	8/1/13–7/31/14
2PK Interplas Co., Ltd.	
The People's Republic of China: Certain Lined Paper Products, A–570–901	9/1/13–8/31/14
Shanghai Lian Li Paper Products Co., Ltd.	
Certain Kitchen Appliance Shelving and Racks, A–570–941	9/1/13–8/31/14
Berlin Refrigeration Technology, Ltd.	
Changshu Jiamei Metal Products Company, Ltd.	
(aka Jiamei Metal Products Company)	
Dongguan Quanxin Products Company, Ltd.	
(aka Quanxin Products Co., Ltd.)	
GAIT International, Ltd.	
JNT Partners Ltd.	
Placetech Company, Ltd.	
Shenzhen Forward Industrial Company, Ltd.	
Tianjin Shuguang Metal Products Company	
(aka Shugang Metal Products Company)	
Wuxi Siling Furniture Company, Ltd. (aka Siling Furniture Company, Ltd.)	
Certain Magnesia Carbon Bricks, A–570–954	9/1/13–8/31/14
Fedmet Resources Corporation	
Fengchi Imp. And Exp. Co., Ltd. of Haicheng City	
Fengchi Minging Co., Ltd of Haicheng City and Fengchi Refractories Corp.	
Puyang Refractories Co., Ltd.	
Certain New Pneumatic Off-The-Road Tires, A–570–912	9/1/13–8/31/14
Double Coin Holdings Ltd.	
Guizhou Tyre Co., Ltd.	
Guizhou Tyre Import and Export Co., Ltd.	
Qingdao Free Trade Zone Full-World International Trading Co., Ltd.	
Qingdao Haojia (Xinhai) Tyre Co.	
Qingdao Qihang Tyre Co.	
Tianjin Leviathan International Trade Co., Ltd.	
Trelleborg Wheel Systems (Xiangtai) China, Co. Ltd.	
Trelleborg Wheel Systems Hebei Co.	
Weihai Zhongwei Rubber Co., Ltd.	
Xuzhou Xugong Tyres Co. Ltd.	
Zhongce Rubber Group Company Limited	
Freshwaters Crawfish Tailmeat, A–570–848	9/1/13–8/31/14

[4] The company name listed above was misspelled in the initiation notice that published on September 30, 2014 (79 FR 58729). The correct spelling of the company is listed in this notice.

	Period to be reviewed
China Kingdom (Beijing) Import & Export Co., Ltd.	
Deyan Aquatic Products and Food Co., Ltd.	
Shanghai Ocean Flavor International Trading Co., Ltd.	
Xiping Opeck Food Co., Ltd.	
Narrow Woven Ribbons with Woven Selvedge, A–570–952	9/1/13–8/31/14
Yama Ribbons and Bows Co., Ltd.	
Countervailing Duty Proceedings	
India: Certain Lined Paper Products, C–533–844	1/1/13–12/31/13
Navneet Education Ltd. (aka Navneet Publications (India) Ltd.)	
Certain New Pneumatic Off-The-Road Tires, C–570–913	1/1/13–12/31/13
Guizhou Tyre Co., Ltd.	
Guizhou Tyre Import and Export Co., Ltd.	
Certain Magnesia Carbon Bricks, C–570–955	1/1/13–12/31/13
Fedmet Resources Corporation	
Fengchi Imp. And Exp. Co., Ltd. of Haicheng City	
Fengchi Minging Co., Ltd of Haicheng City and Fengchi Refractories Corp.	
Puyang Refractories Co., Ltd.	

Suspension Agreements

None.

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia* v. *United States,* 291 F.3d 806 (Fed Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Revised Factual Information Requirements

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to antidumping and countervailing duty proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all segments initiated on or after May 10, 2013. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in this segment.

Any party submitting factual information in an antidumping duty or countervailing duty proceeding must certify to the accuracy and completeness of that information.[5] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. Ongoing segments of any antidumping duty or countervailing duty proceedings initiated on or after March 14, 2011 should use the formats for the revised certifications provided at the end of the *Interim Final Rule.*[6] All segments of any antidumping duty or countervailing duty proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the

[5] *See* section 782(b) of the Act.

[6] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings: Interim Final Rule,* 76 FR 7491 (February 10, 2011) (''*Interim Final Rule*''), amending 19 CFR 351.303(g)(1) and (2); *Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings: Supplemental Interim Final Rule,* 76 FR 54697 (September 2, 2011).

Final Rule.[7] The Department intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable revised certification requirements.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in antidumping and countervailing duty proceedings: *Final Rule,* 78 FR 57790 (September 20, 2013). The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning U.S. Customs and Border Protection data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 USC 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: October 23, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–25865 Filed 10–29–14; 8:45 am]

BILLING CODE 3510–DS–P

[7] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*''); *see also* the frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture From the People's Republic of China: Final Results of Changed Circumstances Review, and Revocation of Antidumping Duty Order, in Part

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

SUMMARY: On August 18, 2014, the Department of Commerce (the ''Department'') published its *Preliminary Results* of a changed circumstances review and intent to revoke, in part, the antidumping duty (''AD'') order on wooden bedroom furniture from the People's Republic of China (''PRC'') [1] with respect to certain wall bed units.[2] The Department preliminarily determined that the producers accounting for substantially all of the production of the domestic like product to which the *Order* pertains lack interest in the relief provided by the *Order* with respect to certain wall bed units. We invited interested parties to comment on the *Preliminary Results.* As no parties submitted comments, the Department is making no changes to the *Preliminary Results.*

DATES: *Effective Date:* October 30, 2014.

FOR FURTHER INFORMATION CONTACT: Erin Kearney or Howard Smith, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0167 or (202) 482–5193, respectively.

Background

On January 4, 2005, the Department published the *Order* in the **Federal Register**. On March 12, 2014, the Department received a request on behalf of Techcraft Manufacturing, Inc. (''Techcraft'') for a changed circumstances review to revoke, in part, the *Order* with respect to certain wall bed units.[3] On May 2, 2014, the Department published the *Initiation Notice* for this changed circumstances review in the **Federal Register**.[4] On August 18, 2014, the Department made a preliminary determination that producers accounting for substantially all of the production of the domestic like product lack interest in the relief afforded by the *Order* with respect to the certain wall bed units described in Techcraft's Request.[5] We invited interested parties to submit comments in accordance with 19 CFR 351.309(c)(1)(ii). We received no comments.

Final Results of Changed Circumstances Review, and Revocation of the Order, in Part

Because no party submitted comments opposing the Department's *Preliminary Results,* and the record contains no other information or evidence that calls into question the *Preliminary Results,* the Department determines that there are changed circumstances that warrant revocation of the *Order,* in part. Specifically, because the producers accounting for substantially all of the production of the domestic like product to which the *Order* pertains lack interest in the relief provided by the *Order* with respect to certain wall bed units, we are revoking the *Order,* in part, with respect to certain wall bed units by including the following language in the scope of the *Order:*

Also excluded from the scope are certain enclosable wall bed units, also referred to as murphy beds, which are composed of the following three major sections: (1) A metal wall frame, which attaches to the wall and uses coils or pistons to support the metal mattress frame; (2) a metal frame, which has

[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture From the People's Republic of China,* 70 FR 329 (January 4, 2005) (''*Order*'').

[2] *See Wooden Bedroom Furniture From the People's Republic of China: Preliminary Results of Changed Circumstances Review, and Intent To Revoke Antidumping Duty Order in Part,* 79 FR 48727 (August 18, 2014) (''*Preliminary Results*'').

[3] *See* Submission from Techcraft, ''Techcraft Manufacturing Inc. Request for a Changed Circumstance Review,'' dated March 12, 2014 (''Techcraft's Request'').

[4] *See Wooden Bedroom Furniture From the People's Republic of China: Notice of Initiation of Changed Circumstances Review, and Consideration of Revocation of the Antidumping Duty Order in Part,* 79 FR 25110 (May 2, 2014) (''*Initiation Notice*'').

[5] *See Preliminary Results.*

euro slats for supporting a mattress and two legs that pivot; and (3) wood panels, which attach to the metal wall frame and/or the metal mattress frame to form a cabinet to enclose the wall bed when not in use. Excluded enclosable wall bed units are imported in ready-to-assemble format with all parts necessary for assembly. Enclosable wall bed units do not include a mattress. Wood panels of enclosable wall bed units, when imported separately, remain subject to the order.

The scope description below includes this exclusion language.

Scope of the Order

The product covered by the order is wooden bedroom furniture. Wooden bedroom furniture is generally, but not exclusively, designed, manufactured, and offered for sale in coordinated groups, or bedrooms, in which all of the individual pieces are of approximately the same style and approximately the same material and/or finish. The subject merchandise is made substantially of wood products, including both solid wood and also engineered wood products made from wood particles, fibers, or other wooden materials such as plywood, strand board, particle board, and fiberboard, with or without wood veneers, wood overlays, or laminates, with or without non-wood components or trim such as metal, marble, leather, glass, plastic, or other resins, and whether or not assembled, completed, or finished.

The subject merchandise includes the following items: (1) Wooden beds such as loft beds, bunk beds, and other beds; (2) wooden headboards for beds (whether stand-alone or attached to side rails), wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds; (3) night tables, night stands, dressers, commodes, bureaus, mule chests, gentlemen's chests, bachelor's chests, lingerie chests, wardrobes, vanities, chessers, chifforobes, and wardrobe-type cabinets; (4) dressers with framed glass mirrors that are attached to, incorporated in, sit on, or hang over the dresser; (5) chests-on-chests,[6] highboys,[7] lowboys,[8] chests of drawers,[9] chests,[10] door chests,[11] chiffoniers,[12] hutches,[13] and armoires;[14] (6) desks, computer stands, filing cabinets, book cases, or writing tables that are attached to or incorporated in the subject merchandise; and (7) other bedroom furniture consistent with the above list.

The scope of the order excludes the following items: (1) Seats, chairs, benches, couches, sofas, sofa beds, stools, and other seating furniture; (2) mattresses, mattress supports (including box springs), infant cribs, water beds, and futon frames; (3) office furniture, such as desks, stand-up desks, computer cabinets, filing cabinets, credenzas, and bookcases; (4) dining room or kitchen furniture such as dining tables, chairs, servers, sideboards, buffets, corner cabinets, china cabinets, and china hutches; (5) other non-bedroom furniture, such as television cabinets, cocktail tables, end tables, occasional tables, wall systems, book cases, and entertainment systems; (6) bedroom furniture made primarily of wicker, cane, osier, bamboo or rattan; (7) side rails for beds made of metal if sold separately from the headboard and footboard; (8) bedroom furniture in which bentwood parts predominate;[15] (9) jewelry armories;[16] (10) cheval mirrors;[17] (11) certain metal parts;[18] (12) mirrors that do not attach to, incorporate in, sit on, or hang over a dresser if they are not designed and marketed to be sold in conjunction with a dresser as part of a dresser-mirror set; (13) upholstered beds;[19] and (14) toy boxes.[20] Also excluded from the scope

[6] A chest-on-chest is typically a tall chest-of-drawers in two or more sections (or appearing to be in two or more sections), with one or two sections mounted (or appearing to be mounted) on a slightly larger chest; also known as a tallboy.

[7] A highboy is typically a tall chest of drawers usually composed of a base and a top section with drawers, and supported on four legs or a small chest (often 15 inches or more in height).

[8] A lowboy is typically a short chest of drawers, not more than four feet high, normally set on short legs.

[9] A chest of drawers is typically a case containing drawers for storing clothing.

[10] A chest is typically a case piece taller than it is wide featuring a series of drawers and with or without one or more doors for storing clothing. The piece can either include drawers or be designed as a large box incorporating a lid.

[11] A door chest is typically a chest with hinged doors to store clothing, whether or not containing drawers. The piece may also include shelves for televisions and other entertainment electronics.

[12] A chiffonier is typically a tall and narrow chest of drawers normally used for storing undergarments and lingerie, often with mirror(s) attached.

[13] A hutch is typically an open case of furniture with shelves that typically sits on another piece of furniture and provides storage for clothes.

[14] An armoire is typically a tall cabinet or wardrobe (typically 50 inches or taller), with doors, and with one or more drawers (either exterior below or above the doors or interior behind the doors), shelves, and/or garment rods or other apparatus for storing clothes. Bedroom armoires may also be used to hold television receivers and/or other audio-visual entertainment systems.

[15] As used herein, bentwood means solid wood made pliable. Bentwood is wood that is brought to a curved shape by bending it while made pliable with moist heat or other agency and then set by cooling or drying. *See* CBP's Headquarters Ruling Letter 043859, dated May 17, 1976.

[16] Any armoire, cabinet or other accent item for the purpose of storing jewelry, not to exceed 24 inches in width, 18 inches in depth, and 49 inches in height, including a minimum of 5 lined drawers lined with felt or felt-like material, at least one side door (whether or not the door is lined with felt or felt-like material), with necklace hangers, and a flip-top lid with inset mirror. *See* Issues and Decision Memorandum from Laurel LaCivita to Laurie Parkhill, Office Director, concerning ''Jewelry Armoires and Cheval Mirrors in the Antidumping Duty Investigation of Wooden Bedroom Furniture From the People's Republic of China,'' dated August 31, 2004. *See also Wooden Bedroom Furniture From the People's Republic of China: Final Changed Circumstances Review, and Determination To Revoke Order in Part,* 71 FR 38621 (July 7, 2006).

[17] Cheval mirrors are any framed, tiltable mirror with a height in excess of 50 inches that is mounted on a floor-standing, hinged base. Additionally, the scope of the order excludes combination cheval mirror/jewelry cabinets. The excluded merchandise is an integrated piece consisting of a cheval mirror, *i.e.,* a framed tiltable mirror with a height in excess of 50 inches, mounted on a floor-standing, hinged base, the cheval mirror serving as a door to a cabinet back that is integral to the structure of the mirror and which constitutes a jewelry cabinet line with fabric, having necklace and bracelet hooks, mountings for rings and shelves, with or without a working lock and key to secure the contents of the jewelry cabinet back to the cheval mirror, and no drawers anywhere on the integrated piece. The fully assembled piece must be at least 50 inches in height, 14.5 inches in width, and 3 inches in depth. *See Wooden Bedroom Furniture From the People's Republic of China: Final Changed Circumstances Review and Determination To Revoke Order in Part,* 72 FR 948 (January 9, 2007).

[18] Metal furniture parts and unfinished furniture parts made of wood products (as defined above) that are not otherwise specifically named in this scope (*i.e.,* wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds) and that do not possess the essential character of wooden bedroom furniture in an unassembled, incomplete, or unfinished form. Such parts are usually classified under HTSUS subheadings 9403.90.7005, 9403.90.7010, or 9403.90.7080.

[19] Upholstered beds that are completely upholstered, *i.e.,* containing filling material and completely covered in sewn genuine leather, synthetic leather, or natural or synthetic decorative fabric. To be excluded, the entire bed (headboards, footboards, and side rails) must be upholstered except for bed feet, which may be of wood, metal, or any other material and which are no more than nine inches in height from the floor. *See Wooden Bedroom Furniture From the People's Republic of China: Final Results of Changed Circumstances Review and Determination To Revoke Order in Part,* 72 FR 7013 (February 14, 2007).

[20] To be excluded the toy box must: (1) Be wider than it is tall; (2) have dimensions within 16 inches to 27 inches in height, 15 inches to 18 inches in depth, and 21 inches to 30 inches in width; (3) have a hinged lid that encompasses the entire top of the box; (4) not incorporate any doors or drawers; (5) have slow-closing safety hinges; (6) have air vents; (7) have no locking mechanism; and (8) comply with American Society for Testing and Materials (''ASTM'') standard F963–03. Toy boxes are boxes generally designed for the purpose of storing children's items such as toys, books, and playthings. *See Wooden Bedroom Furniture From the People's Republic of China: Final Results of Changed Circumstances Review and Determination To Revoke Order in Part,* 74 FR 8506 (February 25, 2009). Further, as determined in the scope ruling memorandum ''Wooden Bedroom Furniture from the People's Republic of China: Scope Ruling on a White Toy Box,'' dated July 6, 2009, the dimensional ranges used to identify the toy boxes

are certain enclosable wall bed units, also referred to as murphy beds, which are composed of the following three major sections: (1) A metal wall frame, which attaches to the wall and uses coils or pistons to support the metal mattress frame; (2) a metal frame, which has euro slats for supporting a mattress and two legs that pivot; and (3) wood panels, which attach to the metal wall frame and/or the metal mattress frame to form a cabinet to enclose the wall bed when not in use. Excluded enclosable wall bed units are imported in ready-to-assemble format with all parts necessary for assembly. Enclosable wall bed units do not include a mattress. Wood panels of enclosable wall bed units, when imported separately, remain subject to the order.

Imports of subject merchandise are classified under subheadings 9403.50.9042 and 9403.50.9045 of the HTSUS as ''wooden . . . .beds'' and under subheading 9403.50.9080 of the HTSUS as ''other . . . . wooden furniture of a kind used in the bedroom.'' In addition, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds may also be entered under subheading 9403.50.9042 or 9403.50.9045 of the HTSUS as ''parts of wood.'' Subject merchandise may also be entered under subheadings 9403.50.9041, 9403.60.8081, or 9403.20.0018. Further, framed glass mirrors may be entered under subheading 7009.92.1000 or 7009.92.5000 of the HTSUS as ''glass mirrors . . . framed.'' The order covers all wooden bedroom furniture meeting the above description, regardless of tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Instructions to U.S. Customs and Border Protection

Because we determine that there are changed circumstances that warrant the revocation of the *Order,* in part, we will instruct U.S. Customs and Border Protection (''CBP'') to liquidate without regard to antidumping duties, and to refund any estimated antidumping duties on, all unliquidated entries of the merchandise covered by the revocation that are not covered by the final results of an administrative review or automatic liquidation.

that are excluded from the wooden bedroom furniture order apply to the box itself rather than the lid.

Notification

This notice serves as a reminder to parties subject to an administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/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.

We are issuing and publishing these final results and revocation, in part, and notice in accordance with sections 751(b) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222.

Dated: October 22, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–25858 Filed 10–29–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD527

Marine Mammals; File Nos. 18638, 17305 and 18727

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

ACTION: Notice; receipt of applications.

SUMMARY: Notice is hereby given that the following entities have applied in due form for permits to collect, import and export specimens of marine mammals for scientific research:

File No. 18638: National Marine Mammal Laboratory (NMML, Dr. John Bengtson, Responsible Party), 7600 Sand Point Way NE., Seattle, WA 98115;

File No. 17305: Alliance of Marine Mammal Parks and Aquariums, 218 N. Lee Street, Suite 200, Alexandria, Virginia 22314 (Kathleen Dezio, Responsible Party); and

File No. 18727: University of Alaska Museum of the North, 907 Yukon Drive, Fairbanks, AK 99775–6960 (Aren Gunderson, Responsible Party).

DATES: Written, telefaxed, or email comments must be received on or before December 1, 2014.

ADDRESSES: The applications and related documents are available for review by selecting ''Records Open for Public Comment'' from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting the appropriate File No. 18638, 17305 or 18727 from the list of available applications.

These documents are also available 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.

Written comments on these applications should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the appropriate File No(s). 18638, 17305 and/or 18727 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on any of these applications would be appropriate.

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

SUPPLEMENTARY INFORMATION: The subject permits are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 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.*).

File No. 18638: NMML conducts research on marine mammals important to the mission of the National Marine Fisheries Service (NMFS) and the National Oceanic & Atmospheric Administration (NOAA). NMML is requesting a renewal of Permit No. 13583 which authorizes collection of cetacean and pinniped (except for walrus) specimens from dead animals, and for import, export, and possession of specimens taken legally worldwide. Samples (up to 100,000 individuals from each taxa group) may be archived, transported, shared, and analyzed by researchers in order to optimize the amount of biological information gained from each animal. No takes of live animals would be authorized under this

permit. There will be no non-target species taken incidentally under this permit because the permit would only cover import, export, and possession of samples from dead animals or live animals taken legally under other permits. A permit is requested for a five-year period.

File No. 17305: The Alliance of Marine Mammal Parks and Aquariums members participate in multiple research and husbandry programs to study and enhance the health and biology of both wild marine mammals and those in public display, research, and stranding facilities. To achieve this objective, a permit to import/export parts and specimen samples (hard and soft parts) collected from all species of marine mammals (pinnipeds except walrus, and cetaceans) under the jurisdiction of the NMFS is required. Specimens and parts will come from individual animals (up to 700 cetaceans and 400 pinnipeds) already taken under separate authorization, i.e., those maintained in Alliance member facilities, as well as animals taken by authorized research projects or subsistent hunts in the U.S. and internationally, and bycatch or stranded animals in foreign countries. Import and export of parts and samples authorized by this permit will result in no additional takes of individual animals. Topics of particular interest include diseases of marine mammals, pathology, health diagnostics, endocrinology, effects of environmental contaminants, immunology, toxicology, stock structure, distribution, age determination, reproduction, feeding habits and nutrition. This application is a continuation of the work done under Permit No.1076–1789. The requested duration of the permit is five years.

File No. 18727: The University of Alaska Museum of the North functions as an archive for scientific specimens of marine mammals under the jurisdiction of the National Marine Fisheries and is a major repository of marine mammal material from the Arctic and North Pacific oceans. Under the proposed permit, the applicant would (1) import/export marine mammal parts (bones and organ tissue samples) from dead beach-cast carcasses, (2) receive/archive and export samples of marine mammals taken by Alaskan Native subsistence hunters, and (3) receive, import/export specimens from scientists in academic, federal, and state institutions involved in marine mammal research under their own permits. Unlimited samples from up to 1,240 pinnipeds (35 species; excluding walrus) and 1,700 cetaceans (81 species) would be collected, received, imported, or exported annually. Import/export activities would occur world-wide. No live animals would be harassed or taken, lethally or otherwise, under the requested permit. The permit is requested for a five-year period.

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

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: October 24, 2014.

Julia Harrison,

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

[FR Doc. 2014–25750 Filed 10–29–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NOAA RESTORE Act Science Program Science Plan

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce

ACTION: Notice and Request for Public Comment.

SUMMARY: The National Ocean Service (NOS) of the National Oceanic and Atmospheric Administration (NOAA) publishes this notice to announce the availability of the Draft Science Plan for the NOAA RESTORE Act Science Program for public comment.

DATES: Comments on this draft document must be submitted by December 15, 2014.

ADDRESSES: The Draft Science Plan for the NOAA RESTORE Act Science Program will be available at *http://restoreactscienceprogram.noaa.gov/*.

The public is encouraged to submit comments on the Draft Science Plan. Electronic comments on the Draft Science Plan can be submitted via email (*noaarestorescience@noaa.gov*). Written comments can be submitted to Becky Allee at NOAA OCM, Gulf of Mexico Division, Bldg. 1100, Rm 232, Stennis Space Center, MS 39529.

FOR FURTHER INFORMATION CONTACT: For further information, contact: Becky Allee, (*becky.allee@noaa.gov,* 228–688–1701).

SUPPLEMENTARY INFORMATION: NOAA is publishing this notice to announce the availability of the Draft Science Plan for the NOAA RESTORE Act Science Program for public comment. The draft plan will be posted for public comment on October 30, 2014. All interested parties are encouraged to provide comments. The Draft Science Plan is being issued for comment only and is not intended for interim use. Suggested changes will be incorporated, where appropriate, in the final version.

Section 1604 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act) establishes the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology program (Science Program) to be administered by NOAA and to carry out research, observation, and monitoring to support the long-term sustainability of the ecosystem, fish stocks, fish habitat, and the recreational, commercial, and charter fishing industry in the Gulf of Mexico.

The Draft Science Plan for the NOAA RESTORE Act Science Program lays out the path forward for the program. The plan establishes ten Long-Term Research Priorities that will guide how the program will invest its funds. Additionally, the plan provides information on how the program will be administered and the partners with which the program will leverage future opportunities.

The plan is organized in three sections. Section I provides background on legislative requirements; the vision, mission, and outcomes of the program; program, geographic, and research scope; approach to engagement; and rationale and development of priorities. Section II describes the ten long-term research priorities identified for the program. Also included in Section II are management needs that drive the priority, related outcomes, and anticipated outputs as well as a list of example activities. Section III describes the program structure and administration; defines program management; consultation and coordination; program parameters; eligibility for funding opportunities; scientific integrity; and data and information sharing.

NOAA welcomes all comments on the content of the Draft Science Plan. We also request comments on any inconsistencies perceived within the document, and possible omissions of important topics or issues. For any

shortcoming noted within the draft documents, please propose specific remedies.

Please adhere to the instructions detailed below for preparing and submitting your comments on the Draft Science Plan. Using the format guidance described below will facilitate the processing of reviewer comments and assure that all comments are appropriately considered. Please format your comments into the following three sections: (1) Background information about yourself; (2) overview or general comments; and (3) specific comments. Section one should include background information about yourself including: your name(s), organization(s), area(s) of expertise, mailing address, telephone and fax numbers, and email address(s). Section two should consist of overview or general comments on the document and should be numbered. Section three should consist of comments that are specific to particular pages, paragraphs, or lines in the document and should identify the page and line numbers to which they apply. Please number and print identifying information at the top of all pages.

Technical Program Information: Becky Allee, Science Plan Team Lead, 228–688–1701, Internet: *becky.allee@noaa.gov.*

Other Information

Administrative Procedure Act: Notice and comment are not required under the Administrative Procedure Act, (5 U.S.C. 553), or any other law, for notices relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)). Because notice and comment is not required, a Regulatory Flexibility Analysis is not required and has not been prepared for this notice, (5 U.S.C. 601 *et seq.*).

Paperwork Reduction Act: Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. This notice involves no collection of information, although the FFO that NOAA anticipates issuing in fall 2014 will have such a requirement.

Dated: October 16, 2014.

Mary C. Erickson,

Director, National Centers for Coastal Ocean Science, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2014–25797 Filed 10–29–14; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Fastener Quality Act Insignia Recordal Process

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), 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 the continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 29, 2014.

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

- *E-Mail: InformationCollection@uspto.gov.* Include ''0651–0028 comment'' in the subject line of the message.
- *Mail:* Marcie Lovett, Records Management Division Director, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Federal Rulemaking Portal: http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Catherine Cain, Attorney Advisor, Office of the Commissioner for Trademarks, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–8946; or by email to *Catherine.Cain@uspto.gov* with ''Paperwork'' in the subject line. Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Under Section 5 of the Fastener Quality Act of 1999 (FQA), 15 U.S.C. 5401 *et seq.,* certain industrial fasteners must bear an insignia identifying the manufacturer. It is also mandatory for manufacturers of fasteners covered by the FQA to submit an application to the United Stated Patent and Trademark Office (USPTO) for recordal of the insignia on the Fastener Insignia Register.

The procedures for the recordal of fastener insignia under the FQA are set forth in 15 CFR 280.300 *et seq.* The purpose of requiring both the insignia and the recordation is to ensure that certain fasteners can be traced to their manufacturers and to protect against the sale of mismarked, misrepresented, or counterfeit fasteners.

The insignia may be either a unique alphanumeric designation that the USPTO will issue upon request or a trademark that is registered at the USPTO or is the subject of an application to obtain a registration. After a manufacturer submits a complete application for recordal, the USPTO issues a Certificate of Recordal. These certificates remain active for five years. Applications to renew the certificates must be filed within six months of the expiration date or, upon payment of an additional surcharge, within six months following the expiration date.

If a recorded alphanumeric designation is assigned by the manufacturer, the designation becomes ''inactive,'' and the new owner must submit an application to reactivate the designation within six months of the date of assignment. If the recordal is based on a trademark application or registration, and that registration is assigned, the recordal becomes ''inactive'' and cannot be reactivated. Instead, the new owner of the trademark application or registration must apply for a new recordal. Manufacturers who record insignia must notify the USPTO of any changes of address.

This information collection includes one form, the Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act (PTO–1611), which provides manufacturers with a convenient way to submit a request for the recordal of a fastener insignia or to renew or reactivate an existing Certificate of Recordal. Use of Form PTO–1611 is not mandatory, and applicants may instead prepare requests for recordal using their own format.

The public uses this information collection to comply with the insignia recordal provisions of the FQA. The USPTO uses the information in this collection to record or renew insignias under the FQA and to maintain the Fastener Insignia Register, which is open to public inspection. The public may download the Fastener Insignia Register from the USPTO Web site.

II. Method of Collection

By mail, facsimile, hand delivery, or electronically to the USPTO.

III. Data

OMB Number: 0651–0028.
Form Number(s): PTO–1611.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 95 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public approximately 15 minutes (0.25 hours) to gather the necessary information, prepare the form, and submit the request for recordal or renewal of a fastener insignia to the USPTO.

Estimated Total Annual Respondent Burden Hours: 24 hours.

Estimated Total Annual Respondent Cost Burden: $3,000. The USPTO expects that the information in this collection will be prepared by paraprofessionals at an estimated rate of $125 per hour. Therefore, the USPTO estimates that the respondent cost burden for this collection will be approximately $3,000 per year.

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act (PTO–1611).	15 minutes	95	24
Totals		95	24

Estimated Total Annual Non-Hour Respondent Cost Burden: $2,047. There are no capital start-up, recordkeeping, or maintenance costs associated with this information collection. However, this collection does have annual (non-hour) costs in the form of filing fees and postage costs.

Under 37 CFR 2.7, the filing fee is $20 for a recordal of a new fastener insignia, a renewal, or a request for reactivation. The USPTO estimates that it will receive 95 new recordals, renewals, or reactivations of fastener insignia per year, for a total of $1,900 in filing fees. If a manufacturer submits a renewal after the expiration date but within six months of that date, then the manufacturer must pay an additional $20 late-renewal surcharge. The USPTO estimates that approximately 7 of the 95 responses per year will be late renewals that incur the surcharge, for a total of $140 in additional charges. Therefore, the total estimated filing fees for this collection will be $2,040 per year.

The public may submit the information for this collection to the USPTO by mail through the United States Postal Service. The USPTO estimates that approximately 5 of the 95 responses per year will be submitted to the USPTO by mail at an average first-class postage cost of $1.42 per response, for a total postage cost of approximately $7 per year.

The total non-hour respondent cost burden for this collection in the form of filing fees ($2,040) and postage costs ($7) is estimated to be $2,047 per year.

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, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 23, 2014.

Marcie Lovett,

Records Management Division Director, USPTO, Office of the Chief Information Officer.

[FR Doc. 2014–25861 Filed 10–29–14; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patent Prosecution Highway (PPH) Program

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S. C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 29, 2014.

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

- *E-Mail: InformationCollection@uspto.gov.* Include ''0651–0058 comment'' in the subject line of the message.
- *Mail:* Marcie Lovett, Records Management Division Director, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Federal Rulemaking Portal: http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–7728; or by email to *Raul.Tamayo@uspto.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Patent Prosecution Highway (PPH) is a framework in which an application whose claims have been determined to be patentable by an Office of Earlier Examination (OEE) is eligible to go through an accelerated examination in an Office of Later Examination with a simple procedure upon an applicant's request. By leveraging the search and examination work product of the OEE, PPH programs (1) deliver lower prosecution costs, (2) support applicants in their efforts to obtain stable patent rights efficiently around the world, and (3) reduce the search and examination burden, while improving the examination quality, of participating patent offices.

Originally, the PPH programs were limited to the utilization of search and examination results of national applications between cross filings under the Paris Convention. Later, the potential of the PPH was greatly expanded by PCT–PPH programs, which permit participating patent offices to draw upon the positive results of the

PCT work product from another participating office. PCT–PPH programs use international written opinions and international preliminary examination reports developed within the framework of the PCT, thereby making the PPH available to a larger number of applicants. Information collected for the PCT is approved under OMB control number 0651–0021.

More recently, the USPTO and several other offices acted to consolidate and replace existing PPH programs, with the goal of streamlining the PPH process for both offices and applicants. To that end, the USPTO and other offices established the Global PPH pilot program and the IP5 PPH pilot program. The Global PPH and IP5 PPH pilot programs are running concurrently and are substantially identical, differing only with regard to their respective participating offices. The USPTO is participating in both the Global PPH pilot program and the IP5 PPH pilot program. For USPTO applications, the Global PPH and IP5 PPH pilot programs supersede any prior PPH program between the USPTO and each Global PPH and IP5 PPH participating office. Any existing PPH programs between the USPTO and offices that are not participating in either the Global PPH pilot program or the IP5 PPH pilot program remain in effect.

For more complete information on the PPH, including (1) a complete identification of participating countries and offices and the programs under which each country/office is participating, (2) the forms needed to request entry into the PPH, both at the USPTO and other participating offices, and (3) information as to which of the PPH programs remain pilots and which have been made permanent, please visit *http://www.uspto.gov/patents/init_events/pph/index.jsp.*

The forms in this collection allow participants to file in a U.S. application a request to make the U.S. application special under a PPH or PCT–PPH program.

II. Method of Collection

Requests to participate in the PPH programs must be submitted online using EFS-Web, the USPTO's web-based electronic filing system.

III. Data

OMB Number: 0651–0058.

Form Number(s): PTO/SB/20GLBL/AT/AU/BR/CA/CN/CO/CZ/DE/DK/EP/ES/FI/HU/IL/IS/JP/KR/MX/NI/NO/PH/PL/PT/RU/SG/TW/UK, and PTO/SB/20PCT–AT/PCT–AU/PCT–CA/PCT–CN/PCT–EP/PCT–ES/PCT–FI/PCT–IL/PCT–JP/PCT–KR/PCT–NPI/PCT–RU/PCT–SE/PCT–US.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households; businesses or other for-profits; and not-for-profit institutions.

Estimated Number of Respondents: 8,210 responses per year. The USPTO estimates that approximately 10% of these responses will be from small entities.

Estimated Time per Response: The USPTO estimates that it will take the public approximately two hours to gather the necessary information, prepare the appropriate form, and submit a completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 16,420 hours.

Estimated Total Annual Respondent Cost Burden: $6,387,380. The USPTO expects that the information in this collection will be prepared by attorneys. Using the professional rate of $389 per hour for attorneys in private firms, the USPTO estimates that the total annual respondent cost burden for this collection will be approximately $6,387,380 per year.

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Request for Participation in the Global/IP5 PPH Pilot Program in the USPTO (PTO/SB/20GLBL).	2 hours	5000	10,000
Intellectual Property Office of Australia (IPAU), Form PTO/SB/20AU	2 hours	30	60
Austrian Patent Office (APO), Form PTO/SB/20AT	2 hours	10	20
Instituto Nacional da Propriedade Industrial (Brazil)(INPI), Form PTO/SB/20BR.	2 hours	10	20
Canadian Intellectual Property Office (CIPO), Form PTO/SB/20CA	2 hours	30	60
State Intellectual Property Office of the P.R.C. (SIPO), Form PTO/SB/20CN.	2 hours	80	160
Colombian Superintendence of Industry and Commerce (SIC), Form PTO/SB/20CO.	2 hours	10	20
Industrial Property Office of the Czech Republic (IPOCZ), Form PTO/SB/20CZ.	2 hours	10	20
Danish Patent and Trademark Office (DKPTO), Form PTO/SB/20DK	2 hours	20	40
European Patent Office (EPO), Form PTO/SB/20EP	2 hours	150	300
National Board of Patents and Registration of Finland (NBPR), Form PTO/SB/20FI.	2 hours	10	20
German Patent and Trade Mark Office (DPMA), Form PTO/SB/20DE	2 hours	40	80
Hungarian Patent Office (HPO), Form PTO/SB/20HU	2 hours	10	20
Icelandic Patent Office (IPO), Form PTO/SB/20IS	2 hours	10	20
Israeli Patent Office (ILPO), Form PTO/SB/20IL	2 hours	10	20
Japan Patent Office (JPO), Form PTO/SB/20JP	2 hours	850	1700
Korean Intellectual Property Office (KIPO), Form PTO/SB/20KR	2 hours	150	300
Mexican Institute of Industrial Property (IMPI), Form PTO/SB/20MX	2 hours	10	20
Nicaraguan Registry of Intellectual Property (NRIP), Form PTO/SB/20NI	2 hours	10	20
Norwegian Industrial Property Office (NIPO), Form PTO/SB/20NO	2 hours	10	20
Intellectual Property Office of the Philippines (IPOPH), Form PTO/SB/PH.	2 hours	10	20
Intellectual Property Office of the Republic of Poland (UPRP) Form PTO/SB/20PL.	2 hours	10	20
Portuguese Institute of Industrial Property (INPI–PT), Form PTO/SB/PT	2 hours	10	20

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Russian Federal Service for Intellectual Property (ROSPATENT), Form PTO/SB/20RU.	2 hours	10	20
Intellectual Property Office of Singapore (IPOS), Form PTO/SB/20SG	2 hours	10	20
Spanish Patent and Trademark Office (SPTO), Form PTO/SB/20ES	2 hours	10	20
Taiwan Intellectual Property Office (TIPO), Form PTO/SB/20TW	2 hours	10	20
United Kingdom Intellectual Property Office (UKIPO), Form PTO/SB/20UK.	2 hours	40	80
U.S. Applications Where the USPTO was the ISA or IPEA, Form PTO/SB/20PCT–US.	2 hours	200	400
Intellectual Property Office of Australia (IPAU), Form PTO/SB/20PCT–AU.	2 hours	30	60
Austrian Patent Office (APO), Form PTO/SB/20PCT–AT	2 hours	10	20
Canadian Intellectual Property Office (CIPO), Form PTO/SB/20PCT–CA	2 hours	10	20
State Intellectual Property Office of the P.R.C. (SIPO), Form PTO/SB/20PCT–CN.	2 hours	80	160
European Patent Office (EPO), Form PTO/SB/20PCT–EP	2 hours	550	1100
National Board of Patents and Registration of Finland (NBPR), Form PTO/SB/20PCT–FI.	2 hours	10	20
Israeli Patent Office (ILPO), Form PTO/SB/20PCT–IL	2 hours	10	20
Japan Patent Office (JPO), Form PTO/SB/20PCT–JP	2 hours	150	300
Korean Intellectual Property Office (KIPO), Form PTO/SB/20PCT–KR	2 hours	550	1100
Nordic Patent Institute (NPI), Form PTO/SB/20PCT–NPI	2 hours	10	20
Russian Federal Service for Intellectual Property (ROSPATENT), Form PTO/SB/20PCT–RU.	2 hours	10	20
Spanish Patent and Trademark Office (SPTO), Form PTO/SB/20PCT–ES.	2 hours	10	20
Swedish Patent and Registration Office (PRV), Form PTO/SB/20PCT–SE.	2 hours	10	20
Totals		8,210	16,420

Estimated Total Annual Non-hour Respondent Cost Burden: $0. There are no capital start-up, maintenance, or postage costs associated with this collection. This collection also has no filing fees or recordkeeping costs.

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, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 23, 2014.

Marcie Lovett,

Records Management Division Director, USPTO, Office of the Chief Information Officer.

[FR Doc. 2014–25866 Filed 10–29–14; 8:45 am]

BILLING CODE 3510–16–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:30 a.m. EST, Monday, November 3, 2014.

PLACE: CFTC Headquarters Conference Center, Three Lafayette Centre, 1155 21st Street NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hold this meeting to consider rulemaking and related matters, including the issuance of proposed rules and a final interpretation. The agenda for this meeting is available to the public and posted on the Commission's Web site at *http://www.cftc.gov.* In the event that the time, date, or place of this meeting changes, an announcement of the change, along with the new time, date, or place of the meeting, will be posted on the Commission's Web site.

CONTACT PERSON FOR MORE INFORMATION: Christopher J. Kirkpatrick, Secretary of the Commission, 202–418–5964.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2014–25894 Filed 10–28–14; 11:15 am]

BILLING CODE 6351–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 15–C0001]

One World Technologies, Inc., and Baja, Inc., Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e). Published below is a provisionally-accepted Settlement Agreement with One World Technologies, Inc., and Baja, Inc., containing a civil penalty of $4.3

million dollars ($4,300,000.00 U.S. dollars), within twenty (20) days of service of the Commission's final Order accepting the Settlement Agreement.[1]

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by November 14, 2014.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 15–C0001 Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Room 820, Bethesda, Maryland 20814–4408.

FOR FURTHER INFORMATION CONTACT: Daniel Vice, Trial Attorney, Office of the General Counsel, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814–4408; telephone (301) 504–6996.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: October 27, 2014.

Todd A. Stevenson,

Secretary.

UNITED STATES OF AMERICA CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of:
One World Technologies, Inc.,
and Baja, Inc.
CPSC Docket No.: 15–C0001

SETTLEMENT AGREEMENT

1. In accordance with the Consumer Product Safety Act (CPSA), 15 U.S.C. §§ 2051–2089 and 16 C.F.R. § 1118.20, One World Technologies, Inc. and Baja, Inc. (the Firm), and the U.S. Consumer Product Safety Commission (Commission), through its staff (staff), enter into this Settlement Agreement (Agreement). The Agreement and the incorporated attached Order (Order) resolve staff's charges set forth below.

THE PARTIES

2. The Commission is an independent federal regulatory agency, established pursuant to, and responsible for, the enforcement of the CPSA. By executing the Agreement, staff is acting on behalf of the Commission, pursuant to 16 C.F.R. § 1118.20(b). The Commission issues the Order under the provisions of the CPSA.

3. Baja, Inc. (Baja) is incorporated in Delaware with its principal place of business in Anderson, South Carolina. One World Technologies, Inc., is a Delaware corporation with its principal offices in Anderson, South Carolina. One World Technologies, Inc., and Baja are corporate affiliates.

STAFF CHARGES

4. Baja imported and sold nationwide in the United States approximately 308,000 minibikes and go-carts with model numbers beginning with BB65, DB30, DN65, DR90, HT65, MB165, MB196, SD65, TR65, WR65, and WR90 (Subject Products).

5. The Subject Products (a) contain a defect which could create a substantial product hazard, and (b) create an unreasonable risk of serious injury because the gas cap can leak or detach from the fuel tank, posing a fire and burn hazard to consumers, and because the throttle can stick due to an improperly positioned fuel line and throttle cable.

6. The Subject Products are ''consumer products,'' and at all relevant times, Baja was a ''manufacturer and distributor'' of these consumer products, which were ''distributed in commerce,'' as those terms are defined or used in sections 3(a)(5), (7), (8), (9) and (11) of the CPSA, 15 U.S.C. § 2052(a)(5), (7), (8), (9) and (11).

7. Baja received four consumer reports of fires that occurred as a result of a leaking gas cap, some of which resulted in burn injuries to consumers, including children.

8. The family of a child who alleged that he was injured when a gas cap leak on a WR65 minibike resulted in a fire sued Baja.

9. The Firm settled personal injury claims of consumers who were injured as a result of a leaking gas cap.

10. Baja received approximately two dozen consumer reports of stuck throttles in the Subject Products.

11. Baja received communications from retailers reporting that consumers had experienced sudden acceleration while riding the Subject Products.

12. Baja worked with the manufacturer to devise design changes to shorten the fuel line and remedy the hazard. Baja then implemented the design changes but did not notify consumers who owned the Subject Products about the design changes.

13. The Firm had information which reasonably supported the conclusion that the Subject Products (a) contained a defect which could create a substantial product hazard, and (b) created an unreasonable risk of injury, requiring immediate reporting to the Commission under section 15(b) of the CPSA, 15 U.S.C. § 2064(b). The Firm failed to so report.

14. The Firm did not report to the Commission under section 15(b) of the CPSA with respect to the Subject Products until June 2, 2010.

15. In failing to inform the Commission about Subject Products immediately as required by section 15(b) of the CPSA, the Firm knowingly violated CPSA section 19(a)(4), 15 U.S.C. § 2068(a)(4), as the term ''knowingly'' is defined in CPSA section 20(d), 15 U.S.C. § 2069(d).

16. Pursuant to CPSA section 20, 15 U.S.C. § 2069, the Firm is subject to civil penalties for its knowing violation of CPSA section 19(a)(4), 15 U.S.C. § 2068(a)(4).

THE FIRM'S RESPONSE

17. This Agreement does not constitute an admission by the Firm to the charges set forth in paragraphs 4 through 16, including but not limited to the charge that the Subject Products contained a defect which could create a substantial product hazard or created an unreasonable risk of serious injury or death, and the charge that the Firm failed to notify the Commission in a timely manner, in accordance with section 15(b) of the CPSA, 15 U.S.C. 2064(b).

18. The four reports of fires that occurred as a result of a leaking gas cap cited by the staff were out of over 250,000 units on the market. In two of the instances, the gas cap was not available for Baja's inspection and in the third instance the unit was so badly damaged by fire that Baja could not determine the cause of the incident.

19. The fourth incident involved a child who was badly burned and who filed suit. However, it was the opinion of Baja's expert, following product inspections that took place in 2009 and 2011, that the fuel leak came from a damaged fuel line, that the bike had not been properly maintained and that the gas cap, a standard bayonet cap, was not defective. This was the only one of the four cases in which a suit was filed, or in which Baja settled a lawsuit.

20. The Firm received reports from two retailers referred to by the staff during the period 2008–2009 when there were over 150,000 units in use. Following the required pre-sale inspection of the vehicles, the retailers discovered a loose fuel line. The units were fixed before they were sold to consumers and no injuries were

[1] The Commission voted (4–1) to provisionally accept this Settlement Agreement and Order. Chairman Elliot F. Kaye and Commissioners Robert S. Adler, Marietta S. Robinson and Joseph P. Mohorovic voted to provisionally accept the Settlement Agreement and Order. Commissioner Ann Marie Buerkle voted to reject the Settlement Agreement and Order.

reported. There were no prior reports of a loose fuel line.

21. In an effort to minimize the possibility that units with a loose fuel line would be delivered to retailers in the future, Baja contacted the manufacturer to improve its pre-shipment inspection procedures and reduce the length of the fuel line.

22. Although two dozen consumers submitted reports of a stuck throttle, they did not claim that these were caused by an improperly positioned fuel line and throttle cable.

23. The consumers reported only a stuck throttle which could have many other potential causes besides an improperly positioned fuel line and throttle cable, including: debris hanging up the throttle cable or in the carburetor; worn, broken or kinked throttle cable; dirt under or on the throttle slide and other damage caused by poor maintenance or misuse of a vehicle.

24. The Firm has entered into this settlement to avoid the cost, distraction, delay, uncertainly and inconvenience of protracted litigation or other proceedings.

AGREEMENT OF THE PARTIES

25. Under the CPSA, the Commission has jurisdiction over the matter involving Subject Products and over the Firm.

26. In settlement of staff's charges, and to avoid the cost, distraction, delay, uncertainty, and inconvenience of protracted litigation or other proceedings, the Firm shall pay a civil penalty in the amount of four million three hundred thousand dollars (US$4,300,000.00), which shall be due and payable within twenty calendar days after receiving service of the Commission's final Order accepting the Agreement. All payments to be made under the Agreement shall constitute debts owing to the United States and shall be made by electronic wire transfer to the United States via: *http://www.pay.gov.*

27. The parties agree that this settlement figure is predicated, among other things, upon the accuracy of oral and written representations of, and statements by, the Firm and the Firm's representatives (including representations set forth in the Agreement).

28. The Firm currently has a written Post-Sale Product Safety Compliance Program, an established Product Hazard Committee and a Product Safety Education and Training Program (collectively, the Programs), designed to ensure compliance with the statutes and regulations enforced by the Commission (CPSC authority). These Programs contain, or will be modified to contain, the following elements:

a) written standards and policies;

b) systematic procedures for (i) reviewing and assessing reports, claims and other information (including consumer and retailer incident reports and personal injury claims) for potential safety issues, including the potential existence of a substantial risk of injury or a defect, and (ii) referring such reports, claims and other information to appropriate personnel responsible for complying with CPSC authority;

c) a mechanism for confidential employee reporting of compliance-related questions or concerns to a senior manager with authority to act as necessary;

d) effective communication of company compliance-related policies and procedures to all employees, through training programs or otherwise;

e) senior manager responsibility for compliance and senior manager accountability for violations of the statutes and regulations enforced by the Commission;

f) oversight of compliance by the Firm's governing body; and

g) retention of all compliance-related records for at least five years, and availability of such records to CPSC staff upon request.

29. It is the Firm's policy and the Firm agrees to maintain and enforce a system of internal controls and procedures designed to ensure that:

a) information required to be disclosed by the Firm to the Commission is recorded, processed, and reported in accordance with applicable law;

b) all reporting made to the Commission is timely, truthful, complete, and accurate; and

c) prompt disclosure is made to the Firm management of any significant deficiencies or material weaknesses in the design or operation of such internal controls that are reasonably likely to adversely affect in any material respect the Firm's ability to record, process, and report to the Commission in accordance with applicable law.

30. Upon request of staff, the Firm shall provide written documentation of any material changes in the Programs.

31. The parties enter into the Agreement for settlement purposes only. The Agreement does not constitute an admission by the Firm or a determination by the Commission that the Firm violated the CPSA.

32. Following staff's receipt of the Agreement executed on behalf of the Firm, staff shall promptly submit the Agreement to the Commission for provisional acceptance. Promptly following provisional acceptance of the Agreement by the Commission, the Agreement shall be placed on the public record and published in the **Federal Register**, in accordance with the procedures set forth in 16 C.F.R. § 1118.20(e). If, within fifteen calendar days, the Commission does not receive any written request not to accept the Agreement, the Agreement shall be deemed finally accepted on the sixteenth calendar day after the date the Agreement is published in the **Federal Register**, in accordance with 16 C.F.R. § 1118.20(f).

33. The Agreement is conditioned upon, and subject to, the Commission's final acceptance, as set forth above, and is subject to the provisions of 16 C.F.R. § 1118.20(h). Upon the later of: (i) The Commission's final acceptance of the Agreement and service of the accepted Agreement upon the Firm, and (ii) the date of issuance of the final Order, the Agreement shall be in full force and effect and shall be binding upon the parties.

34. Effective upon the later of: (i) The Commission's final acceptance of the Agreement and service of the accepted Agreement upon the Firm, and (ii) the date of issuance of the final Order, for good and valuable consideration, the Firm hereby expressly and irrevocably waives and agrees not to assert any past, present, or future rights to the following actions or remedies in connection with the matters described in the Agreement: (a) An administrative or judicial hearing; (b) judicial review or other challenge or contest of the validity of the Order or of the Commission's actions; (c) a determination by the Commission of whether the Firm failed to comply with the CPSA and the underlying regulations; (d) a statement of findings of fact and conclusions of law; and (e) any claims under the Equal Access to Justice Act.

35. Upon request of staff, the Firm shall cooperate fully and truthfully with staff and shall make available all information, materials, and personnel deemed necessary by staff to evaluate the Firm's compliance with the terms of the Agreement.

36. The parties acknowledge and agree that the Commission may make public disclosure of the terms of the Agreement and the Order.

37. The Firm represents that the Agreement: (i) Is entered into freely and voluntarily, without any degree of duress or compulsion whatsoever; (ii) has been duly authorized; and (iii) constitutes the valid and binding obligation of the Firm and each of its successors and/or assigns, enforceable

against the Firm in accordance with the Agreement's terms. The individuals signing the Agreement on behalf of the Firm represent and warrant that they are duly authorized by the Firm to execute the Agreement.

38. The Commission signatories represent that they are signing the Agreement in their official capacities and that they are authorized to execute the Agreement.

39. The Agreement is governed by the laws of the United States.

40. The Agreement and the Order shall apply to, and be binding upon the Firm and each of its subsidiaries, successors, transferees, and assigns, and a violation of the Agreement or Order may subject such entities to appropriate legal action.

41. The Agreement and the Order constitute the complete agreement among the parties on the subject matter contained herein and therein.

42. The Agreement may be used in interpreting the Order. Understandings, agreements, representations, or interpretations apart from those contained in the Agreement and the Order may not be used to vary or contradict their terms. For purposes of construction, the Agreement shall be deemed to have been drafted by both of the parties, and shall not be construed against any party for that reason in any subsequent dispute.

43. The Agreement shall not be waived, amended, modified, or otherwise altered, except as in accordance with the provisions of 16 C.F.R. § 1118.20(h). The Agreement may be executed in counterparts.

44. If any provision of the Agreement or the Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and the Order, such provision shall be fully severable. The balance of the Agreement and the Order shall remain in full force and effect, unless the Commission and the Firm agree that severing the provision materially affects the purpose of the Agreement and Order.

Dated: *10/13/14*

BAJA, INC.

By: _____

Michael Konick
Treasurer

ONE WORLD TECHNOLOGIES, INC.

Dated: *10/13/14*

By: _____

Michael Konick
Chief Financial Officer

U.S. CONSUMER PRODUCT SAFETY COMMISSION STAFF

Stephanie Tsacoumis
General Counsel

Mary T. Boyle
Deputy General Counsel

Mary B. Murphy
Assistant General Counsel

Dated: *10/14/14*

By: _____

Daniel Vice
Trial Attorney

UNITED STATES OF AMERICA

CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of:

One World Technologies, Inc.,

and

Baja, Inc.

CPSC Docket No.: *15–C0001*

ORDER

Upon consideration of the Settlement Agreement entered into between One World Technologies, Inc., and Baja, Inc. (the Firm), and the U.S. Consumer Product Safety Commission (Commission), and the Commission having jurisdiction over the subject matter and over the Firm, and it appearing that the Settlement Agreement and the Order are in the public interest, it is

ORDERED that the Settlement Agreement be, and is, hereby, accepted; and it is

FURTHER ORDERED, that the Firm shall comply with the terms of the Settlement Agreement and shall pay a civil penalty of four million three hundred thousand dollars (US$4,300,000.00), within twenty calendar days after receiving service of the Commission's final Order accepting the Settlement Agreement. Upon failure of the Firm to make the foregoing payment when due, interest on the unpaid amount shall accrue and be paid by the Firm at the federal legal rate of interest set forth at 28 U.S.C. § 1961(a) and (b). If the Firm fails to make such a payment or to comply in full with any other provision as set forth in the Settlement Agreement, such conduct will be considered a violation of the Settlement Agreement and Order.

Provisionally accepted and provisional Order issued on the 27th day of October, 2014.

By Order of the Commission:

_____

Todd A. Stevenson, Secretary,
U.S. Consumer Product Safety Commission.

[FR Doc. 2014–25818 Filed 10–29–14; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0056]

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 December 1, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Police Record Check; DD Form 369; OMB Control Number 0704–0007.

Type of Request: Revision.

Number of Respondents: 175,000.

Responses per Respondent: 1.

Annual Responses: 175,000.

Average Burden per Response: 27 minutes.

Annual Burden Hours: 78,750.

Needs and Uses: The information collection requirement is necessary, per Sections 504, 505 and 12102, Title 10 U.S. Code, to identify persons who may be undesirable for military service. Applicants for enlistment must be screened to identify any discreditable involvement with police or other law enforcement agencies. The DD Form 369, ''Police Record Check'' is forwarded to law enforcement agencies to identify if applicant has a record.

Affected Public: Individuals or households; State or local government agencies.

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: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: October 27, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–25836 Filed 10–29–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0121]

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 December 1, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Application for Correction of Military Record Under the Provisions of Title 10, U.S. Code, Section 1552; DD Form 149; OMB Control Number 0704–0003.

Type of Request: Revision.

Number of Respondents: 36,110.

Responses per Respondent: 1.

Annual Responses: 36,100.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 18,055.

Needs and Uses: This information collection requirement is necessary for all Service personnel (current and former Service members) to apply to their respective Military Department Boards for Correction of Military Records (BCMR) for a correction of an error or injustice in their military records under Title 10, United States Code § 1552. The BCMRs of the Military Departments are the highest administrative boards and appellate review authorities in the Services for the resolution of military personnel disputes. The Military Department Secretaries, acting through the BCMRs, have broad powers and are duty bound to correct records if an error or injustice exists. The range of issues includes, but is not limited to, awards, clemency petitions (of courts-martial sentences), disabilities, evaluation reports, home of record, memoranda of reprimands, promotions, retirements, separations, survivor benefit plans, and titling decisions by law enforcement authorities.

Information collection is needed to provide current and former Service members with a method through which to request correction of a military record and to provide the Services with the basic data needed to process the request.

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: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: October 24, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–25744 Filed 10–29–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Membership of the Performance Review Board

AGENCY: Office of the Secretary of Defense (OSD), DoD.

ACTION: Notice of board membership.

SUMMARY: This notice announces the appointment of the Department of Defense, Fourth Estate, Performance Review Board (PRB) members, to include the Office of the Secretary of Defense, Joint Staff, Defense Field Activities, U.S. Court of Appeals for the Armed Forces, Office of the Inspector General, and the following Defense Agencies: Defense Advanced Research Projects Agency, Defense Commissary Agency, Defense Contract Audit Agency, Defense Contract Management Agency, Defense Finance and Accounting Service, Defense Information Systems Agency, Defense Legal Services Agency, Defense Logistics Agency, Defense Security Cooperation Agency, Defense Threat Reduction Agency, Missile Defense Agency, and Pentagon Force Protection Agency. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4).

The PRB shall provide fair and impartial review of Senior Executive Service and Senior Professional performance appraisals and make recommendations regarding performance ratings and performance awards to the Deputy Secretary of Defense.

DATES: *Effective Date:* October 9, 2014.

FOR FURTHER INFORMATION CONTACT: Michael L. Watson, Assistant Director for Office of the Secretary of Defense Senior Executive Management Office, Office of the Deputy Chief Management Officer, Department of Defense, (703) 693–8373.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following executives are appointed to the Office of the Secretary of Defense PRB with specific PRB panel assignments being made from this group. Executives listed will serve a one-year renewable term, effective October 9, 2014.

Office of the Secretary of Defense

Authorizing Official—Robert O. Work, Deputy Secretary of Defense

Senior Performance Review Board Advisor—Michael L. Rhodes

Chairperson—Anthony A. Aldwell

PRB Panel Members

Bliss, Gary R.; Condon, Christine M.; Conklin, Pamela F.; Crosswait, Kenneth M.; Desimone, Laura M.; Digiovanni, Frank C.; Edwards, Robert A.; Franceschi-Thomas, Pamela M.; Gilmore, Donjette L.; Ginman, Richard T.; Gonzalez, Jose M.; Henry, Thomas M.; Kapellas, Christopher A.; Klooster, Lawrence A.; Koffsky, Paul S.; Kosak, Charles P.; Koucheravy, Edward R.; Loverro, Douglas L.; Lutinski, Hunter F.; McKenzie, Donald J.; Morgan, Nancy E.; Overstreet, Luanne; Richardson, Sandra V.; Rivera, Alfred J.; Scheiner, Glenda H.; Schleien, Steven L.; Schless, Scott R.; Scott, Michael D.; Shephard, Monica R.; Smith, David J.; Snavely-Dixon, Mary M.; Spjut, Gary B.; Teeple, Brian S.; Webster, Keith B.; Westphal, Martin M.; Zakriski, Jennifer N.

Dated: October 24, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–25759 Filed 10–29–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0127]

Privacy Act of 1974; System of Records

AGENCY: Defense Information Systems Agency, DoD.

ACTION: Notice to add a new System of Records.

SUMMARY: The Defense Information Systems Agency proposes to add a new system of records, K890.23, entitled ''DISA Inspector General Investigative Tracker (DIGit)'' to its existing inventory of record systems subject to the Privacy Act of 1974, as amended. This system is used to manage investigations, to produce statistical reports, and to control various aspects of the investigative process.

DATES: Comments will be accepted on or before December 1, 2014. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number 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.

FOR FURTHER INFORMATION CONTACT: Ms. Jeanette Weathers-Jenkins, DISA Privacy Officer, Chief Information Office, 6916 Cooper Avenue, Fort Meade, MD 20755–7901, or by phone at (301)225–8158.

SUPPLEMENTARY INFORMATION: The Defense Information Systems Agency notices for system of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office Web site *http://dpclo.defense.gov/.*

The proposed system report, as required by 5 U.S.C 552a(r) of the Privacy Act of 1974, as amended, was submitted on July 30, 2014, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I of OMB Circular No. A–130, Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: October 27, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

K890.23

SYSTEM NAME:

DISA Inspector General Investigative Tracker (DIGit).

SYSTEM LOCATION:

Primary location: Defense Information Systems Agency, 6910 Cooper Ave, Ft. Meade, MD 20755–7901.

Decentralized location: Defense Information Systems Agency Regional Inspector General, DITCO-Scott, Building 3600, 2300 East Drive, Scott Air Force Base, IL 62225–5406.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered include any person or activity which is or has been the complainant, witness, suspect, or subject of an IG investigation. This includes DoD employees, members of the military and contractors or non-DoD civilians who have registered a complaint.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, DoD ID Number, Social Security Number (SSN), other ID numbers, case number, gender, race/ethnicity, birth date, home address, office address, home phone number, office phone numbers, personal and business email address, place of birth, marital status, employment information, law enforcement data, records of investigations to include reports of investigation, information reports and case summaries, which are being or have been conducted by the Inspector General (IG).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, (Pub. L. 452), as amended; DoD Directive 5106.1, Inspector General of the Department of Defense; DoDI 7050.01, Defense Hotline Program; DISA 100–45–1, Office of the Inspector General of the Defense Information Systems Agency; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

The system is used to manage investigations, to produce statistical reports, and to control various aspects of the investigative process. The records in this system are used for suitability, loyalty, eligibility, and general trustworthiness of individuals for access or continued access to classified information and suitability for access to government facilities or industrial firms engaged in government projects/contracts; contractor responsibility and suspension/debarment determinations; suitability for awards or similar benefits; use in current law enforcement investigation or program of any type; use in judicial or adjudicative proceedings including litigation or in accordance with a court order; to identify offenders, to provide facts and evidence upon which to base prosecution, to provide information to other investigative elements of the Department of Defense having jurisdiction over the substance of the allegations or a related investigative interest in criminal law enforcement investigations including statutory violations, counter-intelligence, counter-espionage and counter-terrorist activities and other security matters; to effect corrective administrative action and to recover money and property which has been wrongfully used or misappropriated; to make decisions

affecting personnel actions concerning members of the Armed Forces and or Federal employees; and to respond to other complaint investigations and congressional inquiries as appropriate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the U.S. Secret Service in conjunction with the protection of persons under its jurisdiction.

To other Federal, State, local, or tribal agencies having jurisdiction over the substance of the allegations or a related investigative interest in criminal law enforcement investigations, including statutory violations, counter-intelligence, counter-espionage and counter-terrorist activities and other security matters.

To other Federal Inspector General offices, the President's Council on Integrity and Efficiency, and/or other Federal law enforcement agencies for the purpose of coordinating and conducting administrative inquiries and civil and criminal investigations, or when responding to such offices, Council, and agencies in connection with the investigation of potential violations of law, rule, and/or regulation.

To other Federal Inspector General offices, the President's Council on Integrity and Efficiency, and/or the Department of Justice for purposes of conducting external reviews to ensure that adequate internal safeguards and management procedures continue to exist within the Office of the Inspector General of the Department of Defense.

The DoD Blanket Routine Uses set forth at the beginning of the DISA's compilation of systems of records notices may apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media and paper records.

RETRIEVABILITY:

By individual's name or case number.

SAFEGUARDS:

Computerized records maintained in a controlled area are accessible only to authorized personnel. Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Physical and electronic access is restricted to designated individuals having a need therefore in the performance of official duties and who are properly screened and cleared for need-to-know. Electronic data system is password protected and will include data encryption of some fields. Access to computerized data is restricted by Common Access Card (CAC).

RETENTION AND DISPOSAL:

Electronic records are retained indefinitely for statistical purposes. Paper records for administrative investigations are archived 5 years after cases are closed. Paper records for criminal investigations are archived 20 years after cases are closed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Investigations Division, DISA IG, 6910 Cooper Ave, Ft. Meade, MD 20755–7901.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Defense Information Systems Agency, ATTN: Headquarters FOIA Requester Service Center, P.O. Box 549, Ft Meade, MD 20755–0549.

Request should contain the individual's full name, SSN or DoD ID Number, current address for reply, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to Defense Information Systems Agency, ATTN: Headquarters FOIA Requester Service Center, P.O. Box 549, Ft Meade, MD 20755–0549.

Requests should contain the individual's full name, SSN or DoD ID Number, current address for reply, telephone number, and signature and provide a reasonable description of what they are seeking.

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest contents and to appeal initial agency determinations should address written inquiries to Defense Information Systems Agency, ATTN: Headquarters FOIA Requester Service Center, P.O. Box 549, Ft Meade, MD 20755–0549.

RECORD SOURCE CATEGORIES:

Subjects and suspects of IG investigations. Interviews of witnesses, victims, and complainants. All types of records and information maintained by all levels of government, private industry, and non-profit organizations reviewed during the course of the investigation or furnished to the IG. Any other type of record deemed necessary to complete the IG investigation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 316. For additional information contact the system manager.

[FR Doc. 2014–25806 Filed 10–29–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0125]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice to add a new System of Records.

SUMMARY: The Office of the Secretary of Defense proposes to add a new system of records, DPFPA 05, entitled ''Computer Aided Dispatch and Records Management System (CAD/RMS)'' to its inventory of record systems subject to

the Privacy Act of 1974, as amended. This system is used to record incident details related to PFPA investigations or inquiries into incidents under PFPA jurisdiction. Records may be used to develop threat analysis products, reports, and assessments on groups and individuals that have harmed, or have attempted harm; made direct or indirect threats; have a specific interest in high ranking Office of the Secretary of Defense (OSD) personnel, the DoD workforce, or the Pentagon Facilities; or have engaged in organized criminal activity that would impact the Pentagon Facilities. These records are also used to document incident updates (if additional evidence is gathered following initial contact).

DATES: Comments will be accepted on or before December 1, 2014. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number 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.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard, Chief, OSD/JS Privacy Office, Freedom of Information Directorate, Washington Headquarters Service, 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571)372–0461.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at *http://dpclo.defense.gov/*. The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on July 30, 2014, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: October 27, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DPFPA 05

SYSTEM NAME:

Computer Aided Dispatch and Records Management System (CAD/RMS).

SYSTEM LOCATION:

Pentagon Force Protection Agency (PFPA), 9000 Defense Pentagon, Washington, DC 20301–9000.

Pentagon Force Protection Agency (PFPA), 4800 Mark Center Drive, Alexandria, VA 22350.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been the subject of an investigation or police inquiry into incidents occurring at the Pentagon and other facilities under the jurisdiction of PFPA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident report contains any or all of the following: name; other names used; Social Security Number (SSN); citizenship; legal status; gender; race/ethnicity; employment (e.g., authorized access to the building or room), and education information (e.g., student ID as form of identification); military records; driver's license; other identification numbers (e.g., DoD ID number, passport); date and place of birth; home and office address; home, work, and cell phone numbers; personal email address; photos taken at the scene; personal property information (e.g., vehicle, photographic equipment); biometric information (e.g., fingerprints); handwriting samples (e.g., scans of letters written by the subject mailed to the facility); child information (e.g., in cases where a child needs to be picked up if a parent is arrested), or contact information (e.g. spouse or an adult to provide transportation/assistance, if necessary); medical information (e.g., collected during medical response calls to assist individual); emergency contact, and incident number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2674, Operation and Control of Pentagon Reservation and Defense Facilities in National Capital Region; DoD Directive 5105.68, Pentagon Force Protection Agency (PFPA); Administrative Instruction (AI) 30, Force Protection on the Pentagon Reservation; and E.O. 9397 (SSN), as amended.

PURPOSES:

To record incident details related to PFPA investigations or inquiries into incidents under PFPA jurisdiction. Records may be used to develop threat analysis products, reports, and assessments on groups and individuals that have harmed, or have attempted harm; made direct or indirect threats; have a specific interest in high ranking Office of the Secretary of Defense (OSD) personnel, the DoD workforce, or the Pentagon Facilities; or have engaged in organized criminal activity that would impact the Pentagon Facilities. These records are also used to document incident updates (if additional evidence is gathered following initial contact).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

DoD Routine Use 01, Law Enforcement. If a system of records maintained by a DoD Component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To insurance agencies representing an individual who has been the subject of an investigation or police inquiry into incidents occurring at the Pentagon and other facilities under the jurisdiction of PFPA.

The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

Name, SSN, date of birth, other names used, driver license, or incident number.

SAFEGUARDS:

Records are maintained in areas accessible only to PFPA law enforcement personnel who use the records to perform their duties. All records are maintained on DoD installations with security force personnel performing installation access control and random patrols. Common Access Cards (which contain the user's DoD Public Key Infrastructure Certificates) and personal identification numbers are used to authenticate authorized desktop and laptop computer users. Data in transit and at rest is encrypted and computer servers are scanned to assess system vulnerabilities. Specific firewalls are in place to control the incoming and outgoing data traffic by analyzing the data and determining whether they should be allowed through or not, based on applied rule set. User access is restricted to validated users and activity is regularly monitored. Systems security updates are accomplished on a regular basis. Records are secured in locked or guarded buildings monitored by Closed Circuit TV cameras and intrusion detection systems, locked offices (to include cipher locks), or locked cabinets during non-duty hours, with access restricted during duty hours.

RETENTION AND DISPOSAL:

Non-criminal records are destroyed one year after case is closed.

Criminal records are cut off when a case is closed. Files are destroyed 15 years after the cut-off.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director Integrated Emergency Operations Center, Pentagon Force Protection Agency (PFPA), 9000 Defense Pentagon, Washington, DC 20301–9000.

NOTIFICATION PROCEDURE:

An exemption rule has been published, and this Privacy Act system of records is exempt from the notification provisions described in 5 U.S.C. 552a(d).

RECORD ACCESS PROCEDURES:

An exemption rule has been published, and this Privacy Act system of records is exempt from the notification provisions described in 5 U.S.C. 552a(d).

CONTESTING RECORD PROCEDURES:

An exemption rule has been published, and this Privacy Act system of records is exempt from the amendment and appeal provisions described in 5 U.S.C. 552a(f).

RECORD SOURCE CATEGORIES:

Individuals involved in, or witness to, the incident or inquiry, PFPA officers and investigators, state and local law enforcement, and Federal departments and agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system of records is used by the Department of Defense for a law enforcement purpose (j)(2) and (k)(2), and the records contained herein are used for criminal, civil, and administrative enforcement requirements. As such, allowing individuals full exercise of the Privacy Act would compromise the existence of any criminal, civil, or administrative enforcement activity. This system of records is exempt from the following provisions of 5 U.S.C. 552a section (c)(3) and (4), (d), (e)(1) through (e)(3), (e)(4)(G) through (e)(4)(I), (e)(5), (e)(8); (f) and (g) of the Act.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c), and (e) and published in 32 CFR part 311. For additional information contact the system manager.

[FR Doc. 2014–25834 Filed 10–29–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0092]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Office of the Secretary of Defense proposes to alter a system of records, DWHS E05, entitled ''Mandatory Declassification Review Files'', in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system is used to process requests and/or appeals from individuals for the mandatory review of classified documents for the purposes of releasing declassified material to the public; and to provide a research resource of historical data on release of records to ensure consistency in subsequent actions. Data developed from this system is used for the annual report required by the applicable Executive Order(s) governing classified National Security Information. This data also serves management needs, by providing information about the number of requests; the type or category of records required; and the average processing time.

DATES: Comments will be accepted on or before December 1, 2014. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number 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.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard, Chief, OSD/JS Privacy Office, Freedom of Information Directorate, Washington Headquarters Service, 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571) 372–0461.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Office Web site at *http://dpclo.defense .gov/.*

The proposed system report, as required by U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on June 9, 2014, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c

of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: October 27, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DWHS E05

SYSTEM NAME:

Mandatory Declassification Review Files (October 28, 2011, 76 FR 66916).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Records and Declassification Division, Executive Services Directorate, 6564 Loisdale Court, Springfield, VA 22150–1827.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Individuals requesting Mandatory Declassification Review (MDR) or appealing a MDR determination for access to records and information within the scope of the Offices of the Secretary of Defense (OSD).''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Requester's name, address, level of security clearance, source (organization of requester), source case number (if applicable), classification, received date, page numbers, OSD MDR case number and subject of the request.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''E.O. 13526, Classified National Security Information; 32 CFR 2001.33, Mandatory Review for Declassification; and DoD Instruction 5200.01, DoD Information Security Program and Protection of Sensitive Compartmented Information.''

PURPOSE(S):

Delete entry and replace with ''To process requests and/or appeals from individuals for the mandatory review of classified documents for the purposes of releasing declassified material to the public; and to provide a research resource of historical data on release of records to ensure consistency in subsequent actions. Data developed from this system is used for the annual report required by the applicable Executive Order(s) governing classified National Security Information. This data also serves management needs, by providing information about the number of requests; the type or category of records required; and the average processing time.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the National Archives and Records Administration, Interagency Security Classification Appeals Panel (ISCAP) for the purpose of complying with Executive Order 13526, to review administrative agency policies, procedures and to facilitate ISCAP offering of mediation services to resolve disputes between persons making Mandatory Declassification Review requests and administrative agencies.

The DoD Blanket Routine Uses set forth at the beginning of the OSD's compilation of systems of records notices may apply to this system.''

* * * * *

RETRIEVABILITY:

Delete entry and replace with ''Retrieved by name of requester and other pertinent information, such as organization or address, subject material describing the MDR item (including date), OSD MDR case number using computer indices, referring agency, or any combination of fields.''

SAFEGUARDS:

Delete entry and replace with ''All classified material is stored in a Defense Security Service approved closed area which has a spin dial combination-lock, and requires badge and pin access. Paper records are maintained in security containers with access limited to officials having a need-to-know based on their assigned duties. All records are protected in accordance with the National Industrial Security Program Operating Manual and only accessed by individuals that have a need-to-know based on their clearance and assigned duties.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Case files documenting requests for declassification are destroyed 10 years after resolution of request.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Chief, Records and Declassification Division, Executive Services Directorate, 4800 Mark Center Drive, Alexandria, VA 20350–3200.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to Chief, Records and Declassification Division, Executive Services Directorate, 4800 Mark Center Drive, Alexandria, VA 20350–3200.

Written requests should include the individual's name and address of the individual at the time the record would have been created.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Office of the Secretary of Defense/Joint Staff, Freedom of Information Act Requester Service Center, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301–1155.

Signed, written requests should include the name and number of this system of records notice along with the individual's name and address of the individual at the time the record would have been created.''

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''Individual.''

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Delete entry and replace with ''Information classified under E.O. 12958, as implemented by DoD 5200.1–R, may be exempt pursuant to 5 U.S.C. 552a(k)(1).

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 552(d), and published in 32 CFR part 311.8. For additional information contact the system manager.''

[FR Doc. 2014–25820 Filed 10–29–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2014–0040]

Proposed Collection; Comment Request

AGENCY: Office of the Administrative Assistant to the Secretary of the Army (OAA–AAHS–RDR–C), DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Department of the Army 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 December 29, 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 Office of the Assistant Secretary of the Army (Manpower & Reserve Affairs)/G–1, Attn: SAMR–FMMR, (Dr. John Anderson), 111 Army Pentagon, Washington, DC 20310–0111; or call Department of the Army Reports Clearance Officer at (703) 428–6440.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: The Contractor Manpower Reporting System; OMB Control Number 0702–0120.

Needs and Uses: This program greatly enhances the ability of the Army to identify and track its contractor workforce. Current systems do not have contractor manpower data that is collected by the contractor Manpower Reporting System—i.e., Direct Labor Hours, Direct Labor Dollars, and Organization supported. Existing financial and procurement systems have obligation amounts of an unknown mix of services and supplies, and the Department of the Army is not able to trace the funding to the organization supported. Like all other Federal Government agencies, the Army's reliance on service contractor employees has increased significantly over the past few years.

Affected Public: Business or Other For Profit.

Annual Burden Hours: 1,018.

Number of Respondents: 12,215.

Responses per Respondent: 1.

Average Burden per Response: 5 minutes.

Frequency: Annually.

The Contractor Manpower Reporting System represents a program aimed at obtaining information regarding the use of contractor employees by the Army. Reliance on contractors in support of military operations will continue and likely grow. This guidance emphasizes the fact that armed forces are deploying and will deploy without a standard means of tracking the contractor workforce. Section 807 of the National Defense Authorization Act for Fiscal Year 2008 requires the Secretary of Defense not later than a third quarter of each fiscal year to submit to Congress an annual inventory of the activities performed during the preceding year pursuant to contracts for services for or on behalf of the Department of Defense.

Dated: October 27, 2014.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2014–25844 Filed 10–29–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Withdrawal of Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: Department of the Army, U.S Army Corps of Engineers, DoD.

ACTION: Notice of withdrawal.

SUMMARY: The purpose of this notice is to inform the public that until the economic demand for improvements to the Sacramento River Deep Water Channel (SRDWSC) improves, the NEPA process has been terminated and notice to prepare an EIS and notice of availability are withdrawn.

DATES: Effective date of withdrawal is October 25, 2014.

FOR FURTHER INFORMATION CONTACT: William N. Brostoff, Environmental Planning, 1455 Market St., San Francisco, CA 94103. Telephone 415–503–6867; electronic mail: *William.N.Brostoff@usace.army.mil.*

SUPPLEMENTARY INFORMATION: On June 13, 2008 (73 FR 33807), the United States Army Corps of Engineers (USACE) in partnership with the Port of West Sacramento (Port) announced its intent to prepare a Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report (DSEIS/R) in accordance with the National Environmental Policy Act of 1969 (NEPA) to evaluate the action of resuming construction of navigational improvements to the SRDWSC. On February 25, 2011 (76 FR 10572), USACE and the Port announced the availability of the DSEIS/R. The DSEIS/R evaluated the potential environmental impacts associated with the proposed Federal action and reasonable alternatives. The purpose of the project was to resume deepening of the SRDWSC to its congressionally authorized depth to realize economic benefits resulting from transportation cost savings associated with moving goods to and from the Port. USACE and the Port might resume the NEPA process in the future should economic demand for the project improve.

John C. Morrow,

Lieutenant Colonel, U.S. Army, District Engineer.

[FR Doc. 2014–25767 Filed 10–29–14; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–1436–007; ER14–152–002; ER13–1793–004; ER12–1260–006; ER10–3099–009; ER10–2329–004.

Applicants: Eagle Point Power Generation LLC, Elgin Energy Center, LLC, Hazle Spindle, LLC, RC Cape May Holdings, LLC, Stephentown Spindle, LLC, Vineland Energy LLC.

Description: Supplement to June 23, 2014 Triennial Market-Based Rate Update Filing for the Northeast Region and Notice of Non-Material Change in Status of the Rockland Seller.

Filed Date: 10/14/14.

Accession Number: 20141014–5173.

Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: ER15–175–000.

Applicants: San Diego Gas & Electric Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015 SDGE RS Update to Transmission Owner Tariff to be effective 1/1/2015.

Filed Date: 10/23/14.

Accession Number: 20141023–5141.

Comments Due: 5 p.m. ET 11/13/14.

Docket Numbers: ER15–176–000.

Applicants: Wheeling Power Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Reactive Supply and Voltage Control from Generation Sources Concurrence to be effective 12/31/2014.

Filed Date: 10/23/14.

Accession Number: 20141023–5149.

Comments Due: 5 p.m. ET 11/13/14.

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: October 23, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–25831 Filed 10–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–2273–002.

Applicants: Public Service Company of Colorado.

Description: Compliance filing per 35: 2014–10–23_S408 Revised Att U–1 Comp Filing to be effective 8/1/2014.

Filed Date: 10/23/14.

Accession Number: 20141023–5056.

Comments Due: 5 p.m. ET 11/13/14.

Docket Numbers: ER14–2956–001.

Applicants: Hoopeston Wind, LLC.

Description: Tariff Amendment per 35.17(b): Supplemental to Hoopeston Wind to be effective 10/22/2014.

Filed Date: 10/22/14.

Accession Number: 20141022–5202.

Comments Due: 5 p.m. ET 11/12/14.

Docket Numbers: ER14–2957–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment per 35.17(b): Errata to Notice of Cancellation of Original SA No. 3063, Queue No. W3–078 to be effective 4/2/2012.

Filed Date: 10/23/14.

Accession Number: 20141023–5098.

Comments Due: 5 p.m. ET 11/13/14.

Docket Numbers: ER14–2979–001.

Applicants: NV Energy, Inc.

Description: Compliance filing per 35: OATT Order No. 789 Compliance—Revisions to Schedules 5 and 6 Reserve Service to be effective 10/1/2014.

Filed Date: 10/22/14.

Accession Number: 20141022–5172.

Comments Due: 5 p.m. ET 11/12/14.

Docket Numbers: ER15–163–000.

Applicants: Southern California Edison Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): GIA and Distribution Service Agmt with Longboat Solar, LLC to be effective 10/24/2014.

Filed Date: 10/23/14.

Accession Number: 20141023–5000.

Comments Due: 5 p.m. ET 11/13/14.

Docket Numbers: ER15–164–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 1636R13 Kansas Electric Power Cooperative, Inc. NITSA and NOA to be effective 8/1/2014.

Filed Date: 10/23/14.

Accession Number: 20141023–5048.

Comments Due: 5 p.m. ET 11/13/14.

Docket Numbers: ER15–165–000.

Applicants: Southwestern Public Service Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–10–23_SPS–GSEC–DTA Agrmt-676–0.0.0—Filing to be effective 10/24/2014.

Filed Date: 10/23/14.

Accession Number: 20141023–5049.

Comments Due: 5 p.m. ET 11/13/14.

Docket Numbers: ER15–166–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 4013; Queue No. Y1–080 to be effective 9/23/2014.

Filed Date: 10/23/14.

Accession Number: 20141023–5065.

Comments Due: 5 p.m. ET 11/13/14.

Docket Numbers: ER15–167–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Rate Schedule No. 33—WAPA Triangle Agreement, Exhibit A Revision No. 49 to be effective 12/23/2014.

Filed Date: 10/23/14.

Accession Number: 20141023–5075.

Comments Due: 5 p.m. ET 11/13/14.

Docket Numbers: ER15–168–000.

Applicants: Glacial Energy Holdings.

Description: Notice of Cancellation of Glacial Energy Holdings.

Filed Date: 10/23/14.

Accession Number: 20141023–5099.

Comments Due: 5 p.m. ET 11/13/14.

Docket Numbers: ER15–169–000.

Applicants: New York State Electric & Gas Corporation.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): NYSEG–DCEC Attachment C Annual Update to be effective 1/1/2015.

Filed Date: 10/23/14.

Accession Number: 20141023–5106.

Comments Due: 5 p.m. ET 11/13/14.

Docket Numbers: ER15–170–000.

Applicants: AEP Texas Central Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): TCC-Javelina Wind Energy PDA Cancellation to be effective 9/29/2014.

Filed Date: 10/23/14.

Accession Number: 20141023–5112.

Comments Due: 5 p.m. ET 11/13/14.

Docket Numbers: ER15–171–000.

Applicants: AEP Texas Central Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): TCC-Javelina Wind Energy SUA to be effective 10/2/2014.

Filed Date: 10/23/14.
Accession Number: 20141023–5118.
Comments Due: 5 p.m. ET 11/13/14.

Docket Numbers: ER15–172–000.
Applicants: AEP Texas Central Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): TCC-Los Vientos Windpower V Interconnection Agreement to be effective 10/2/2014.
Filed Date: 10/23/14.
Accession Number: 20141023–5119.
Comments Due: 5 p.m. ET 11/13/14.

Docket Numbers: ER15–173–000.
Applicants: Appalachian Power Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Reactive Supply and Voltage Control Mitchell Amendment to be effective 12/31/2014.
Filed Date: 10/23/14.
Accession Number: 20141023–5122.
Comments Due: 5 p.m. ET 11/13/14.

Docket Numbers: ER15–174–000.
Applicants: Wheeling Power Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Reactive Supply and Voltage Control from Generation Sources Concurrence to be effective 12/31/2014.
Filed Date: 10/23/14.
Accession Number: 20141023–5123.
Comments Due: 5 p.m. ET 11/13/14.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14–53–000.
Applicants: Kansas City Power & Light Company.
Description: Amendment to September 12, 2014 Kansas City Power & Light Company Application for Authorization of Issuance of Short-Term Debt Securities Under Section 204 of the Federal Power Act.
Filed Date: 10/23/14.
Accession Number: 20141023–5012.
Comments Due: 5 p.m. ET 11/3/14.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR15–1–000.
Applicants: North American Electric Reliability Corp.
Description: Petition to Approve the Western Electricity Coordinating Council (WECC) Data Request Process of North American Electric Reliability Corporation.
Filed Date: 10/23/14.
Accession Number: 20141023–5120.
Comments Due: 5 p.m. ET 11/13/14.

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: October 23, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–25829 Filed 10–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP15–61–000.
Applicants: Questar Pipeline Company.
Description: § 4(d) rate filing per 154.204: Statement of Negotiated Rates Version 9.0.0 to be effective 10/1/2014.
Filed Date: 10/23/14.
Accession Number: 20141023–5032.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: RP15–62–000.
Applicants: Equitrans, L.P.
Description: Equitrans—Operational Purchases and Sales Report for 2014.
Filed Date: 10/23/14.
Accession Number: 20141023–5047.
Comments Due: 5 p.m. ET 11/4/14.

Docket Numbers: RP15–63–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) rate filing per 154.204: Negotiated Rates–Integrys Energy to be effective 11/1/2014.
Filed Date: 10/23/14.
Accession Number: 20141023–5074.
Comments Due: 5 p.m. ET 11/4/14.

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: October 24, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–25809 Filed 10–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–10–000]

Geronimo Wind Energy, LLC; Notice of Petition for Declaratory Order

Take notice that on October 23, 2014, Geronimo Wind Energy, LLC (Geronimo), pursuant to section 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2), filed a petition for declaratory order requesting the Commission find that: (1) A 1966 Interconnection Agreement between Otter Tail Power Co. (Otter Tail) and Minnkota Power Cooperative, Inc. gave Otter Tail the right to provide transmission service over the 345 kV transmission line running from Center to Maple River, North Dakota; (2) Otter Tail's transmission rights over the Center-Maple River Line have been assigned to the Midcontinent Independent System Operator, Inc. (MISO); and (3) the rate provided by the MISO tariff is the only rate that may be charged for transmission service provided by MISO over the Center-Maple River 345 kV line.

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

protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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

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

Comment Date: 5:00 p.m. Eastern Time on November 24, 2014.

Dated: October 24, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–25832 Filed 10–29–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e) (1) (v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. CP13–113–000	9–30–14	Sean McGarvey.
2. CP14–17–000	10–3 to 10–16–14	Chain emails.[1]
3. EL14–55–000	10–20 to 10–22–14	Chain emails.[2]
4. ER14–1242–000 ER14–1243–000.	10–22–14	Patricia J. Brighton.
Exempt:		
1. ER14–2952–000 ER14–1242–000. ER14–1243–000. ER14–2862–000. ER14–2860–000. EL14–34–000. EL14–103–000. EL14–104–000.	10–8–14	Hon. Dan Benishek.
2. CP14–96–000	10–15–14	Boston City Council.
3. CP14–497–000	10–17–14	Hon. Kirsten Gillibrand.
4. ER14–1242–000 ER14–1243–000.	10–21–14	U.S. Senate.[3]
5. ER14–1243–000 ER14–2862–000. ER14–2860–000.	10–22–14	City of Sault Ste. Marie.

[1] 51 Chain emails have been sent to FERC Commissioners and staff under this docket number.
[2] 18 Chain emails have been sent to FERC Commissioners and staff under this docket number.
[3] Letter signed by Hons. Debbie Stabenow and Carl Levin.

Dated: October 24, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–25830 Filed 10–29–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0043; FRL–9918–63–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Polymeric Coating of Supporting Substrates Facilities (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NSPS for Polymeric Coating of Supporting Substrates Facilities (Renewal)'' (EPA ICR No. 1284.10, OMB Control No. 2060–0181) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through October 31, 2014. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before December 1, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0043, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Respondents are owners or operators of facilities performing polymeric coating of supporting substrates. NSPS Subpart VVV applies to each coating operation and any on-site mix preparation equipment used to prepare coating for the polymeric coating of supporting substrates, which commences construction, modification, or reconstruction after April 30, 1987. The rule establishes standards for VOC use, emission reduction limits, and capture and recovery of VOC emissions. The recordkeeping, monitoring, and reporting requirements allow the regulatory agencies to determine compliance with the standard.

Form Numbers: None.

Respondents/affected entities: Owners or operators of facilities performing polymeric coating of supporting substrates.

Respondent's obligation to respond: Mandatory (40 CFR part 60, Subpart VVV).

Estimated number of respondents: 59 (total).

Frequency of response: Initially, quarterly, and semiannually.

Total estimated burden: 13,667 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $1,995,496 (per year), includes $657,500 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an adjustment increase in the total estimated burden, capital/startup, and O&M costs as currently identified in the OMB Inventory of Approved Burdens. This increase is due to industry growth and is not due to any program changes.

There is an apparent decrease in the Agency labor burden hours due to a summation error in the most recently approved ICR. This error resulted in the overestimation of Agency burden. EPA has identified and reconciled this discrepancy during the preparation of this ICR renewal, hence the apparent burden decrease.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–25754 Filed 10–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2010–1016; FRL–9918–64–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; The National Refrigerant Recycling and Emissions Reduction Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''The National Refrigerant Recycling and Emissions Reduction Program'' (EPA ICR No. 1626.12, OMB Control No. 2060–0256) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through November 30, 2014. Public comments were previously requested via the **Federal Register** 79 FR 40753 on July 14, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before December 1, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2010–1016 to (1) EPA online using *www.regulations.gov* (our preferred method), by email to: *a-and-r-*

docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov*. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Robert Burchard, Stratospheric Program Division, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number (202) 343–9126; fax number: (202) 343–2338; email address: *burchard.robert@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

Abstract: EPA developed regulations under the Clean Air Act Amendments of 1990 (CAA) regarding the use and disposal of class I and class II ozone-depleting substances used as refrigerants during the service, maintenance, repair, or disposal of refrigeration and air-conditioning equipment. Section 608(c) of the CAA states that it is unlawful for any person in the course of maintaining, servicing, repairing, or disposing of refrigeration or air-conditioning equipment to knowingly vent or otherwise knowingly release or dispose of a class I or class II substance used as a refrigerant in the equipment in a manner which permits the substance to enter the environment.

In 1993, EPA promulgated regulations under section 608 of the CAA for the recycling of ozone-depleting refrigerants recovered during servicing and disposal of air-conditioning and refrigeration equipment (40 CFR part 82). The regulations require persons servicing refrigeration and air-conditioning equipment to observe service practices that reduce emissions of ozone depleting refrigerants. The regulations also establish certification programs for technicians, recycling and recovery equipment, and off-site refrigerant reclaimers. In addition, EPA requires that ozone depleting refrigerants contained ''in bulk'' in appliances be removed prior to disposal of the appliances, and that all refrigeration and air-conditioning equipment (except for small appliances and room air conditioners) be provided with a servicing aperture that facilitates recovery of the refrigerant. Moreover, the Agency requires that substantial refrigerant leaks in equipment be repaired when discovered. These regulations significantly reduce emissions of ozone depleting refrigerants and therefore aid efforts to minimize damage to the ozone layer.

To facilitate compliance with section 608, EPA requires reporting and record keeping for technicians; technician certification programs; equipment testing organizations; refrigerant wholesalers and purchasers; refrigerant reclaimers; refrigeration and air-conditioning equipment owners; and other establishments that perform refrigerant removal, service, or disposal. These reporting and recordkeeping requirements help EPA evaluate the effectiveness of refrigerant regulations and reduce emissions of ozone-depleting substances.

Form Numbers: None.

Respondents/affected entities: Entities that recover, recycle, reclaim, sell or distribute in interstate commerce ozone-depleting refrigerants that contain chlorofluorocarbons (CFCs) or hydrochlorofluorocarbons (HCFCs); those that service, maintain, repair, or dispose of appliances containing CFC or HCFC refrigerants; and those that own or operate appliances containing more than 50 pounds of CFC or HCFC refrigerants.

Respondent's obligation to respond: Mandatory.

Estimated number of respondents: 883,680.

Frequency of response: Primarily annually, with the exception of technician testing organizations that are required to report biannually.

Total estimated burden: 320,537 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $14,202,991, which includes no capital or O&M costs.

Changes in the Estimates: There is a slight increase in the average annual burden hours currently identified in the current OMB Inventory of Approved ICR Burdens due to a change in the estimates.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–25753 Filed 10–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2013–0448; FRL–9917–71–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Willingness To Pay Survey for Salmon Recovery in the Willamette Watershed (New)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''Willingness to Pay Survey for Salmon Recovery in the Willamette Watershed (New)'' (EPA ICR No. 2489.01, OMB Control No. 2080–NEW) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a request for approval of a new collection. Public comments were previously requested via the **Federal Register** (78 FR 39282) on July 1, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before December 1, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–ORD–2013–0448, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *ord.docket@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any

personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Dr. Michael Papenfus, Environmental Protection Agency, Office of Research & Development, Western Ecology Division, 200 SW 35th St., Corvallis, Oregon 97333; email address: *papenfus.michael@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The USEPA Office of Research and Development is investigating public values for options of salmon recovery in the Willamette Watershed in western Oregon. These values will be estimated via a willingness to pay mail survey instrument. Two anadromous fish species in the Willamette watershed are federally listed as threatened species; Spring Chinook, and Winter steelhead. The survey focuses on two attributes of recovery for these fish: The recovery status; and the time to recovery. A choice experiment framework is used with statistically designed tradeoff questions, where recovery options are posed as increases in a yearly household tax. The choice experiment is designed to allow independent isolation of the value of recovery and of time to recovery. A few additional questions to further understand the motivations for respondent choices, their river-related recreation behavior, and their attitudes towards wild origin versus hatchery origin fish are also included. Limited sociodemographic questions are included to gauge how well the sample respondents represent the target population. The survey will be fielded to Oregon residents.

Form Numbers: None.

Respondents/affected entities: Individuals.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 1,000 (total).

Frequency of response: Once.

Total estimated burden: 500 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $8,620 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: This is a new collection.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–25752 Filed 10–29–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9918–66–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Indiana

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice announces the Environmental Protection Agency (EPA's) approval of the State of Indiana's request to revise its National Primary Drinking Water Regulations Implementation EPA-authorized program to allow electronic reporting.

DATES: EPA's approval is effective October 30, 2014.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On June 13, 2014, the Indiana Department of Environmental Management (IDEM) submitted an application titled ''Indiana Electronic Sample Entry Verify (eSE) System'' for revision of its EPA-authorized Part 142 program under title 40 CFR. EPA reviewed IDEM's request to revise its EPA-authorized program and, based on this review, EPA determined that the application met the standards for approval of authorized program revision set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Indiana's request to revise its Part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting under 40 CFR part 141 is being published in the **Federal Register.** IDEM was notified of EPA's determination to approve its application with respect to the authorized program listed above.

Dated: October 9, 2014.

Matthew Leopard,

Acting Director, Office of Information Collection.

[FR Doc. 2014–25857 Filed 10–29–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[CG Docket No. 13–318; DA 14–1487]

Notice of Electronic Filing Procedures for Closed Captioning Exemption Requests for Video Programming Delivered Using Internet Protocol (IP)

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Commission announces electronic filing procedures for petitions for exemption from the Commission's closed captioning requirements for video programming delivered using Internet

protocol (IP). This announcement notifies the public of the filing procedures for all individual closed captioning exemption petitions for IP-delivered video programming, all comments and oppositions responsive to such petitions, and all replies to comments or oppositions to such petitions, which the Commission's rules require be filed electronically.

DATES: The Commission's new electronic filing procedures regarding petitions for exemption from the Commission's closed captioning rules for IP-delivered video programming will take effect on December 1, 2014.

FOR FURTHER INFORMATION CONTACT: Suzy Rosen Singleton, Consumer and Governmental Affairs Bureau, Disability Rights Office, (202) 510–9446, email: *Suzanne.Singleton@fcc.gov;* or Caitlin Vogus, Consumer and Governmental Affairs Bureau, Disability Rights Office, (202) 418–1264, email: *Caitlin.Vogus@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice, document DA 14–1487, released on October 14, 2014. The full text of document DA 14–1487, and any subsequently filed documents in this matter will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. It also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone: (800) 378–3160, fax: (202) 488–5563, or Internet: *www.bcpiweb.com.* Document DA 13–2190 can also be downloaded in Word or Portable Document Format (PDF) at *http://www.fcc.gov/encyclopedia/closed-captioning-video-programming-delivered-using-internet-protocol-ip.* 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

1. In document DA 14–1487, the Commission's Consumer and Governmental Affairs Bureau (CGB or Bureau) announces electronic filing procedures for petitions for exemption from the Commission's closed captioning requirements for video programming delivered using Internet protocol (IP). On January 12, 2012, the Commission released the *IP Closed Captioning Order* adopting rules that require, among other things, that all individual closed captioning exemption petitions for IP-delivered video programming, all comments and oppositions responsive to such petitions, and all replies to comments or oppositions to such petitions be filed electronically. *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010,* MB Docket No. 11–154, Report and Order (*IP Closed Captioning Order*); published at 77 FR 19479, March 30, 2012.

2. *Exemption Petitions.* In order to file a petition for exemption from the IP closed captioning rules electronically, the petitioner must send the petition, together with documentation supporting such a petition, via email to *captioningexemption@fcc.gov.* Petitions must be filed electronically by email and may not be filed via the Commission's Electronic Comment Filing System (ECFS). At this time, the Commission's email system does not accept attachments in the form of .ZIP files or file sizes larger than 13.3 megabytes. If a petitioner has concerns that its file size will exceed this limitation, it may contact Commission staff. Upon receipt of a petition, the Commission will send an acknowledgement to the petitioner by email. The Commission will also assign a case identifier number (for example, ''CGB–CC–2345'') to the petition. This case identifier number and the reference to ''CG Docket No. 13–318'' must be included on all correspondence with the Commission regarding the petition, including any supplemental information to support the petition and subsequent pleadings in response to comments on or oppositions to the petition.

3. Once the petitioner provides the required information and documentation to the Commission, the petition will be placed on public notice, pursuant to the Commission's rules, to permit interested parties to file comments on or oppositions to the petition. The Commission will make the petition, as well as any supporting information and documentation provided, available for public inspection in the Commission's Reference Information Center and through ECFS at *http://apps.fcc.gov/ecfs/.* Because petitions and any supporting information and documentation provided by email to *captioningexemption@fcc.gov* will be uploaded to ECFS by the Commission, petitioners must follow the ECFS document format guidelines available at *http://apps.fcc.gov/ecfs/userManual/upload/documents.jsp* when submitting petitions and any supporting information and documentation via email. Petitioners are encouraged not to include personally sensitive information in their petitions, such as social security numbers, bank account and routing numbers, and other similarly sensitive information. If a petitioner nevertheless includes such sensitive information in its filing, it must redact (remove or conceal with black ink) such information from its submission. Unless otherwise directed by the petitioner, anything in the body of the petitioner's email will not be considered as part of the petition; rather only the attachments will be considered as part of the petition and posted on ECFS. If the petitioner wishes to also include content contained in the body of the email as part of the petition, which will be posted on ECFS, it should state so in the email.

4. *Confidential Treatment.* A petitioner may request confidential treatment of any information contained in or submitted in support of its petition. A petitioner seeking such treatment for any such information must submit, via email to *captioningexemption@fcc.gov,* a written request for confidential treatment and two versions of the petition: (1) A confidential version that contains the complete, unredacted submission; and (2) a public version that redacts any claimed confidential information. A request for confidential treatment may not be filed via ECFS. The request must comply with the requirements of 47 CFR 0.459, including: (a) Identification of the specific information submitted for which confidential treatment is sought; (b) a statement of the reasons for withholding those materials from public inspection; and (c) an explanation of how public disclosure of the information could result in substantial competitive harm. The request must show by a preponderance of the evidence that nondisclosure is consistent with the provisions of the Freedom of Information Act. Mere conclusory or generalized allegations cannot support a request for nondisclosure. In light of the Commission's desire for openness in its exemption petition review processes, if the Bureau determines that members of the public should have access to portions of a filing that the petitioner asserts are confidential, it may allow such access pursuant to a protective order. To help achieve such openness where a petitioner has sought confidentiality of certain information

submitted in support of its petition, the petitioner should, to the extent possible, include in its petition the non-sensitive supporting information contained in the confidential materials so that members of the public may review, consider, and comment on the petition.

5. *Comments and Oppositions.* Comments on or oppositions to a petition must be filed electronically via ECFS at *http://apps.fcc.gov/ecfs/upload/begin?filedFrom=E.* The ''ECFS Express'' form cannot be used for the filing of comments or oppositions. If the submission is sent to the Commission only by email, the Commission will upload the submission to ECFS. Comments or oppositions filed via ECFS must include ''13–318'' as the ''Proceeding Number'' on the ECFS form. In addition, filers must enter the four-digit case identifier number (*e.g.,* ''CC–2345'') as the ''File Number'' on the ECFS form. If a filer wishes to file an identical set of comments or oppositions via ECFS on multiple petitions that have been assigned more than one case identifier number, the comments or oppositions must be filed separately for each petition/case identifier number. In such a case, a different case identifier number will have to be entered as the ''File Number'' for each separate filing (*e.g.,* ''CC–2345'' entered as the File Number for the first filing and ''CC–2346'' entered as the File Number for the second filing and so on, even if the comments or oppositions being filed are identical to the first filing). Multiple case identifier numbers may not be entered as one ''File Number.''

6. *Replies.* Replies to comments on or oppositions to a petition must be filed electronically via ECFS at *http://apps.fcc.gov/ecfs/upload/begin?filedFrom=E.* The ''ECFS Express'' form cannot be used for this purpose. If the submission is sent to the Commission only by email, the Commission will upload the submission to ECFS. Replies must include ''13–318'' as the ''Proceeding Number'' and the four-digit case identifier number (*e.g.,* ''CC–2345'') as the ''File Number'' in this proceeding. If a filer wishes to file an identical set of replies via ECFS on multiple petitions that have been assigned more than one case identifier number, the replies must be filed separately for each petition/case identifier number. In this case, a different case identifier number will have to be entered as the ''File Number'' for each separate filing (*e.g.,* ''CC–2345'' entered as the File Number for the first filing and ''CC–2346'' entered as the File Number for the second filing and so on, even if the replies being filed are identical to the first filing). Multiple case identifier numbers may not be entered as one ''File Number.''

Federal Communications Commission.

Gregory Hlibok,

Chief, Disability Rights Office.

[FR Doc. 2014–25828 Filed 10–29–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request (3064–0082)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 the renewal of an existing information collection, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35). On August 20, 2014, (79 FR 49314), the FDIC requested comment for 60 days on a proposal to renew the following information collection: Recordkeeping and Disclosure Requirements in Connection with Regulation Z (Truth in Lending). No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of this collection, and again invites comment on this renewal.

DATES: Comments must be submitted on or before December 1, 2014.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Gary A. Kuiper (202.898.3877), Counsel, Room NYA–5046, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gary A. Kuiper, at the FDIC address above.

SUPPLEMENTARY INFORMATION:

Proposal To Renew the Following Currently-Approved Collection of Information

Title: Recordkeeping and Disclosure Requirements in Connection with Regulation Z (Truth in Lending).

OMB Number: 3064–0082.

Frequency of Response: On occasion.

Affected Public: State nonmember banks and state savings associations.

Estimated Number of Respondents: 8796.

Total Annual Burden: 2,371,008 hours.

General Description of Collection: Regulation Z, issued by the Board of Governors of the Federal Reserve System, prescribes uniform methods of computing the cost of credit, disclosure of credit terms, and procedures for resolving billing errors on certain credit accounts.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 22nd day of October 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–25798 Filed 10–29–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC Advisory Committee on Economic Inclusion (ComE–IN); Notice of Meeting

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of open meeting; correction.

SUMMARY: The FDIC is correcting a Notice of Open Meeting that appeared in the **Federal Register** of October 14, 2014 (79 FR 61641), regarding a meeting of the FDIC Advisory Committee on Economic Inclusion. This publication corrects a typographical error in the meeting date appearing on page 61641 in the **DATES** section.

Effective Date of Correction: The correction is effective upon publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Robert E. Feldman, Executive Secretary, 202–898–3811.

SUPPLEMENTARY INFORMATION: In FR Doc. 2014–24322, appearing on page 61641 in the **Federal Register** of October 14, 2014, the following correction is made:

DATES: Wednesday, October 29, 2014, from 9:00 a.m. to 3:15 p.m.

Dated October 27, 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–25816 Filed 10–29–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. A Copy of the agreement is available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012182–001

Title: Hyundai Glovis/Eukor Car Carriers Inc. Space Charter Agreement

Parties: Hyundai Glovis Co. Ltd. and Eukor Car Carriers Inc.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100, Washington, DC 20006–4007.

Synopsis: The amendment adds China to the geographic scope of the agreement.

By Order of the Federal Maritime Commission.

Dated: October 27, 2014.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2014–25847 Filed 10–29–14; 8:45 am]

BILLING CODE 6730–01–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 November 24, 2014.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. People's United Financial, Inc., Bridgeport, Connecticut; to become a bank holding company upon the conversion of People's United Bank, Bridgeport, Connecticut, to a national bank.

In connection with this application, Applicant also has applied to engage through Shem Creek Capital Fund I, LLC, Wellesley, Massachusetts, and Northeast Retirement Services, Inc., Woburn, Massachusetts, in employee benefit administrative services, trust company functions, investment advisory activities and extending credit and servicing loans, pursuant to sections 225.28(b)(1), 225.28(b)(5), 225.28(b)(6)(i), 225.28(b)(7)(i), and 225.28(b)(9)(ii).

Board of Governors of the Federal Reserve System, October 24, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–25756 Filed 10–29–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 24, 2014.

A. Federal Reserve Bank of Philadelphia (William Lang, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. *GNB Financial Services, Inc.,* Gratz, Pennsylvania; to merge with FNBM Financial Corporation, Minersville, Pennsylvania; and thereby indirectly acquire The First National Bank of Minersville, Minersville, Pennsylvania.

B. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice

President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309:

1. *Community Bancorp of Louisiana, Inc.,* Raceland, Louisiana; to merge with United Community Bancshares, Inc., and thereby indirectly acquire its subsidiary, United Community Bank, both of Gonzales, Louisiana.

2. *IBERIABANK Corporation,* Lafayette, Louisiana to merge with Florida Bank Group, and thereby indirectly acquire Florida Bank Group, both of Tampa, Florida.

C. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *AMB Financial Corporation,* Munster, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of American Community Bank of Indiana, Munster Indiana (formerly American Saving, FSB), upon its conversion to commercial bank.

Board of Governors of the Federal Reserve System, October 27, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–25840 Filed 10–29–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0180; Docket No. 2014–0055; Sequence 20]

Submission to OMB for Review; Biobased Procurements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding Biobased Procurements. A notice was published in the **Federal Register** at 79 FR 49318 on August 20, 2014. No comments were received.

DATES: Submit comments on or before December 1, 2014.

ADDRESSES: Submit comments identified by Information Collection 9000–0180, Biobased Procurements, by any of the following methods:

- Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0180. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0180, Prohibition on Acquisition of Products Produced by Forced or Indentured Child Labor''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0180, Prohibition on Acquisition of Products Produced by Forced or Indentured Child Labor'' on your attached document.
- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Hada FlowersIC 9000–0180, Prohibition on Acquisition of Products Produced by Forced or Indentured Child Labor.

Instructions: Please submit comments only and cite Information Collection 9000–0180, Prohibition on Acquisition of Products Produced by Forced or Indentured Child Labor, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal andor business confidential information provided

FOR FURTHER INFORMATION CONTACT: Mr. Edward Chambers, Procurement Analyst, Office of Governmentwide Acquisition Policy, at telephone 202–501–3221 or email *Edward.chamber@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Federal Acquisition Regulation clause 52.223–2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts, requires prime contractors to report annually the product types and dollar values of U.S. Department of Agriculture (USDA)-designated biobased products purchased to the System for Award Management (SAM) Web site. The information reported by prime contractors enables Federal agencies to report annually to the Office of Federal Procurement Policy (OFPP) concerning actions taken to implement and measure progress in carrying out the preference for biobased products required under section 9002 of the Farm Security and Rural Investment Act of 2002, codified at 7 U.S.C. 8102.

B. Annual Reporting Burden

A reassessment of 52.223–2 was preformed. Based on the comprehensive reassessment performed, this information collection resulted in an increase in the total burden hours from the previous information collection that was published in the **Federal Register** at 76 FR 81940 on December 29, 2011. Federal Procurement Data System (FPDS) was searched to determine the number of unique DUNS numbers for the following selected Product Services Codes: A-Research and Development; F-Natural Resources Management; J-Maintenance, Repair, and Rebuilding of Equipment; M-Operation of Government-Owned Facility; S-Utilities and Housekeeping Services; T-Photographic, Mapping, Printing, and Publication Services; Y-Construction of Structures and Facilities; and Z-Maintenance, Repair or Alteration of Real Property. The clause will apply to the majority of the contract actions in the selected PSCs. The increase is likely a result of increased awareness of the biobased requirements and use of the contract clause in service and construction contracts.

Respondents: 64,123.

Responses per Respondent: 5.

Hours per Response: 5.

Total Burden Hours: 1,603,075.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0180, Biobased Procurements, in all correspondence.

Dated: October 27, 2014.

Edward Loeb,

Acting Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2014–25808 Filed 10–29–14; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0064; Docket 2014–0055; Sequence 30]

Information Collection; Federal Acquisition Regulation; Organization and Direction of Work

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning organization and direction of work.

DATES: Submit comments on or before December 29, 2014.

ADDRESSES: Submit comments identified by Information Collection 9000–0064, Organization and Direction of Work, by any of the following methods:

- Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB Control number 9000–0064. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0064, Organization and Direction of Work''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0064, Organization and Direction of Work'', on your attached document.
- Fax: 202–501–4067.
- Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405–0001. ATTN: Ms. Flowers/IC 9000–0064, Organization and Direction of Work.

Instructions: Please submit comments only and cite Information Collection 9000–0064, Organization and Direction of Work, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis Glover, Procurement Analyst, Federal Acquisition Policy Division, GSA, telephone (202) 501–1448, or via email at *Curtis.Glover@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

When the Government awards a cost-reimbursement construction contract, the contractor must submit to the contracting officer and keep current a chart showing the general executive and administrative organization, the personnel to be employed in connection with the work under the contract, and their respective duties. The chart is used in the administration of the contract and as an aid in determining cost. The chart is used by contract administration personnel to assure the work is being properly accomplished at reasonable prices.

B. Annual Reporting Burden

Respondents: 50.
Responses per Respondent: 1.
Annual Responses: 50.
Hours per Response: .75.
Total Burden Hours: 38.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street NW., Washington, DC, 20405–0001 telephone 202–501–4755. Please cite OMB Control No. 9000–0064, Organization and Direction of Work, in all correspondence.

Dated: October 27, 2014.

Edward Loeb,

Acting Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2014–25812 Filed 10–29–14; 8:45 am]

BILLING CODE 6820–EP–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: ''Evaluation of the AHRQ Healthcare Horizon Scanning System.'' In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)), AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on August 12th, 2014 and allowed 60 days for public comment. AHRQ received no substantive comments. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by December 1, 2014.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ's desk officer) or by email at *OIRA_submission@omb.eop.gov* (attention: AHRQ's desk 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

''Evaluation of the AHRQ Healthcare Horizon Scanning System''

The American Recovery and Reinvestment Act (ARRA) appropriated $1.1 billion for comparative effectiveness research (CER), of which $300 million was made available to the

Agency for Healthcare Research and Quality (AHRQ). The goal of CER is to improve patient outcomes by providing clinicians and patients the information they need to choose between preventive and diagnostic treatments, and other health care options to identify the options that best fit an individual patient's needs and preferences. The EHC Program was created in response to Section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003.

To better inform comparative effectiveness research investments at the EHC Program, AHRQ used some of the ARRA funds to develop a horizon scanning system to identify and monitor emerging health care technologies and innovations. While horizon scanning systems exist in other countries, these systems do not take into account the unique political, regulatory, cultural, and economic context of the U.S. health care system. To meet this need, the AHRQ Healthcare Horizon Scanning System was implemented in November 2010. The AHRQ Healthcare Horizon Scanning System provides a systematic process to identify and monitor target technologies and innovations in health care and to create an inventory of target technologies that have the highest potential for impact on clinical care, the health care system, patient outcomes, and costs. It is also a tool for the public to identify and find information on new health care technologies and interventions.

Additionally, the AHRQ Healthcare Horizon Scanning System serves as a resource for those involved in decision making about adoption, implementation, and coverage of new health care interventions.

To fulfill its purpose, the AHRQ Healthcare Horizon Scanning System performs three functions: (1) Identification and prioritization of interventions in late phase development for tracking and monitoring; (2) monitoring of target interventions through the development of detailed information on interventions in late phase development; and (3) assessment of potential impact of target interventions through the gathering and synthesizing the perspectives of experts from various areas of the health care community about the potential impact those target interventions may have on the health care system, clinical care, patient outcomes, and health care costs.

As the first and only U.S. horizon scanning system, it is important to understand whether the AHRQ Healthcare Horizon Scanning System is implementing its functions effectively. This evaluation is also essential to determining whether the AHRQ Healthcare Horizon Scanning System is meeting the needs of patients, clinicians, private industry, and policymakers and how it can be improved to better meet those needs. The evaluation will address the following research questions:

1. How successfully did the AHRQ Healthcare Horizon Scanning System identify and prioritize interventions for monitoring?
2. How successfully did the AHRQ Healthcare Horizon Scanning System monitor the selected target interventions?
3. How accurately did the AHRQ Healthcare Horizon Scanning System assess the potential impact of the interventions?
4. How can the processes for identification, prioritization, monitoring, and assessment of potential impact of the interventions be improved?

This research has the following goals:

1. To assess the performance of the AHRQ Healthcare Horizon Scanning System in the identification and prioritization of interventions which are important topics for further assessment.
2. To assess the performance of the AHRQ Healthcare Horizon Scanning System in terms of the quality of information provided on the topics selected, and the accuracy of the assessment of potential impact.
3. To identify which, if any, of these areas of performance may require improvement so as to strengthen the effectiveness of the AHRQ Healthcare Horizon Scanning System.

This evaluation is being conducted by AHRQ through its contractor, ECRI Institute, and ECRI's subcontractor, Mathematica Policy Research, pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of health care services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2)

Method of Collection

To achieve the goals of this project the following data collections will be implemented:

1. Expert Survey—The purpose of this survey, completed by domain experts, is to measure the accuracy and completeness of the AHRQ Healthcare Horizon Scanning System Potential High Impact reports and to collect their assessment of the potential for high impact for the included Potential High Impact interventions.
2. Expert Consultation—The purpose of this consultation with experts is to confirm the cases of inaccurate or missing information identified by a sole expert in the Expert Survey.
3. Stakeholder Survey—The purpose of this survey, completed by stakeholders and likely users of the reports issued by the AHRQ Healthcare Horizon Scanning System, is to rate the relevance, clarity, and usefulness of the Potential High Impact reports.
4. Key Informant Interview—The purpose of these interviews of the AHRQ Healthcare Horizon Scanning System staff is to learn about areas and suggestions for improvement in the identification, monitoring, and impact assessment processes.

The data collected by the Expert Survey will be used to measure the accuracy and completeness of the Potential High Impact reports and the accuracy of the potential for high impact assessments. If the expert survey identifies cases of inaccurate or missing information that are not reported by multiple experts, we will conduct an Expert Consultation with another expert to confirm these cases. Accuracy of the potential for high impact assessments will be measured by the level of sensitivity (if experts agree that the Potential High Impact interventions identified by the AHRQ Healthcare Horizon Scanning System are high impact interventions) and specificity (if experts agree that the No Potential High Impact interventions identified by the AHRQ Healthcare Horizon Scanning System should be excluded from the group of Potential High Impact interventions).

The Stakeholder Survey will collect data to measure the usability of the Potential High Impact reports and the specific report sections that include the potential high impact assessment, summary, and synthesis of expert comments. These data will be used to inform the improvement of the format and content of the report. The survey will also collect information on the sources and media these stakeholders use to find CER information to help AHRQ better target distribution of these reports to stakeholders.

A series of semi-structured Key Informant Interviews will be conducted with staff and domain experts at ECRI Institute and other organizations that participate in the AHRQ Healthcare Horizon Scanning System in order to identify opportunities for improvements to the AHRQ Healthcare Horizon Scanning System process. Qualitative interviews are the main vehicle for gathering data to (1) learn which elements of the AHRQ Healthcare

Horizon Scanning System Protocol are working well and the reasons why they are working well; and (2) understand which elements of the AHRQ Healthcare Horizon Scanning System Protocol can be improved, how they might be improved, and the relative importance of suggested improvements.

All of these information collection activities will allow for an evaluation of the AHRQ Healthcare Horizon Scanning System, thereby creating the opportunity to both maintain and improve this important national resource. The findings will be presented in a report to ECRI Institute and AHRQ.

Estimated Annual Respondent Burden

Mathematica expects a response rate of 80 percent from the sample of 67 experts for the Expert Survey—54 completed surveys. The Expert Survey is expected to require about 20 minutes, on average, to complete. Mathematica expects that Expert Consultation with 15 experts will be needed to confirm cases of inaccurate or missing information identified in the Expert Survey. The follow-ups should be about 10 minutes.

For the Stakeholder Survey, Mathematica expects that 30 percent of the sample of 700 stakeholders will be ineligible (i.e. will not find any of the presented reports relevant and therefore unable to rate a report) and that 65 percent of the eligible sample will complete, resulting in 319 completes. It should take about 30 minutes to complete the Stakeholder Survey. Mathematica will conduct semi-structured Key Informant Interviews, on average lasting 50 minutes, with 23 respondents.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Expert Survey	54	1	.33	18
Expert Consultation	15	1	.17	3
Stakeholder Survey	319	1	.50	160
Key Informant Interviews	23	1	.83	19
Total	411			200

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Expert Survey	54	17.8	** $92.25	$1,642
Expert Consultation	15	2.5	** $92.25	231
Stakeholder Survey	319	159.5	*** $48.72	7,771
Key Informant Interviews	23	19.1	**** $38.68	739
Total	411			$10,383

* May 2013 National Occupational Employment and Wage Estimates, U.S. Department of Labor, Bureau of Labor Statistics.
** Based on average wage for physicians and surgeons.
*** Based on average wage for medical and health services managers.
**** Based on average wage for social scientists and related workers.

Request for Comments

In accordance with the above-cited Paperwork Reduction Act legislation, 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 health care research and health care 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: October 22, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–25790 Filed 10–29–14; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of the National Advisory Council for Healthcare Research and Quality

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

DATES: The meeting will be held on Friday, November 7, 2014, from 8:30 a.m. to 3:00 p.m.

ADDRESSES: The meeting will be held at the Hubert H. Humphrey Building, Room 800, 200 Independence Avenue SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Jaime Zimmerman, Designated Management Official, at the Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland, 20850, (301) 427–1456. For press-related information, please contact Alison Hunt at (301) 427–1244.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact the Food and Drug Administration (FDA) Office of Equal Employment Opportunity and Diversity Management on (301) 827–4840, no later than Friday, October 24, 2014. The agenda, roster, and minutes are available from Ms. Bonnie Campbell, Committee Management Officer, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland, 20850. Ms. Campbell's phone number is (301) 427-1554.

SUPPLEMENTARY INFORMATION:

I. Purpose

The National Advisory Council for Healthcare Research and Quality is authorized by Section 941 of the Public Health Service Act, 42 U.S.C. 299c. In accordance with its statutory mandate, the Council is to advise the Secretary of the Department of Health and Human Services and the Director, Agency for Healthcare Research and Quality (AHRQ), on matters related to AHRQ's conduct of its mission including providing guidance on (A) priorities for health care research, (B) the field of health care research including training needs and information dissemination on health care quality and (C) the role of the Agency in light of private sector activity and opportunities for public private partnerships.

The Council is composed of members of the public, appointed by the Secretary, and Federal ex-officio members specified in the authorizing legislation.

II. Agenda

On Friday, November 7, 2014, there will be a subcommittee meeting for the National Healthcare Quality and Disparities Report scheduled to begin at 7:30 a.m. in room 425A. The subcommittee meeting is open the public. The Council meeting will convene at 8:30 a.m., with the call to order by the Council Chair and approval of previous Council summary notes. The meeting is open to the public. The meeting will begin with the AHRQ Director presenting an update on current research, programs, and initiatives. Following the Director's Update, the agenda will include a presentation on AHRQ's work to make health care safer followed by a discussion on reducing healthcare disparities. The final agenda will be available on the AHRQ Web site at *www.AHRQ.gov* no later than Friday, November 1, 2014.

Dated: October 22, 2014.

Richard Kronick,

Director.

[FR Doc. 2014–25792 Filed 10–29–14; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (BSC, NCEH/ATSDR)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Times and Dates:

8:30 a.m.–4:30 p.m., November 18, 2014

8:30 a.m.–12:00 p.m., November 19, 2014

Place: CDC, 4770 Buford Highway, Atlanta, Georgia 30341.

Status: Open to the public, limited only by the space available.

The meeting room accommodates approximately 60 people.

Purpose: The Secretary, Department of Health and Human Services (HHS) and by delegation, the Director, CDC and Administrator, NCEH/ATSDR, are authorized under Section 301(42 U.S.C. 241) and Section 311(42 U.S.C. 243) of the Public Health Service Act, as amended, to: (1) Conduct, encourage, cooperate with, and assist other appropriate public authorities, scientific institutions, and scientists in the conduct of research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and other impairments; (2) assist states and their political subdivisions in the prevention of infectious diseases and other preventable conditions and in the promotion of health and well being; and (3) train state and local personnel in health work. The BSC, NCEH/ATSDR provides advice and guidance to the Secretary, HHS; the Director, CDC and Administrator, ATSDR; and the Director, NCEH/ATSDR, regarding program goals, objectives, strategies, and priorities in fulfillment of the agency's mission to protect and promote people's health. The board provides advice and guidance that will assist NCEH/ATSDR in ensuring scientific quality, timeliness, utility, and dissemination of results. The board also provides guidance to help NCEH/ATSDR work more efficiently and effectively with its various constituents and to fulfill its mission in protecting America's health.

Matters for Discussion: The agenda items for the BSC Meeting will include NCEH/ATSDR Office of the Director updates; NCEH/ATSDR budget process; soil vapor intrusion; tobacco biomarkers/E-cigarettes; children's environmental health; West Virginia water contamination; NCEH/ATSDR program responses to BSC guidance and action items; updates from the National Institute for Environmental Health Services, National Institute for Occupational Safety and Health, U.S. Department of Energy and the U.S. Environmental Protection Agency; and discussion of future BSC agenda topics and action items.

Agenda items are subject to change as priorities dictate.

Supplemental Information: The public comment period is scheduled on Tuesday, November 18, 2014 from 3:15 p.m. until 3:30 p.m., and on Wednesday, November 19, 2014 from 11:00 a.m. until 11:15 a.m.

Contact Person for More Information: Sandra Malcom, Committee Management Specialist, NCEH/ATSDR, 4770 Buford Highway, Mail Stop F–61, Chamblee, Georgia 30345; Telephone 770/488–0575 or 770/488–0577, Fax: 770/488–3377; Email: *smalcom@cdc.gov.* The deadline for notification of attendance is November 11, 2014.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary Johnson,

Acting Director, Management Analysis and Services Office Centers for Disease Control and Prevention.

[FR Doc. 2014–25838 Filed 10–29–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns State Occupational Health and Safety Surveillance Program (U60), PAR14–275, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Times and Dates:

6:00 p.m.–8:00 p.m., December 1, 2014 (Closed)

8:00 a.m.–6:00 p.m., December 2, 2014 (Closed)

8:00 a.m.–6:00 p.m., December 3, 2014 (Closed)

8:00 a.m.–6:00 p.m., December 4, 2014 (Closed)

Place: Embassy Suites Alexandria-Old Town, 1900 Diagonal Road, Alexandria, Virginia 22314, Telephone: 703–684–5900.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters For Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''State Occupational Health and Safety Surveillance Program (U60), PAR14–275, initial review.''

Contact Person For More Information: George Bockosh, M.S., Scientific Review Officer, CDC/NIOSH, 2400 Century Center Parkway NE., 4th Floor, Mailstop E–74, Atlanta, Georgia 30345, Telephone: (412) 386–6465, *GGB0@CDC.GOV* AND Donald Blackman, Ph.D., Scientific Review Officer, CDC/NIOSH, 2400 Century Center Parkway, NE.,4th Floor, Room 4204, Mailstop E–74, Atlanta, Georgia 30345, Telephone:(404) 498–6185, *DYB7@CDC.GOV.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary Johnson,

Acting Director, Management Analysis and Services Office Centers for Disease Control and Prevention.

[FR Doc. 2014–25837 Filed 10–29–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Subcommittee on Procedures Review, Advisory Board on Radiation and Worker Health (ABRWH or Advisory Board), National Institute for Occupational Safety and Health (NIOSH); Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting for the aforementioned subcommittee:

Time and Date: 11:00 a.m.–5:00 p.m., EST, November 25, 2014.

Place: Audio Conference Call via FTS Conferencing. The USA toll-free, dial-in number, 1–866–659–0537 and the passcode is 9933701.

Status: Open to the public but without a public comment period. The public is welcome to submit written comments in advance of the meeting, to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting. The public is also welcome to listen to the meeting by joining the teleconference at the USA toll-free, dial-in number, 1–866–659–0537 and the passcode is 9933701.

Background: The Advisory Board on Radiation and Worker Health was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the compensation program. Key functions of the ABRWH include providing advice on the development of probability of causation guidelines that have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, and will expire on August 3, 2015.

Purpose: The ABRWH is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, providing advice to the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is a reasonable likelihood that such radiation doses may have endangered the health of members of this class. The Subcommittee on Procedures Review was established to aid the ABRWH in carrying out its duty to advise the Secretary, HHS, on dose reconstructions. The Subcommittee on Procedures Review is responsible for overseeing, tracking, and participating in the reviews of all procedures used in the dose reconstruction process by the NIOSH Division of Compensation Analysis and Support (DCAS) and its dose reconstruction contractor (Oak Ridge Associated Universities–ORAU).

Matters For Discussion: The agenda for the Subcommittee meeting includes: Discussion of procedures in the following ORAU and DCAS technical documents: Procedures for reconstructing dose associated with potential skin contamination, External Dose Reconstruction Implementation Guide (IG 001), ORAU Team Technical Information Bulletin (OTIB) 0034 (''Internal Dose Coworker Data for X–10''), OTIB 0054 (''Fission and Activation Product Assignment for Internal Dose-Related Gross Beta and Gross Gamma Analyses''), OTIB 0082 (''Dose Reconstruction Method for Chronic Lymphocytic Leukemia''), OTIB 0083 (''Dissolution Models for Insoluble Plutonium 238''), Program Evaluation Report (PER) 011 (''K–25 [Technical Basis Document] TBD and TIB Revisions''), PER 018 (''Los Alamos National Laboratory TBD Revision, Rev. 00,''), PER 031 (''Y–12 TBD Revisions''), PER 038 (''Hooker Electrochemical TBD Revisions''), PER 042 (''Linde Ceramic Plant TBD Revision''), PER 043 (''Internal and External Dosimetry

Organs and IREP Model Selection by ICD–9 Code Revision''), PER 045 (''Aliquippa Forge TBD Revision''), PER 0052 (''Westinghouse Nuclear Fuels Division''); Update on Review of ORAU Team Report 0053 (''Stratified Co-Worker Sets''); and a continuation of the comment-resolution process for other dose reconstruction procedures under review by the Subcommittee.

The agenda is subject to change as priorities dictate.

Contact Person For More Information: Theodore Katz, Designated Federal Officer, NIOSH, CDC, 1600 Clifton Road NE., Mailstop E–20, Atlanta, Georgia 30333, Telephone (513) 533–6800, Toll Free 1 (800) CDC–INFO, Email *ocas@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–25776 Filed 10–29–14; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Grants for Injury Control Research Centers (Panel 1) and (Panel 2), Funding Opportunity Announcement (FOA) CE14–001, Initial Review.

SUMMARY: This document corrects two notices that were published in the **Federal Register** on March 19, 2014, Volume 79, Number 53, pages 15349 and 15350. The times and dates should read as follows:

DATES: *Times and Dates:*

7:00 p.m.–8:30 p.m. EST, April 14, 2014 (Closed)

8:30 a.m.–5:30 p.m. EST, April 15–16, 2014 (Closed)

FOR FURTHER INFORMATION CONTACT: CAPT Mildred Williams-Johnson, Ph.D., DABT, Director, Extramural Research Program Office, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 1600 Clifton Road NE., Mailstop F63, Atlanta, GA 30333, Telephone: (770) 488–8806.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Gary Johnson,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–25839 Filed 10–29–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Request for Nominations of Candidates To Serve on the Board of Scientific Counselors (BSC), Office of Public Health Preparedness and Response (OPHPR)

The CDC is soliciting nominations for possible membership on the Board of Scientific Counselors, Office of Public Health Preparedness and Response (BSC, OPHPR).

The BSC, OPHPR consists of 11 experts in the fields associated with public health preparedness and response. This board provides advice and guidance to the Secretary, Department of Health and Human Services (HHS), the Director, CDC, and the Director, OPHPR, concerning strategies and goals for the programs within the divisions; conducts peer-review of scientific programs; and monitors the overall strategic direction and focus of the divisions. The BSC, OPHPR may perform second-level peer review of applications for grants-in-aid for research and research training activities, cooperative agreements, and research contract proposals relating to the broad areas within the office. Nominations are being sought for individuals who have the expertise and qualifications necessary to contribute to accomplishment of the board's objectives. Nominees will be selected based on expertise in the fields relevant to the issues addressed by the divisions within the coordinating office, including: Business, crisis leadership, emergency response and management, engineering, epidemiology, health policy and management, informatics, laboratory science, medicine, mental and behavioral health, public health law, public health practice, risk communication, and social science. Federal employees will not be considered for membership. Members may be invited to serve for terms of up to four years.

The next cycle of selection of candidates will begin in the winter of 2015, for selection of potential nominees to replace members whose terms will end on September 30, 2015. Selection of members is based on candidates' qualifications to contribute to the accomplishment of OPHPR objectives (*http://www.cdc.gov/phpr/science/counselors.htm*). The U.S. Department of Health and Human Services policy stipulates that committee membership be balanced in terms of professional training and background, points of view represented, and the board's function. Consideration is given to a broad representation of geographic areas within the U.S., with equitable representation of gender, all ethnic and racial groups, and persons with disabilities. Candidates should submit the following items:

- Current *curriculum vitae,* including complete contact information (telephone numbers, mailing address, email address)
- At least one letter of recommendation from person(s) not employed by the U.S. Department of Health and Human Services.

The deadline for receipt of all application materials (for consideration for term beginning October 1, 2015) is January 16, 2015. All files must be submitted electronically as email attachments to: CDR Christye Brown, c/o BSC OPHPR Coordinator, email: *cbrown12@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Claudette Grant,

Acting Director, Management Analysis and Service Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–25777 Filed 10–29–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1497]

Toxicological Principles for the Safety Assessment of Food Ingredients; Public Meeting on Updates and Safety and Risk Assessment Considerations; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing a public meeting to solicit comments on certain topics related to our guidance titled ''Toxicological Principles for the Safety Assessment of Food Ingredients,'' known less formally as the ''Redbook.'' The purpose of our public meeting is to invite public input into possibly expanding the scope of the Redbook to include chemical safety assessments for all products over which FDA's Center for Food Safety and Applied Nutrition (CFSAN) has statutory authority including regulatory contexts such as food additives, food contact substances, dietary supplement ingredients, food contaminants, and cosmetics. The Redbook would describe toxicological principles which apply across regulatory categories while still providing specific guidance for applying these principles within each particular context. The safety of foods containing microbial contaminants will continue to remain outside of the scope of the Redbook.

DATES: See section III, ''How to Participate in the Public Meeting,'' in the **SUPPLEMENTARY INFORMATION** section of this document for the date and time of the public meeting, closing dates for advance registration, and information on deadlines for submitting either electronic or written comments to FDA's Division of Dockets Management.

ADDRESSES: See section III, ''How To Participate in the Public Meeting,'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

For questions about registering for the meeting; to register by telephone; or to register by mail, FAX, or email: Courtney Treece, Planning Professionals Ltd., 1210 W. McDermott St., Suite 111, Allen, TX 75013, 704–258–4983, FAX: 469–854–6992, email: *ctreece@planningprofessionals.com.*

For general questions about the meeting or for special accommodations due to a disability: Jeremiah Fasano, Center for Food Safety and Applied Nutrition (HFS–255), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1173, email: *jeremiah.fasano@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The guidance titled ''Toxicological Principles for the Safety Assessment of Food Ingredients,'' or ''Redbook,'' (*http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/IngredientsAdditivesGRASPackaging/ucm2006826.htm*) provides guidance to industry and other stakeholders (e.g., academia and other regulatory groups) regarding the information used by CFSAN to evaluate the safety of food and color additives. The Federal Food, Drug, and Cosmetic Act (the FD&C Act) requires our premarket approval of the use of a new food or color additive, including the new use of an approved additive. With respect to premarket approval, the safety of food additives and color additives used in foods must be established by evaluating the probable exposure to the substance and appropriate toxicological and other safety information. Thus, approval of any new food additive or color additive used in foods depends, in part, upon the outcome of toxicity tests that are performed and evaluated before marketing. The law also allows a manufacturer to market a substance for a use without premarket approval, if the substance is generally recognized as safe (GRAS). However, general recognition of safety based upon scientific procedures requires the same quantity and quality of evidence as is required to obtain food additive approval (21 CFR 170.30(b)). The same toxicological principles apply to other types of cosmetic and food safety assessments, such as for contaminants and for dietary ingredients in dietary supplements. However, the kind of information needed varies depending on the product types based on the requirements of the FD&C Act.

The Redbook sets out a system of tiered recommendations for additives in foods. These recommendations provide guidance on how much toxicity testing should be done depending on the level of estimated exposure to a substance in foods. The Redbook is a guidance document that is intended to help interested parties understand FDA's expectations regarding:

- Determining the human exposure that will occur from the use of the ingredient in foods;
- Determining which toxicity studies are appropriate;
- Designing, conducting, and reporting the results of toxicity studies; and
- Submitting the information to FDA as part of a safety assessment.

Subsequent to the Redbook's publication, we provided a related guidance document titled ''Guidance for Industry: Preparation of Food Contact Notifications for Food Contact Substances: Toxicology Recommendations'' (*http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm081825.htm*) describing the information we expect in various types of submissions concerning the safety of substances added to foods, such as food contact substances (formerly known as indirect food additives), substances generally recognized as safe for a defined use in foods, and new dietary ingredients in dietary supplement products. This related guidance document illustrates how the Redbook, developed for food additive and color additive premarket reviews, can inform assessments in other regulatory contexts, including risk assessments of constituent residues.

II. Purpose and Scope of the Public Meeting:

The purpose of this public meeting is to invite public comment on what should be included, changed, or even excluded from the updated Redbook. We are interested in expanding the scope of the Redbook to emphasize the principles of safety and risk assessment that are shared across different regulatory contexts for foods and cosmetics, while still providing specific guidance for applying these principles in particular contexts such as the requirements for pre-market safety submissions or for risk assessments conducted on foods and cosmetics already on the market. We invite comments from interested parties on the following topics:

1. What components of the Redbook should receive priority for review and update?
2. What aspects of the safety and risk assessment of food ingredients or other CFSAN-regulated products are not addressed and should be considered for incorporation in the Redbook?
3. How can the Redbook be updated to more fully support the development and submission of safety assessments for substances introduced into food?

4. How should we balance the desire for transparency and consistency in risk assessment as described in the Redbook, with the goal of flexibility in applying the most appropriate analysis for specific contexts?

III. How To Participate in the Public Meeting

We are holding the public meeting to invite public comment on what should be included, changed, or even excluded from the updated Redbook. Due to limited space and time, we encourage all persons who wish to attend the meeting to register in advance. There is no fee to register for the public meeting, and registration will be on a first-come, first-served basis. Early registration is recommended because seating is limited. Onsite registration will be accepted, as space permits, after all preregistered attendees are seated. Live Webcasting of the event is also being offered through the registration process.

Those requesting an opportunity to make an oral presentation during the time allotted for public comment at the meeting are asked to submit a request. When submitting a request to make an oral presentation, individuals should identify the number of each question they wish to address (see II. Purpose and Scope of the Public Meeting) in their presentation to help us organize the presentations. We would like to maximize the number of individuals who make a presentation at the meeting. If time permits, individuals or organizations that did not register in advance may be granted the opportunity to make an oral presentation.

We encourage persons and groups who have similar interests to consolidate their information for presentation by a single representative. After reviewing the presentation requests, we will notify each participant before the meeting of the approximate time their presentation is scheduled to begin.

While oral presentations from specific individuals and organizations will be necessarily limited due to time constraints during the public meeting, stakeholders may submit electronic or written comments discussing any issues of concern to the administrative record (the docket).

Table 1 of this document provides information on participation in the public meeting:

TABLE 1—INFORMATION ON PARTICIPATION IN THE MEETING AND ON SUBMITTING COMMENTS TO THE RULEMAKING DOCKETS

	Date	Electronic address	Address
Public meeting	December 9, 2014	*http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm.*	Wiley Building, 5100 Paint Branch Pkwy., College Park, MD 20740.
Advance registration	By December 2, 2014	Individuals who wish to participate in person are asked to preregister at *http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm.*	We encourage you to use electronic registration if possible.[1]
Request to make an oral presentation.	By November 21, 2014.	*http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm*[2].	
Request special accommodations due to a disability.	By November 21, 2014.	Jeremiah Fasano, email: *Jeremiah.Fasano@fda.hhs.gov.*	See **FOR FURTHER INFORMATION CONTACT**.
Submit electronic or written comments.	By February 9, 2015	Docket FDA–2014–N–1497	Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

IV. Request for Comments

Regardless of attendance at the public meeting, interested persons may submit either electronic comments 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. To ensure consideration, submit comments by February 9, 2015. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

V. Transcripts

Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov.* It may be viewed at the Division of Dockets Management (see **ADDRESSES**). A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857.

Dated: October 27, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–25800 Filed 10–29–14; 8:45 am]

BILLING CODE 4164–01–P

[1] You may also register via telephone, email, mail, or FAX. Please include your name, title, firm name, address, and phone and FAX numbers in your registration information and send to: Courtney Treece, Planning Professionals Ltd., 1210 W. McDermott St., Suite 111, Allen, TX 75013, 704–258–4983, FAX: 469–854–6992, email: *ctreece@planningprofessionals.com.* Onsite registration will also be available.

[2] You may also request to make an oral presentation at the public meeting via email. Please include your name, title, firm name, address, and phone and FAX numbers and send to: Jeremiah Fasano,, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1173, email: *Jeremiah.Fasano@fda.hhs.gov.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0383]

Request for Nominations on the Tobacco Products Scientific Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting that any small business tobacco manufacturing industry organizations interested in participating in the selection of nonvoting industry representatives to represent the interests of the small business tobacco manufacturing industry, to serve on the Tobacco Products Scientific Advisory Committee for the Center for Tobacco Products notify FDA in writing. FDA is also requesting nominations for nonvoting industry representatives to be included in a pool of individuals to represent the interests of the small business tobacco manufacturing industry on the Tobacco Products Scientific Advisory Committee. A nominee may either be self-nominated or nominated by an organization to serve as a nonvoting industry representative. This position may be filled on a rotating, sequential basis by representatives of different small business tobacco manufacturers based on areas of expertise relevant to the topics being considered by the Advisory Committee. Nominations will be accepted for current vacancies effective with this notice.

DATES: Any small business tobacco manufacturing industry organization interested in participating in the selection of an appropriate nonvoting member to represent the interests of the small business tobacco manufacturing industry, must send a letter stating that interest to FDA by December 1, 2014 (see sections I and II of this document for details). Concurrently, nomination materials for prospective candidates should be sent to FDA by December 1, 2014.

ADDRESSES: All statements of interest from small business tobacco manufacturing industry organizations interested in participating in the selection process of nonvoting industry representative nominations should be sent to Caryn Cohen (see **FOR FURTHER INFORMATION CONTACT**). All nominations for nonvoting industry representatives may be submitted electronically by accessing the FDA Advisory Committee Membership Nomination Portal: *https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm* or by mail to Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, rm. 5103, Silver Spring, MD 20993–0002. Information about becoming a member of an FDA advisory committee can also be obtained by visiting FDA's Web site *http://www.fda.gov/AdvisoryCommittees/default.htm.*

FOR FURTHER INFORMATION CONTACT: Caryn Cohen, Office of Science, Center for Tobacco Products, Food and Drug Administration, Center for Tobacco Products Document Control Center, Bldg. 71, rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002,1–877–287–1373 (choose Option 5), FAX: 240–276–3655, *TPSAC@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Agency intends to add a nonvoting industry representative to represent the interests of the small business tobacco manufacturing industry, to the following advisory committee (this position may be filled on a rotating, sequential basis by representatives of different small business tobacco manufacturers based on areas of expertise relevant to the topics being considered by the Advisory Committee).

I. Tobacco Products Scientific Advisory Committee

The Tobacco Products Scientific Advisory Committee (the Committee) advises the Commissioner of Food and Drugs (the Commissioner) or designee in discharging responsibilities related to the regulation of tobacco products. The Committee reviews and evaluates safety, dependence, and health issues relating to tobacco products and provides appropriate advice, information, and recommendations to the Commissioner.

The Committee includes three nonvoting members who represent industry interests. These members include one representative of the interests of the tobacco manufacturing industry, one representative of the interests of tobacco growers, and one representative of the interests of the small business tobacco manufacturing industry, which may be filled on a rotating, sequential basis by representatives of different small business tobacco manufacturers based on areas of expertise relevant to the topics being considered by the Advisory Committee.

With this notice, nominations are sought for the following positions: A pool of individuals, with varying areas of expertise, to represent the interests of the small business tobacco manufacturing industry on a rotating, sequential basis.

II. Selection Procedure

Any small business tobacco manufacturing industry organization interested in participating in the selection of an appropriate nonvoting member to represent the interests of the small business tobacco manufacturing industry, must send a letter stating that interest to the FDA contact (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication of this document (see **DATES**). Within the subsequent 30 days, FDA will send a letter to each organization that has expressed an interest, attaching a complete list of all such organizations; and a list of all nominees along with their current résumés. The letter will also state that it is the responsibility of the interested organizations to confer with one another and to select a candidate or candidates (to serve in a pool of individuals, with varying areas of expertise, to represent the interests of the small business tobacco manufacturing industry on a rotating, sequential basis), within 60 days after the receipt of the FDA letter, to serve as the nonvoting member to represent industry interests for the committee. The interested organizations are not bound by the list of nominees in selecting a candidate or candidates. However, if no individual is selected within 60 days, the Commissioner will select the nonvoting member (or pool of individuals) to represent the small business tobacco manufacturing industry interests.

III. Application Procedure

Individuals may self nominate and/or an organization may nominate one or more individuals to serve as a nonvoting industry representative. Contact information, a current curriculum vitae, and the name of the committee of interest should be sent to the FDA contact person (see **FOR FURTHER INFORMATION CONTACT**) within 30 days of publication of this document (see **DATES**). FDA will forward all nominations to the organizations expressing interest in participating in the selection process for the committee. (Persons who nominate themselves as nonvoting industry representatives will not participate in the selection process.)

FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and, therefore encourages nominations of appropriately qualified

candidates from these groups. This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: October 24, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–25795 Filed 10–29–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Non-HIV Diagnostics, Food Safety, Sterilization/Disinfection and Bioremediation.

Date: November 17–18, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Gagan Pandya, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, RM 3200, MSC 7808, Bethesda, MD 20892, 301–435–1167, *pandyaga@mai.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Vaccines Against Microbial Diseases—Special.

Date: November 18–19, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Jian Wang, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, (301) 435–2778, *wangjia@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: Structural bases of the functions of RNA-protein machines.

Date: November 19–20, 2014.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Kathryn M Koeller, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, 301–435–2681, *koellerk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Bioengineering Sciences and Technologies: AREA Review Group 2.

Date: November 19–20, 2014.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Ping Fan, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7840, Bethesda, MD 20892, 301–408–9971, *fanp@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; NeuroAIDS and other End-Organ Diseases Study Section.

Date: November 20, 2014.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr. Room 3216, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Asthma, COPD and Host Defense.

Date: November 20–21, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Ghenima Dirami, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, MSC 7814, Bethesda, MD 20892, 240–498–7546, *diramig@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Oncology 1 Basic Translational—Member Conflicts.

Date: November 20, 2014.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Manzoor Zarger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, (301) 435–2477, *zargerma@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training: Comparative Medicine.

Date: November 20–21, 2014.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Sergei Ruvinov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1180, *ruvinser@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Vascular Regulation and Hematology.

Date: November 20–21, 2014.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Ai-Ping Zou, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9497, *zouai@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–14–011, Genomic Underpinnings of Response to Rehabilitation Interventions.

Date: November 20, 2014.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, (301) 402–4411, *tianbi@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 24, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25761 Filed 10–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–14–066: Limited Competition: Specific Pathogen Free Macaque Colonies.

Date: November 4, 2014.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary Clare Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165, *walkermc@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR PANEL: R15 Review Auditory, Sensory and Chemosensory Neuroscience.

Date: November 12–13, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–OD–14–004: Lasker Clinical Research Scholars Program (Si2).

Date: November 13, 2014.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Syed M. Quadri, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, 301–435–1211, *quadris@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Endocrinology, Metabolism, Nutrition and Reproductive Sciences.

Date: November 18, 2014.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Nancy F. Sheard, SCD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6046–E, MSC 7892, Bethesda, MD 20892, 301–408–9901, *sheardn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Pathophysiology of Addictive Disorders.

Date: November 24, 2014.

Time: 2:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Boris P. Sokolov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–408–9115, *bsokolov@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Pathophysiology of Mental Disorders.

Date: November 24, 2014.

Time: 12:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Boris P. Sokolov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–408–9115, *bsokolov@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: October 24, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25762 Filed 10–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposal and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposal, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: November 21, 2014.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Officer, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Executive Boulevard, Rockville, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: October 24, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25765 Filed 10–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Centers for AIDS Research and Developmental Centers for AIDS Research (CFAR) Meeting.

Date: November 17–19, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jay R. Radke, Ph.D., AIDS, Review Branch Scientific, Review Program, DEA/NIAID/NIH/DHHS, Room 2217, 6700B Rockledge Drive MDS–7616, Bethesda, MD 20892–7616, 301–496–2550, *jay.radke@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 24, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25763 Filed 10–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, NICHD.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the Eunice Kennedy Shriver National Institute of Child Health and Human Development, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NICHD.

Date: December 5, 2014.

Closed: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 31A, Conference Room 2A48, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Constantine A. Stratakis, MD, D(Med)Sci, Scientific Director, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, Building 31A, Room 2A46, 31 Center Drive, Bethesda, MD 20892, 301–594–5984, *stratakc@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *http://dir.nichd.nih.gov/dirweb/bsc.html,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos.93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: October 24, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25766 Filed 10–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).

Date: November 25, 2014.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 3F30B, 5601 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Jane K. Battles, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, Room 3128, Bethesda, MD 20892–7616, 301–451–2744, *battlesja@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 24, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–25764 Filed 10–29–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Sec. 223 Demonstration Programs To Improve Community Mental Health Services—Criteria for Certified Community Behavioral Health Clinics

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of Public Listening Session.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) announces that it will hold a public listening session on Wednesday, November 12, 2014, to solicit information concerning the Criteria for Certified Community Behavioral Health Clinics (CCBHC) to participate in Demonstration Programs. The scheduled listening session provides an opportunity for SAMHSA to seek public input on the criteria development process. The scope of this session will be on the development of the Criteria only. The session will be held in Rockville, MD, to obtain direct input from stakeholders on the development of criteria for state certification of Community Behavioral Health Clinics.

DATES: The listening session will be held on Wednesday, November 12, 2014, from 9:00 a.m. to 5:00 p.m. EST.

ADDRESSES: The listening session will be held at SAMHSA, 1 Choke Cherry Road, Rockville, MD 20857, Lobby-level Sugarloaf/Seneca Conference Rooms.

The agenda and logistical information on how to participate via the phone or Internet are on the SAMHSA Web site at: *http://beta.samhsa.gov/about-us/who-we-are/laws-regulations/section-223.*

The session will be open to the public and the entire day's proceedings will be webcast, recorded, and made publicly available. Interested parties may participate in person or via webcast and registration is required. In person seating is limited. To register, go to *http://www.eventbrite.com/e/listening-session-sec-223-criteria-for-state-certified-behavioral-community-behavioral-health-tickets-13532338589?utm_campaign=new_eventv2&utm_medium=email&utm_source=eb_email&utm_term=eventurl_text.* Registration will be open until November 5, 2014.. The listening session location is accessible to persons with disabilities. To request a reasonable accommodation, please send your request to: *section223feedback@samhsa.hhs.gov.*

Comments at the listening session will be limited to three minutes. In addition to providing oral comment at the session in person or via webcast, individuals and organizations may submit comments to SAMHSA using any of the following methods:

☐ Mail: Substance Abuse and Mental Health Services Administration, 1 Choke Cherry Road, Rockville, MD 20857, Room 6–1019. Attn: Certified Behavioral Health Clinic Comments.

☐ Hand Delivery or Courier: 1 Choke Cherry Road, Rockville, MD 20857, Room 6–1019 between 9 a.m. and 5 p.m., EST, Monday through Friday, except federal holidays.

☐ Email: *section223feedback@samhsa.hhs.gov.*

☐ Fax: 1–240–276–1930.

Each submission must include the agency name and the **Federal Register** docket number (FR Doc.) found at the end of this notice. Comments must be received by 5:00 p.m. EST on Wednesday, November 26, 2014.

FOR FURTHER INFORMATION CONTACT: For further information concerning the listening session or the live webcast, please contact Cynthia Kemp, Supervisory Public Health Advisor, SAMHSA, by mail at: 1 Choke Cherry Road, Rockville, MD 20857, Room 6–1019 or by email at: *section223feedback@samhsa.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On March 31, 2014, Congress passed the Protecting Access to Medicare Act (Pub. L. No. 113–93), which authorized Demonstration Programs to Improve Community Mental Health Services. Section 223 of Public Law 113–93 requires the Secretary to:

- Publish criteria for a clinic to be certified by a state as a certified community behavioral health clinic for purposes of participating in a demonstration program;
- issue guidance for the establishment of a prospective payment system that shall only apply to medical assistance for mental health services furnished by a certified community behavioral health clinic participating in a demonstration program;
- award planning grants to States for the purpose of developing proposals to participate in time-limited demonstration programs;
- select states to participate in demonstration programs that are developed through planning grants, meet specific requirements, and represent a diverse selection of geographic areas, including rural and underserved areas; and
- submit to Congress an annual report on the use of funds provided under all demonstration programs conducted.

Per Section 223, demonstration programs shall be developed to improve community mental health services. No later than September 1, 2015, the Secretary must publish the criteria for a clinic to be certified by a state as a certified community behavioral health clinic for purposes of participating in a demonstration program. The criteria published must include criteria with the following:

Staffing requirements, including criteria that the staff has diverse disciplinary backgrounds, have necessary state-required license and accreditation, and are culturally and linguistically trained to serve the needs of the clinic's patient population.

Availability and accessibility of services, including crisis management services that are available and accessible 24 hours a day, the use of a sliding scale for payment, and no rejection for services or limiting of services on the basis of a patient's ability to pay or a place of residence.

Care coordination, including requirements to coordinate care across settings and providers to ensure seamless transitions for patients across the full spectrum of health services including acute, chronic, and behavioral health needs. Care coordination requirements must include partnerships or formal contracts with the following:

- Federally-qualified health centers (and as applicable, rural health clinics) to provide federally-qualified health center services (and as applicable, rural health clinic services) to the extent such services are not provided directly through the certified community behavioral health clinic.
- Inpatient psychiatric facilities and substance use detoxification, post-detoxification step-down services, and residential programs.
- Other community or regional services, supports, and providers, including schools, child welfare agencies, juvenile and criminal justice agencies and facilities, Indian Health Service (IHS) youth regional treatment centers, state licensed and nationally accredited child placing agencies for therapeutic foster care service, and other social and human services.
- Department of Veterans Affairs medical centers, independent outpatient clinics, drop-in centers, and other facilities of the Department as defined in 38 U.S.C. § 1801.
- Inpatient acute care hospitals and hospital outpatient clinics.

Scope of Services—provision (in a manner reflecting person-centered care) of the following services which, if not available directly through the certified community behavioral health clinic, are provided or referred through formal relationships with other providers:

- Crisis mental health services, including 24-hour mobile crisis teams, emergency crisis intervention services, and crisis stabilization.
- Screening, assessment, and diagnosis, including risk assessment.
- Patient-centered treatment planning or similar processes, including risk assessment and crisis planning.
- Outpatient mental health and substance use services.
- Outpatient clinic primary care screening and monitoring of key health indicators and health risk.
- Targeted case management.
- Psychiatric rehabilitation services.
- Peer support and counselor services and family supports.
- Intensive, community-based mental health care for members of the armed forces and veterans, particularly those members and veterans located in rural areas, provided the care is consistent with minimum clinical mental health guidelines promulgated by the Veterans Health Administration including clinical guidelines contained in the Uniform Mental Health Services Handbook of such Administration.

Quality Reporting—Reporting of encounter data, clinical outcomes data, quality data, and such other data as the Secretary requires.

Organizational Authority—Criteria that a clinic be a non-profit or part of a local government behavioral health authority or operated under the

authority of the IHS, an Indian tribe or tribal organization pursuant to a contract, grant, cooperative agreement, or compact with the IHS pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.), or an urban Indian organization pursuant to a grant or contract with the IHS under title V of the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

Once the Criteria for Criteria for CCBHCs are established, the planning grants will be awarded to states by January 1, 2016. By September 1, 2017 up to eight states will be selected from those states awarded planning grants to participate in a two year demonstration program to implement proposed approaches and assess their success. Finally, one year after the first state is selected and annually thereafter—reports will be submitted to Congress on the accessibility, quality, scope, and cost of services. A final report to Congress will be submitted by December 31, 2021, and will include recommendations to continue, expand, modify, or terminate the demonstration program.

Cathy J. Friedman,

Public Health Analyst, Substance Abuse and Mental Health Services Administration.

[FR Doc. 2014–25822 Filed 10–29–14; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2014–0023; OMB No. 1660–0107]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Federal Emergency Management Agency Public Assistance Customer Satisfaction Surveys

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before December 1, 2014.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street SW., Room 7NE, Washington, DC 20472–3100, facsimile number (202) 212–4701, or email address *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Collection of Information

Title: Federal Emergency Management Agency Public Assistance Customer Satisfaction Surveys.

Type of information collection: Revision of a currently approved collection.

Form Titles and Numbers: FEMA Form 519–0–1 T, Public Assistance Customer Satisfaction Survey (Telephone); FEMA Form 519–0–1 INT, Public Assistance Customer Satisfaction Survey (Internet); FEMA Form 519–0–1, Public Assistance Customer Satisfaction Survey (Fill-able).

Abstract: Federal agencies are required to survey their customers to determine the kind and quality of services customers want and their level of satisfaction with those services. FEMA managers use the survey results to measure performance against standards for performance and customer service, measure achievement of strategic planning objectives, and generally gauge and make improvements to disaster service that increase customer satisfaction.

Affected Public: Not-for-profit institutions, State, Local, or Tribal government.

Number of Respondents: 12,749.

Number of Responses: 12,749.

Estimated Total Annual Burden Hours: 4,342.

Estimated Cost: $12,204.00.

Dated: October 16, 2014.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2014–25775 Filed 10–29–14; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2014–0031; OMB No. 1660–0069]

Agency Information Collection Activities: Proposed Collection; Comment Request; National Fire Incident Reporting System (NFIRS) v5.0

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, 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 a proposed revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the National Fire Incident Reporting System (NFIRS) v5.0. The program provides a well established mechanism, using standardized reporting methods, to collect and analyze fire incident data at the Federal, State, and local levels with a myriad of life and property saving uses and benefits.

DATES: Comments must be submitted on or before December 29, 2014.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2014–0031. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

(3) *Facsimile.* Submit comments to (202) 212–4701.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without

change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Mark Whitney, Fire Program Specialist, United States Fire Administration, National Fire Data Center, (301) 447–1836 for additional information. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 212–4701 or email address: *FEMA-Information-Collections-Management@dhs.gov*.

SUPPLEMENTARY INFORMATION: The National Commission on Fire Prevention and Control conducted a comprehensive study of the Nation's fire problem and recommended to Congress actions to mitigate the fire problem, reduce loss of life and property, and educate the public on fire protection and prevention. As a result of the study, Congress enacted Public Law 93–498, Federal Fire Prevention and Control Act of 1974, which establishes the U.S. Fire Administration to administer fire prevention and control programs, supplement existing programs of research, training, and education, and encourage new and improved programs and activities by State and local governments. Section 9(a) of the Act authorizes the Administrator, U.S. Fire Administration (USFA), to operate directly or through contracts or grants, an integrated, comprehensive method to select, analyze, publish, and disseminate information related to prevention, occurrence, control, and results of fires of all types.

Collection of Information

Title: National Fire Incident Reporting System (NFIRS) v5.0.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: OMB No. 1660–0069.

FEMA Forms: The National Fire Incident Reporting System (NFIRS) v5.0.

Abstract: NFIRS was established in 1975 by the USFA as a cooperative effort of local, State, and Federal authorities to improve uniformity in fire incident reporting and to ensure that data are useable for fire protection planning and management. The program provides a well-established mechanism, using standardized reporting methods, to collect and analyze fire incident data at the Federal, State, and local levels with a myriad of life and property saving uses and benefits.

Affected Public: State, Local or Tribal, and Federal Government.

Number of Respondents: 23,000.

Number of Responses: 29,970,120.

Estimated Total Annual Burden Hours: 13,500,230. The annual burden hours has decreased by 204,670 hours from the previous inventory due to discontinuation of use of NFIRS paper forms and a small decrease in the number of students receiving the NFIRS Program Management Training and Orientation.

ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

Type of respondent	Form name/form No.	Number of respondents	Number of responses per respondent	Total number of responses	Average burden per response (in hours)	Total annual burden (in hours)	Average hourly wage rate	Total annual respondent cost ($)
State, Local, or Tribal Government.	NFIRS Version 5.0 Modules 1–12 (Electronic).	23,000	1,303	29,969,000	27 min (0.45 hr)	13,486,050	$32.49	438,161,765
State, Local, or Tribal Government.	NFIRS Program Management Training (Training).	26	1	26	50 hours	1,300	32.49	42,237
State, Local, or Tribal Government.	NFIRS Program Management Orientation (Training).	30	1	30	16 hours	480	32.49	15,595
State, Local, or Tribal Government.	NFIC Training Workshop (Training).	100	1	100	16 hours	1,600	32.49	51,984
State, Local, or Tribal Government.	NFIRS CD/on-site Orientation (Training).	200	1	200	4 hours	800	32.49	25,992
State, Local, or Tribal Government.	Introduction to NFIRS Distance Learning (Training).	500	1	500	20 hours	10,000	32.49	324,900
Total	.....	23,856	.....	29,969,856	.....	13,500,230	.....	438,622,473

Estimated Cost: The estimated annual operations and maintenance costs to respondents or record keepers resulting from the collection of information is $13,915,000. The estimated annual cost to the Federal Government is $2,416,255.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (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.

Dated: October 16, 2014.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2014–25813 Filed 10–29–14; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0091]

Agency Information Collection Activities: Application for Replacement Naturalization/Citizenship Document, Form N–565; Revision of a Currently Approved Collection

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e. the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until December 29, 2014.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0091 in the subject box, the agency name and Docket ID USCIS–2006–0052. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *www.regulations.gov* under e-Docket ID number USCIS–2006–0052;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

SUPPLEMENTARY INFORMATION:

Comments

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Replacement Naturalization/Citizenship Document.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N–565; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households. Form N–565 is used to apply for a replacement of a Declaration of Intention, Certificate of Citizenship or Replacement Certificate, or to apply for a special certificate of naturalization as a U.S. citizen to be recognized by a foreign country.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection N–565 is 29,298 and the estimated hour burden per response is .916 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 26,836 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is 3,589,005.

If you need a copy of the information collection instrument with instructions, or additional information, please visit the Federal eRulemaking Portal site at: *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

Dated: October 23, 2014.

Samantha Deshommes,

Supervisory Economist, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–25783 Filed 10–29–14; 8:45 am]

BILLING CODE 9111–97–P

INTER-AMERICAN FOUNDATION

Sunshine Act Meetings

TIME AND DATE: November 10, 2014, 9:00 a.m.–1:00 p.m.

PLACE: Offices of Baker & McKenzie LLP, 815 Connecticut Avenue NW., White House Conference Room, Washington, DC 20006.

STATUS: Meeting of the Board of Directors, Open to the Public.

MATTERS TO BE CONSIDERED:

- Approval of the Minutes of the August 11, 2014, Meeting of the Board of Directors
- Management Report
- Reflections on August brainstorming session
- Focus on Central America and Mexico
- RedEAmerica
- Role and engagement of advisory council
- Adjournment
- Next Meetings

CONTACT PERSON FOR MORE INFORMATION: Paul Zimmerman, General Counsel, (202) 683–7118.

Paul Zimmerman,

General Counsel.

[FR Doc. 2014–25919 Filed 10–28–14; 11:15 am]

BILLING CODE 7025–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2014–0007; OMB Control Number 1014–0003; 14XE1700DX EEEE500000 EX1SF0000.DAQ000]

Information Collection Activities: Oil and Gas Production Safety Systems; Submitted for Office of Management and Budget (OMB) Review; Comment Request

ACTION: 30-Day notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Safety and Environmental Enforcement (BSEE) is notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under Subpart H, *Oil and Gas Production Safety Systems.* This notice also provides the public a second opportunity to comment on the revised paperwork burden of these regulatory requirements.

DATES: You must submit comments by December 1, 2014.

ADDRESSES: Submit comments by either fax (202) 395–5806 or email (*OIRA_Submission@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1014–0003). Please provide a copy of your comments to BSEE by any of the means below.

- Electronically go to *http://www.regulations.gov.* In the Search box, enter BSEE–2014–0007 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.
- Email *cheryl.blundon@bsee.gov,* fax (703) 787–1546, or mail or hand-carry comments to the Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Cheryl Blundon; 381 Elden Street, HE3314; Herndon, Virginia 20170–4817. Please reference ICR 1014–0003 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch, (703) 787–1607, to request additional information about this ICR. To see a copy of the entire ICR submitted to OMB, go to *http://www.reginfo.gov* (select Information Collection Review, Currently Under Review).

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart H, *Oil and Gas Production Safety Systems.*

OMB Control Number: 1014–0003.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 et seq. and 43 U.S.C. 1801 et seq.), authorizes the Secretary of the Interior to prescribe rules and regulations necessary for the administration of the leasing provisions of that Act related to mineral resources on the OCS. Such rules and regulations will apply to all operations conducted under a lease, pipeline right-of-way, or a right-of-use and easement. Section 1332(6) states that ''operations in the [O]uter Continental Shelf should be conducted in a safe manner by well trained personnel using technology, precautions, and other techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstructions to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property or endanger life or health.''

In addition to the general authority of OCS Lands Act, section 301(a) of the Federal Oil and Gas Royalty Management Act (FOGRMA), 30 U.S.C. 1751(a), grants authority to the Secretary to prescribe such rules and regulations as are reasonably necessary to carry out FOGRMA's provisions. While the majority of FOGRMA is directed to royalty collection and enforcement, some provisions apply to offshore operations. For example, For example, section 108 of FOGRMA, 30 U.S.C. 1718, grants the Secretary broad authority to inspect lease sites for the purpose of determining whether there is compliance with the mineral leasing laws. Section 109(c)(2) and (d)(1), 30 U.S.C. 1719(c)(2) and (d)(1), impose substantial civil penalties for failure to permit lawful inspections and for knowing or willful preparation or submission of false, inaccurate, or misleading reports, records, or other information. The Secretary has delegated some of the authority under FOGRMA to BSEE.

The Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104–133, 110 Stat. 1321, April 26, 1996), and OMB Circular A–25, authorize Federal agencies to recover the full cost of services that confer special benefits. Under the Department of the Interior's implementing policy, the Bureau of Safety and Environmental Enforcement (BSEE) is required to charge fees for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those which accrue to the public at large. Facility Production Safety System Applications are subject to cost recovery and BSEE regulations specify filing fees for these applications.

In addition, BSEE also issues various Notices to Lessees (NTLs) and Operators to clarify and provide additional guidance on some aspects of the regulations to capture the data and information.

Regulations implementing these responsibilities are among those delegated to BSEE.

Responses are mandatory. No questions of a sensitive nature are asked. BSEE protects information considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and DOIs implementing regulations (43 CFR part 2), and under regulations at 30 CFR part 250.197, *Data and information to be made available to the public or for limited inspection,* 30 CFR Part 252, *OCS Oil and Gas Information Program.*

BSEE uses the information collected under subpart H to evaluate equipment and/or procedures that lessees and operators propose to use during production operations, including evaluation of requests for departures or use of alternate procedures or equipment. Information is also used to verify that production operations are safe and protect the human, marine, and coastal environment. BSEE inspectors review the records required by this subpart to verify compliance with testing and minimum safety requirements.

The Gulf of Mexico OCS Region (GOMR) has a policy regarding approval of requests to use a chemical-only fire prevention and control system in lieu of a water system. BSEE may require additional information be submitted to maintain approval. The information is used to determine if the chemical-only system provides the equivalent protection of a water system for the egress of personnel should a fire occur. The

Frequency: Is generally on occasion or as required by regulations.

Description of Respondents: Potential respondents comprise OCS Federal oil, gas, or sulphur lessees and/or operators.

Estimated Reporting and Recordkeeping Hour Burden: The estimated annual hour burden for this information collection is a total of 92,341 hours. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

BILLING CODE 4310–VH–P

Citation 30 CFR 250 subpart H and NTL(s)	Reporting and Recordkeeping Requirement*	Hour Burden	Average No. of Annual Responses	Annual Burden Hours (rounded)
		Non-Hour Cost Burdens*		
	General			
801(h); 807(a)	These sections contain references to information, requests, payments, etc., which are submitted with an APM, the burdens for which are covered under its own information collection.	APM burden covered under 1014-0026.		0
807(a);	This section contain references to information, requests, payments, etc., which are submitted with an APD, the burdens for which are covered under its own information collection.	APD burden covered under 1014-0025.		0
	Submittals/Requests			
800; 801; 802; 803	Submit application, and all required/supporting information, for a production safety system with > 125 components.	26	1 application	26
		$5,426 per submission x 1 = $5,426 $14,280 per offshore visit x 1 = $14,280 $7,426 per shipyard visit x 1 = $7,426		
	25 – 125 components.	19	4 applications	76
		$1,314 per submission x 4 = $5,256 $8,967 per offshore visit x 1 = $8,967 $5,141 per shipyard visit x 1 = $5,141		
	< 25 components.	12	10 applications	120
		$652 per submission x 10 = $6,520		
	Submit modification to application for production safety system with > 125 components.	13	174 applications	2,262
		$605 per submission x 174 = $105,270		
	25 – 125 components.	10	615 applications	6,150
		$217 per submission x 615 = $133,455		
	< 25 components.	7	345 applications	2,415
		$92 per submission x 345 = $31,740		
801(a), (g)	Submit application for a determination that a well is incapable of natural flow; verify [record/retain†] the no-flow condition of the well annually.	14 1/4	11 submittals	157
801(d)	Demonstrate to the District Manager why a subsurface- controlled SSSV may be used in lieu of a surface-controlled SSSV.**	10	16 demonstrations	160
801(f)(2); 803(b)(1)(iii)	Request approval by District Manager for setting depth of the subsurface safety device on a case-by-case basis; Requests for activation of low-pressure sensors operating at < 5 psi are approved by the District Manager on a case-by-case basis.	Not considered IC under 5 CFR 1320(h).		0
803(b)(2)	Submit required documentation for unbonded flexible pipe.	Burden is covered by the application requirement in § 250.802(e).		0
803(b)(8); related NTLs	Request approval to use chemical only fire prevention and control system in lieu of a	39	23 requests	897

Citation 30 CFR 250 subpart H and NTL(s)	Reporting and Recordkeeping Requirement*	Hour Burden	Average No. of Annual Responses	Annual Burden Hours (rounded)
		Non-Hour Cost Burdens*		
	water system and all supporting/relevant information.			
807	Submit detailed info regarding installing SSVs in an HPHT environment with your DWOP etc.	Burden is covered under 1014-0018.		0
		Subtotal	**1,199 responses**	**12,263 hours**
			$323,481 non-hour costs	
General				
801(h)(2); 803(c)	Identify well with sign on wellhead that sub-surface safety device is removed; flag safety devices that are out of service.	Usual/customary safety procedure for removing or identifying out-of-service safety devices.		0
801(e)(1); 801(h)(3); 803(b)(2), (4), (7);	Specific alternate approval requests requiring District Manager approval.	Burden covered under 1014-0022.		
803(b)(8)(iv); (v)	Post diagram of firefighting system; furnish evidence firefighting system suitable for operations in subfreezing climates.	8	18 postings/ evidence	144
804(a)(12); 800	Notify BSEE prior to production when ready to conduct pre-production test and inspection; upon commencement of production for a complete inspection.	1	41 notifications	41
806(c)	Request evaluation and approval of other quality assurance programs covering manufacture of SPPE.	34	1 requests	34
		Subtotal	**60 responses**	**219 hours**
Recordkeeping				
801(h)(2); 802(e); 804(b)	Maintain records for 2 years on subsurface and surface safety devices to include approved design & installation features, testing, repair, removal, etc; make records available to BSEE.	48	658 records	31,584
803(b)(1)(iii), (b)(2)(i)	Maintain pressure-recorder charts.	35	658 charts	23,030
803(b)(4)(iii)	Maintain schematic of the emergency shutdown (ESD) which indicates the control functions of all safety devices.	18	650 schematics	11,700
803(b)(11)	Maintain records of wells that have erosion-control programs and results for 2 years; make available to BSEE upon request.	21	645 records	13,545
		Subtotal	**2,611 responses**	**79,859 hours**
Total Burden Hours			**3,870 Responses**	**92,341 Hours**
			$323,481 Non-Hour Cost Burdens	

* In the future, BSEE may require electronic filing of certain submissions.

† Since required to verify, recording/retaining would be considered a usual and customary business practice.

** Existing requirement, previously overlooked.

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Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified 10 non-hour cost burdens, all of which are cost recovery fees required under § 250.802(e). However, the actual fee amounts are specified in § 250.125, which provides a consolidated table of all of the fees required under the 30 CFR 250 regulations. The total non-hour cost burdens (cost recovery fees) in this IC request are $323,481 and are as follows:

- Submit application for a production safety system with >125 components—$5,426 per submission; $14,280 per offshore visit; and $7,426 per shipyard visit.
- Submit application for a production safety system with 25–125 components—$1,314 per submission; $8,967 per offshore visit; and $5,141 per shipyard visit.
- Submit application for a production safety system with <25 components—$652 per submission.
- Submit modification to application for production safety system with >125 components—$605 per submission.
- Submit modification to application for production safety system with 25–125 components—$217 per submission.
- Submit modification to application for production safety system with <25 components—$92 per submission.

We have not identified any other non-hour cost burdens associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency ''. . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .'' Agencies must specifically solicit comments to: (a) Evaluate whether the collection is necessary or useful; (b) evaluate the accuracy of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of technology.

To comply with the public consultation process, on August 18, 2014, we published a **Federal Register** notice (79 FR 48757) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 provides the OMB Control Number for the information collection requirements imposed by the 30 CFR 250, Subpart H regulations. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We received no comments in response to the **Federal Register**.

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

Dated: October 20, 2014.

Robert W. Middleton,

Deputy Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2014–25804 Filed 10–29–14; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2014–N220: FXES11130200000–156–FF02ENEH00]

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications; request for public comment.

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. The Endangered Species Act of 1973, as amended (Act), prohibits activities with endangered and threatened species unless a Federal permit allows such activities. Both the Act and the National Environmental Policy Act require that we invite public comment before issuing these permits.

DATES: To ensure consideration, written comments must be received on or before December 1, 2014.

ADDRESSES: Susan Jacobsen, Chief, Division of Classification and Restoration, by U.S. mail at Division of Classification and Recovery, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, NM 87103; or by telephone at 505–248–6920. Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Susan Jacobsen, Chief, Division of Classification and Restoration, by U.S. mail at P.O. Box 1306, Albuquerque, NM 87103; or by telephone at 505–248–6665.

SUPPLEMENTARY INFORMATION:

Public Availability of Comments

The Act (16 U.S.C. 1531 *et seq.*) prohibits activities with endangered and threatened species unless a Federal permit allows such activities. Along with our implementing regulations in the Code of Federal Regulations (CFR) 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 applicants to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of survival or propagation, or interstate commerce. Our regulations regarding implementation of section 10(a)(1)(A) 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, Tribal, and Federal agencies and the public to comment on the following applications. Please refer to the appropriate permit number (e.g., Permit No. TE–123456) when requesting application documents and when submitting comments.

Documents and other information the applicants have submitted with these 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 TE—821356

Applicant: U.S. Geological Survey—Grand Canyon Monitoring and Research Center, Flagstaff, Arizona.

Applicant requests an amendment to a current permit for research and recovery purposes to collect from the wild and conduct laboratory research using bioelectrical impedance analysis of humpback chubs (*Gila cypha*) within Arizona.

Permit TE—006655

Applicant: Logan Simpson Design, Inc., Tempe, Arizona.

Applicant requests a renewal to a current permit for research and recovery

purposes to conduct presence/absence surveys of the following species within Arizona:

- Black-footed ferret (*Mustela nigripes*).
- Gila topminnow (*Poeciliopsis occidentalis*).
- Northern aplomado falcon (*Falco femoralis*).
- Razorback sucker (*Xyrauchen texanus*).
- Southwestern willow flycatcher (*Empidonax traillii extimus*).
- Yuma clapper rail (*Rallus longirostris yumanensis*).

Permit TE—828640

Applicant: Harris Environmental Group, Tucson, Arizona.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys for lesser long-nosed bat (*Leptonycteris yerbabuenae*), northern aplomado falcon (*Falco femoralis*), and southwestern willow flycatcher (*Empidonax traillii extimus*) within Arizona.

Permit TE—188015

Applicant: Santa Ana Pueblo, Santa Ana, New Mexico.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys for Rio Grande silvery minnow (*Hybognathus amarus*) within New Mexico.

Permit TE—48437B

Applicant: Jann Jones, Pahwuska, Oklahoma.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys of American burying beetle (*Nicrophorus americanus*) within Oklahoma.

Permit TE—48572B

Applicant: Cienega Environmental, Inc., Albuquerque, New Mexico.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) and Jemez mountain salamander (*Plethodon neomexicanus*) within New Mexico.

Permit TE—08548B

Applicant: U.S. Geological Survey—Sonoran Desert Research Station, Tucson, Arizona.

Applicant requests an amendment to a current permit for research and recovery purposes to conduct presence/absence surveys of Sonoran tiger salamander (*Ambystoma mavortium stebbinsi*) within Arizona.

Permit TE—36653A

Applicant: Atkins Global, Austin Texas

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of the following species within Texas:

- Barton Springs salamander (*Eurycea sosorum*).
- Bee Creek Cave harvestman (*Texella reddelli*).
- Black-capped vireo (*Vireo atricapilla*).
- Bone Cave harvestman (*Texella reyesi*).
- Braken Bat Cave meshweaver (*Cicurina venii*).
- Coffin Cave mold beetle (*Batrisodes texanus*).
- Cokendolpher Cave harvestman (*Texella cokendolpheri*).
- Comal Springs dryopid beetle (*Stygoparnus comalensis*).
- Comal Springs riffle beetle (*Heterelmis comalensis*).
- Fountain darter (*Etheostoma fonticola*).
- Golden-cheeked warbler (*Dendroica chrysoparia*).
- Government Canyon Bat Cave meshweaver (*Cicurina vespera*).
- Government Canyon Bat Cave spider (*Neoleptoneta microps*).
- Ground beetle (Unnamed) (*Rhadine exilis)*.
- Ground beetle (Unnamed) (*Rhadine infernalis*).
- Helotes mold beetle (*Batrisodes venyivi*).
- Houston toad (*Bufo houstonensis*).
- Interior least tern (*Sterna antillarum*).
- Kretschmarr Cave mold beetle (*Texamaurops reddelli*).
- Madla Cave meshweaver (*Cicurina madla*).
- Northern aplomado falcon (*Falco femoralis*).
- Peck's Cave amphipod (*Stygobromus* (=*stygonectes*) *pecki*).
- Piping plover (*Charadrius melodus*).
- Red-cockaded woodpecker (*Picoides borealis*).
- Robber Baron Cave meshweaver (*Cicurina baronia*).
- San Marcos gambusia (*Gambusia georgei*).
- San Marcos salamander (*Eurycea nana*).
- Southwestern willow flycatcher (*Empidonax traillii extimus*).
- Texas blind salamander (*Eurycea rathbuni*).
- Tooth Cave ground beetle (*Rhadine persephone*).
- Tooth Cave pseudoscorpion (*Tartarocreagris texana*).
- Tooth Cave spider (*Neoleptoneta* (=*Leptoneta*) *myopica*).

Permit TE—48908B

Applicant: Jeremiah McKinney, Cibolo, Texas.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys of Houston toad (*Bufo houstonensis*) within Texas.

Permit TE—822908

Applicant: Caesar Kleberg Wildlife Research Institute, Kingsville, Texas.

Applicant requests a renewal to a current permit for research and recovery purposes for the following activities within Texas: To live-capture; chemically immobilize; collect samples (blood, hair, fecal, tissue, and parasite); take body measurements; attach radio, satellite, or global positioning system (GPS) collars; tag with passive integrated transponders (PIT tags); monitor and assess recovery from sedation; and release unharmed up to 40 ocelots (*Leopardus pardalis*) and up to 10 jaguarundis (*Herpailurus yagouaroundi*) per year by all authorized permittees combined. They also request to be authorized to monitor ocelots and jaguarundis using remotely triggered cameras, hair snares, and other noninvasive methods and to collect samples (i.e., hair) for genetic and other analyses using those methods and to salvage and transport, collect tissue samples from, and store specimens and parts of dead ocelots and jaguarundis.

Permit TE—040341

Applicant: William Larsen, Cherokee, Texas.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of the following species in Texas:

- Bee Creek Cave harvestman (*Texella reddelli*).
- Bone Cave harvestman (*Texella reyesi*).
- Braken Bat Cave meshweaver (*Cicurina venii*).
- Coffin Cave mold beetle (*Batrisodes texanus*).
- Cokendolpher Cave harvestman (*Texella cokendolpheri*).
- Government Canyon Bat Cave meshweaver (*Cicurina vespera*).
- Government Canyon Bat Cave spider (*Neoleptoneta microps*).
- Ground beetle (Unnamed) (*Rhadine exilis)*.
- Ground beetle (Unnamed) (*Rhadine infernalis*).
- Helotes mold beetle (*Batrisodes venyivi*).

• Kretschmarr Cave mold beetle (*Texamaurops reddelli*).
• Madla Cave meshweaver (*Cicurina madla*).
• Peck's Cave amphipod (*Stygobromus* (=*stygonectes*) *pecki*).
• Robber Baron Cave meshweaver (*Cicurina baronia*).
• Texas blind salamander (*Eurycea rathbuni*).
• Tooth Cave ground beetle (*Rhadine persephone*).
• Tooth Cave pseudoscorpion (*Tartarocreagris texana*).
• Tooth Cave spider (*Neoleptoneta* (=*Leptoneta*) *myopica*).

Permit TE—082496

Applicant: Joint Base San Antonio, San Antonio, Texas.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of the following species within Texas:
• Bee Creek Cave harvestman (*Texella reddelli*).
• Black-capped vireo (*Vireo atricapilla*).
• Bone Cave harvestman (*Texella reyesi*).
• Braken Bat Cave meshweaver (*Cicurina venii*).
• Coffin Cave mold beetle (*Batrisodes texanus*).
• Cokendolpher Cave harvestman (*Texella cokendolpheri*).
• Golden-cheeked warbler (*Dendroica chrysoparia*).
• Government Canyon Bat Cave meshweaver (*Cicurina vespera*).
• Government Canyon Bat Cave spider (*Neoleptoneta microps*).
• Ground beetle (Unnamed) (*Rhadine exilis).*
• Ground beetle (Unnamed) (*Rhadine infernalis*).
• Helotes mold beetle (*Batrisodes venyivi*).
• Kretschmarr Cave mold beetle (*Texamaurops reddelli*).
• Madla Cave meshweaver (*Cicurina madla*).
• Robber Baron Cave meshweaver (*Cicurina baronia*).
• Texas blind salamander (*Eurycea rathbuni*).
• Tooth Cave ground beetle (*Rhadine persephone*).
• Tooth Cave pseudoscorpion (*Tartarocreagris texana*).
• Tooth Cave spider (*Neoleptoneta* (=*Leptoneta*) *myopica*).

Permit TE—004439

Applicant: Albuquerque BioPark, Albuquerque, New Mexico.

Applicant requests an amendment current permit for research and recovery purposes to conduct husbandry and holding of Zuni bluehead sucker (*Catostomus discobolus yarrowi*) at the BioPark in New Mexico.

Permit TE—209033

Applicant: Gene Wilde, Lubbock, Texas.

Applicant requests an amendment to a current permit for research and recovery purposes to collect 7,500 smalleye (*Notropis buccula*) and 7,500 sharpnose (*Notropis oxyrhynchus*) shiners from the wild each year for the life of the permit for genetic research within Texas.

Permit TE—676811

Applicant: U.S. Fish and Wildlife Service – mdash; Region 2, Albuquerque, New Mexico.

Applicant requests an amendment to a current permit for research and recovery purposes to conduct presence/absence surveys of smalleye shiner (*Notropis buccula*), sharpnose shiner (*Notropis oxyrhynchus*), and Zuni bluehead sucker (*Catostomus discobolus yarrowi*); and to capture, radio collar, draw blood, and release Gray wolf (*Canis lupus*) within Region 2 of the U.S. Fish and Wildlife Service.

Permit TE—43777A

Applicant: Sea Life U.S., LLC., Grapevine, Texas.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct husbandry and holding of green (*Chelonia mydas*), Kemps ridley (*Lepidochelys kempii*), and hawksbill (*Eretmochelys imbricata*) turtles within the facility in Texas.

Permit TE—053085

Applicant: U.S. Bureau of Reclamation, Boulder City, Nevada.

Applicant requests a renewal to a current permit for research and recovery purposes to conduct presence/absence surveys of the following species within Arizona, California, and Nevada:
• Bonytail chub (*Gila elegans*).
• Razorback sucker (*Xyrauchen texanus*).
• Southwestern willow flycatcher (*Empidonax traillii extimus*).
• Yuma clapper rail (*Rallus longirostris yumanensis*).

National Environmental Policy Act (NEPA)

In compliance with NEPA (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 this request 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.*)

Dated: October 22, 2014.

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2014–25835 Filed 10–29–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2014–0048; FF06E22000–145–FXES11130600000]

Endangered and Threatened Wildlife and Plants; Permits; Draft Environmental Impact Statement and Habitat Conservation Plan for the R-Project Transmission Line in Nebraska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent; announcement of public scoping meetings; request for public comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, intend to prepare a draft environmental impact statement (DEIS) under the National Environmental Policy Act (NEPA) to consider potential impacts on the human environment from the proposed issuance of an incidental take permit (permit) and required implementation of a Habitat Conservation Plan (HCP). The Nebraska Public Power District (NPPD) is proposing to apply for the permit for take of the American burying beetle associated with the construction, operation, and maintenance of the R-Project Transmission Line in north-central Nebraska. The American burying

beetle is federally listed as an endangered species.

We provide this notice to (1) describe the proposed action; (2) advise other Federal and State agencies, potentially affected tribes, and the public of our intent to prepare an DEIS; (3) announce the initiation of a 60-day public scoping period; and (4) obtain suggestions and information on the scope of issues and possible alternatives to be included in the DEIS. The intended effect of this notice is to gather information from the public for consideration when developing alternatives to the proposed action that will avoid, minimize, and mitigate the effects of incidental take to the maximum extent practicable and to address other potential impacts to the human environment.

DATES: To ensure consideration, we must receive your written comments on or before December 29, 2014. Three scoping meetings will be held, from 4 p.m. until 7 p.m. on the following dates, at the following locations:

American Legion—November 18, 2014, 4 p.m. to 7 p.m., 657 G Street, Burwell, NE 68823;

Village Municipal Offices (Village of Sutherland Community Building)—November 19, 2014, 4 p.m. to 7 p.m., 1200 First Street, Sutherland, NE 69165; and

Thomas County Fairgrounds—November 20, 2014, 4 p.m. to 7 p.m., 83861 Highway 83, Thedford, NE 69166.

ADDRESSES: Send your comments regarding the proposed action and the proposed DEIS by any one of the following methods:

Electronically: www.regulations.gov. Follow the instructions for submitting comments on Docket No. FWS–R6–ES–2014–0048.

U.S. Mail: Public Comments Processing, Attn: FWS–R6–ES–2014–0048; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

In-Person Drop-off, Viewing, or Pickup: Written comments will also be accepted at the public meetings (see **DATES**).

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the **Public Availability of Comments** section below for more information).

FOR FURTHER INFORMATION CONTACT: Eliza Hines, Acting Field Supervisor, by phone at (308) 382–6468, and by U.S. mail at U.S. Fish and Wildlife Service, 9325 South Alda Road, Wood River, NE 68883. Individuals who are hearing or speech impaired may call the Federal Relay Service at (800) 877–8337 for TTY assistance.

Reasonable Accommodations: Persons needing reasonable accommodations to attend and participate in the public meetings should contact Eliza Hines. To allow sufficient time to accommodate requests, please call no later than one week before the meeting. Information regarding the proposed action is available in alternative formats upon request.

SUPPLEMENTARY INFORMATION: We intend to prepare a DEIS under NEPA (42 U.S.C. 4321 *et seq.*) to consider potential impacts on the human environment from the proposed issuance of an incidental take permit (permit) and required implementation of a Habitat Conservation Plan (HCP). The Nebraska Public Power District (NPPD) is proposing to apply for the permit for take of the American burying beetle (*Nicrophorous americanus*) associated with the construction, operation, and maintenance of the R-Project Transmission Line in north-central Nebraska. The American burying beetle is federally listed as an endangered species.

The NPPD is preparing a draft HCP as part of its application for the permit. The HCP must include measures to avoid, minimize, and mitigate the impacts of the take of covered species within the plan area during project construction, operation, and maintenance activities. We provide this notice to (1) describe the proposed action; (2) advise other Federal and State agencies, potentially affected tribes, and the public of our intent to prepare an DEIS; (3) announce the initiation of a 60-day public scoping period; and (4) obtain suggestions and information on the scope of issues and possible alternatives to be included in the DEIS. The intended effect of this notice is to gather information from the public for consideration when developing alternatives to the proposed action that will avoid, minimize, and mitigate the effects of incidental take to the maximum extent practicable and to address other potential impacts to the human environment.

Background

Section 9 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* ESA), and its implementing regulations (50 CFR part 17), prohibit ''take'' of threatened and endangered fish or wildlife species. Take is defined under the ESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)). We further define ''harm'' as an act, including significant habitat modification or degradation, that actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). We further define ''harass'' as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt behavioral patterns such as breeding, feeding, and sheltering.

Under certain circumstances, we may issue permits to take listed species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened or endangered species incidental take are found at 50 CFR 17.32 and 50 CFR 17.22, respectively.

NEPA requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. Under NEPA, a reasonable range of alternatives to a proposed project is developed and considered in the Service's environmental review. Alternatives considered for analysis in a DEIS for an HCP may include, but are not limited to: Variations in the scope of covered activities; variations in the location, amount, and type of conservation activities; variations in permit duration; or a combination of these elements.

Proposed Action

The proposed Federal action is our issuance of a permit to NPPD that would authorize a specified amount and type of incidental take of American burying beetles during construction, operation, and maintenance of a 220-mile, 345-kilovolt (kV) transmission line and substations in the Sandhills of north-central Nebraska. The purpose of the R-Project is to enhance reliability of NPPD's electric transmission system, relieve congestion from existing lines within the transmission system, and provide additional opportunities for development of renewable energy projects. The proposed construction, operation, and maintenance of the NPPD R-Project may affect the American burying beetle directly, and possibly indirectly, through habitat fragmentation and temporary and permanent loss of habitat as a result of ground disturbance and soil compaction. As required for application for the permit, NPPD is developing a

HCP that will outline actions to avoid, minimize, and mitigate potential impacts to the American burying beetle. In coordination with NPPD, we will determine the duration of the HCP and permit, which would depend on the anticipated life of the project, time needed to realize benefits of the HCP's conservation measures, and the timeframe in which adverse effects to American burying beetles can be reliably predicted.

Proposed American burying beetle conservation measures that may be considered for the HCP to adopt include: (1) Adjustment in timing of certain construction activities to avoid American burying beetle active periods; (2) avoidance of high-quality habitat areas; (3) reduction in habitat disturbance by prioritizing use of existing disturbed areas for laydown and structure placement; (4) reduction in direct disturbance by modifying construction techniques; (5) reclamation of temporarily disturbed areas; (6) compensation for habitat loss; and (7) removal of carrion. The HCP will also include monitoring and adaptive management features. Monitoring would help determine compliance with and effectiveness of the HCP; validate assumptions, information, and models used to develop the HCP; and provide information to support revisions, if necessary, to the conservation measures over the life of the HCP.

Public Scoping

The primary purpose of the scoping process is for the public to assist the Service in developing a DEIS for the proposed permit action by identifying important issues and alternatives related to NPPD's proposed project, to provide the public with a general understanding of the background of the proposed HCP and activities it would cover, and an overview of the NEPA process. To ensure that we identify a range of issues and alternatives related to the proposed permit action, we invite comments and suggestions from all interested parties.

The scoping meetings will consist of an open house format from 4 p.m. to 7 p.m. about the proposed action and NEPA process. The open house format will provide interested members of the public an opportunity to learn about the proposed action, permit area, and the covered species. We will accept oral and written comments throughout the public meeting. A court reporter and an interpreter will be present if deemed necessary. You may also submit your comments and materials by one of the methods listed in the **ADDRESSES** section.

Public Comments

We request data, comments, new information, or suggestions from the public, other concerned governmental agencies; the scientific community; tribes; industry; or any other interested party on this notice. We and NPPD will consider these comments in developing the DEIS and the draft HCP related to the proposed project. We particularly seek comments on the following:

1. The direct, indirect, and cumulative effects that implementation of any reasonable alternative to the proposed project could have on endangered or threatened species and other unlisted species, including migratory birds and their habitats;
2. Other reasonable alternatives to the proposed project and permit issuance that should be considered;
3. Relevant biological data and additional information concerning the American burying beetle;
4. Current or planned activities in the subject area and their possible impacts on the American burying beetle;
5. The presence of archaeological sites, buildings and structures, historic sites, sacred and traditional areas, and other historic preservation concerns;
6. The scope of covered activities, including potential avoidance, minimization, and mitigation measures for incidental take of the American burying beetle;
7. Appropriate monitoring and adaptive management provisions that should be included in the HCP; and
8. Identification of any other environmental issues that should be considered regarding the proposed project and permit action.

Public Availability of Comments

Comments and materials we receive in response to this notice and at the public meeting, as well as supporting documentation we use in preparing the DEIS, will become part of the public record and will be available for public inspection at *www.regulations.gov* (see **ADDRESSES**). Before including your address, phone number, email address, or other personal identifying information in your comments, 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.

Environmental Review and Next Steps

The DEIS will include analyses of potential impacts on the American burying beetle from the HCP and the permit and from each identified alternative to the action. The DEIS will provide biological descriptions of affected species and habitats, as well as the effects of the alternatives on other resources, such as vegetation, wetlands, wildlife, geology and soils, air quality, water resources, water quality, cultural resources, land use, recreation, water use, the local economy, and environmental justice. Following completion of the environmental review, we will publish a notice of availability and request for public comments on the DEIS, NPPD's permit application, and the draft HCP. The DEIS and draft HCP are expected to be completed and available for the public review during the first three months of the 2016 calendar year.

Authority

Our environmental review of this project will be conducted in accordance with the requirements of NEPA (42 U.S.C. 4321 *et seq.*), Council of Environmental Quality regulations (40 CFR parts 1500–1508), other applicable Federal laws and regulations, and the Service's applicable policies and procedures. This notice is being furnished in accordance with 40 CFR 1501.7 of the NEPA regulations to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the DEIS.

Dated: October 8, 2014.

Nicole Alt,

Acting Assistant Regional Director—Ecological Services, Mountain-Prairie Region, Denver, CO.

[FR Doc. 2014–25796 Filed 10–29–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAC06900 L17110000.AL0000 15XL1109AF]

Notice of Public Meeting of the Carrizo Plain National Monument Advisory Committee

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Carrizo Plain National Monument Advisory

Committee (MAC) will meet as indicated below.

DATES: The meeting will be held on Saturday, December 13, 2014, at the Carrisa Plains Elementary School, located approximately 2 miles northwest of Soda Lake Road on Highway 58. The meeting will begin at 10 a.m. and finish at 1:30 p.m. The meeting will focus on scoping the Travel Management Plan and provide updated information on the continued implementation of the resource management plan. There will be a public comment period from 12:30 p.m. to 1:30 p.m. Lunch will be available for under $10.

FOR FURTHER INFORMATION CONTACT: Johna Hurl, Monument Manager, Bakersfield Field Office, 3801 Pegasus Drive, Bakersfield, CA 93308, (661) 391–6093, *jhurl@blm.gov* or John Kelley, Carrizo Program Support Technician, Bakersfield Field Office, 3801 Pegasus Drive, Bakersfield, CA 93308, (661) 391–6088, *jtkelley@blm.gov.*

SUPPLEMENTARY INFORMATION: The ten-member MAC advises the Secretary of the Interior, through the BLM, on a variety of public land issues associated with public land management in the Carrizo Plain National Monument in Central California. At this meeting, Monument staff will present the proposed Travel Management Plan for the Monument and updated information on the continued implementation of the Resource Management Plan. This meeting is open to the public. Depending on the number of persons wishing to comment and the time available, the time allotted for individual oral comments may be limited. Individuals who plan to attend and need special assistance such as sign language interpretation or other reasonable accommodations should contact the BLM as indicated above.

Dated: October 7, 2014.

Gabriel Garcia,

Field Manager, Bakersfield Field Office.

[FR Doc. 2014–25843 Filed 10–29–14; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[145R5065C6, RR85818000, RX.59799806.1001001]

Notice To Extend the Public Comment Period for the Collection and Compilation of Water Pipeline Field Performance Data Information Collection Request

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation is announcing a 30-day extension of the public comment period for the Collection and Compilation of Water Pipeline Field Performance Data Information Collection Request (ICR). The current comment period for this ICR ends on October 31, 2014, and is being extended to December 1, 2014. This comment period was reopened through the publication of a **Federal Register** notice on October 1, 2014 (79 FR 59291).

DATES: Submit comments on this ICR on or before December 1, 2014.

ADDRESSES: Send written comments to Mr. Lee Sears, Materials Engineering Research Laboratory, 86–68180, Bureau of Reclamation, P.O. Box 25007, Denver, CO 80225; or via email at *lsears@usbr.gov.*

FOR FURTHER INFORMATION CONTACT: Lee Sears at (303) 445–2392.

SUPPLEMENTARY INFORMATION:

Public Disclosure Statement

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

Dated: October 24, 2014.

Richard W. LaFond,

Chief, Civil Engineering Services Division.

[FR Doc. 2014–25799 Filed 10–29–14; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR Part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below to modify the application of existing mandatory safety standards codified in Title 30 of the Code of Federal Regulations.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations and Variances on or before December 1, 2014.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.
2. *Facsimile:* 202–693–9441.
3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939, Attention: Sheila McConnell, Acting Director, Office of Standards, Regulations and Variances. Persons delivering documents are required to check in at the receptionist's desk on the 21st floor. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any

mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2014–031–C and M–2014–032–C.

Petitioner: Sunrise Coal LLC, 12661 Agricare Road, Oaktown, Indiana 47561.

Mines: Oaktown Fuels Mine No. 1, MSHA I.D. No. 12–02394, and Oaktown Fuels Mine No. 2, MSHA I.D. No. 12–02418, both located in Knox County, Indiana.

Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

Modification Request: The petitioner requests a modification of the existing standard to mine through or near (whenever the safety barrier diameter is reduced to a distance less than the District Manager (DM) would approve pursuant to 30 CFR 75.1700) plugged oil or gas wells penetrating the Indiana V coal seam.

a. The petitioner proposes to use the following procedures when cleaning out and preparing oil and gas wells prior to plugging:

(1) A diligent effort will be made to clean the borehole to the original total depth. If this depth cannot be reached, the borehole will be cleaned out to a depth which would permit the placement of at least 200 feet of expanding cement below the base of the lowest mineable coal bed.

(2) When cleaning the borehole, a diligent effort will be made to remove all the casing in the borehole. If it is not possible to remove all of the casing, the casing that remains will be perforated or ripped at intervals spaced close enough to permit expanding cement slurry to infiltrate the annulus between the casing and the borehole wall at a distance of at least 200 feet below the base of the lowest mineable coal bed.

(3) If the cleaned-out borehole produces gas, a mechanical bridge plug will be placed in the borehole in a competent stratum at least 200 feet below the base of the lowest mineable coal bed, but above the top of the uppermost hydrocarbon-producing stratum. If it not possible to set a mechanical bridge plug, a substantial brush plug may be used.

(4) A suit of logs will be made consisting of a caliper survey, directional deviation survey, and log(s) suitable for determining the top and bottom of the minable coal beds and potential hydrocarbon-producing strata and the location for a bridge plug.

(5) Properly place mechanical bridge plugs or a suitable brush plug to isolate the hydrocarbon-producing stratum from the expanding cement plug, if the upper-most hydrocarbon-producing stratum is within 200 feet of the base of the lowest mineable coal bed. Nevertheless, place a minimum of 200 feet of expanding cement below the lowest mineable coal bed

(6) The wellbore will be completely filled and circulated with a gel that inhibits any flow of gas, supports the walls of the borehole, and increases the density of the expanding cement. This gel will be pumped through open-end tubing run to a point approximately 20 feet above the bottom of the cleaned out area of the borehole or bridge plug.

b. The petitioner proposes to use the following procedures for plugging oil or gas wells to the surface:

(1) A cement plug will be set in the wellbore by pumping an expanding cement slurry down the tubing to displace the gel and fill the borehole to the surface. (As an alternative, the cement slurry may be pumped down the tubing so that the borehole is filled with Portland cement or a Portland cement-fly ash mixture from a point approximately 100 feet above the top of the lowest minable coal bed to the surface with an expanding cement plug extending from at least 200 feet below the lowest minable coal bed to the bottom of the Portland cement). There will be at least 200 feet of expanding cement below the base of the lowest minable coal bed.

(2) A surface casing, small quantity of steel turning, or other small magnetic particles will be embedded in the top of the expandable cement near the surface to serve as a permanent magnetic monument of the borehole. As an alternative, a steel rod may be driven into the ground next to the borehole.

c. The petitioner proposes to use the following procedures for plugging oil and gas wells using the vent pipe method:

(1) Run a 4½-inch or larger vent pipe into the wellbore to a depth of 100 feet below the lowest minable coal bed and swedged to a smaller diameter pipe, if desired, which will extend to a point approximately 20 feet above the bottom of the cleaned out area of the borehole or bridge plug.

(2) Set a cement plug in the wellbore by pumping an expanding cement slurry, Portland cement, or a Portland cement-fly ash mixture down the tubing to displace the gel so the borehole is filled with cement. The borehole and the vent pipe will be filled with expanding cement for a minimum of 200 feet below the base of the lowest minable coal bed. The top of the expanding cement will extend upward to a point approximately 100-feet above the top of the highest minable coal bed.

(3) Evacuate all fluid from the vent pipe to facilitate testing for gasses. The expanding cement will not be disturbed during the evacuation of fluid.

(4) Protect the vent pipe to prevent liquids or solids from entering the wellbore but ready access will be permitted to the full internal diameter of the vent pipe when necessary.

d. The petitioner proposes to use the following procedures for plugging oil or gas wells for use of degasification boreholes:

(1) Set a cement plug in the wellbore by pumping an expanding cement slurry down the tubing to displace the gel and provide at least 200 feet of expanding cement below the lowest minable coal bed. The top of the expanding cement will extend upward to a point above the top of the coal bed being mined. The distance will be based on the average height of the roof strata breakage for the mine.

(2) To facilitate methane drainage, degasification casing of suitable diameter, slotted or perforated throughout its lower 150 feet to 200 feet will be set in the borehole to a point 10 feet to 30 feet above the top of the expanding cement.

(3) Cement the annulus between the degasification casing and the borehole wall from a point immediately above the slots or perforations to the surface.

(4) Clean out the degasification casing for its total length.

(5) Fit the top of the degasification casing with a wellhead equipped as required by the District Manager (DM). Such equipment may include check valves, shut-in valves, sampling ports, flame arrestor equipment, and security fencing.

e. The petitioner proposes to use the following procedures whenever the safety barrier diameter is reduced to less than the DM would approve pursuant to 30 CFR 75.1700 or proceeding with an intent to cut through a plugged well:

(1) Notify the DM or designee prior to reducing the safety barrier to a distance less than the DM would approve pursuant to 30 CFR 75.1700 or

proceeding with an intent to cut through a plugged well.

(2) The DM or designee may conduct a conference prior to mining through any plugged well to review and approve the specific procedures for mining through the well. Representatives of the operator, representative of the miners, and the appropriate State agency will be informed within a reasonable time prior to the conference to be given opportunity to attend and participate. This meeting may be called by the operator.

(3) Mining in close proximity to or through a plugged well will be done on a shift approved by the DM or designee.

(4) Notify the DM or designee, representative of the miners, and the appropriate State agency in sufficient time for them to have a representative present prior to mining-through operation.

(5) Install drivage sights at the last open crosscut near the place to be mined to ensure intersection of the well. The drivage sights will not be more than 50 feet from the well.

(6) Firefighting equipment, including fire extinguishers, rock dust, and sufficient fire hose to reach the working face area of the mining-through will be available and operable during each well mine-through. Locate the fire hose in the last open crosscut of the entry or room. All fire hoses will be ready for operation during the mining-through.

(7) Keep available at the last open crosscut a sufficient supply of roof support and ventilation materials. In addition, keep emergency plugs available in the immediate area of the mine-through.

(8) Maintain the quantity of air required by the approved mine ventilation plan behind the line brattice and in the last open cross cut during mining-through.

(9) Check equipment for permissibility and service it on the shift prior to mining through the well and maintain the water line to the section tail with a sufficient amount of fire hose to reach the farthest point of penetration on the section.

(10) Calibrate the methane monitor on the continuous mining machine prior to mining through the well.

(11) When mining is in progress, test methane levels with a hand-held methane detector at least every 10 minutes from the time that the continuous mining machine is within 30 feet of the well until the well is intersected and immediately prior to mining-through. No individual is allowed on the return side during the actual cutting process until the mining-through has been completed and the area examined and declared safe by a certified person.

(12) Keep the working place free from accumulations of coal dust and coal spillages, and place rock dust on the roof, rib, and floor to within 20 feet of the face when mining through the well on the shifts during which the cut-through will occur.

(13) Deenergize all equipment when the wellbore is intersected and thoroughly examine the place and determine it safe before resuming mining. Any casing will be removed and no open flame is permitted in the area until adequate ventilation has been established around the wellbore.

(14) After a well has been intersected and the working place determined safe, continue mining inby the well at a distance sufficient to permit adequate ventilation around the area of the wellbore.

(15) No person will be permitted in the area of the mining-through operation except those actually engaged in the mining operation, company personnel, representative of the miners, personnel from MSHA, and personnel from the appropriate State agency.

(16) A certified official will directly supervise the mining-through operation and only the certified official in charge will issue instructions concerning the mining-through operation.

(17) MSHA personnel may interrupt or halt the mining through operation when it is necessary for the safety of the miners.

(18) The operator will file a plugged affidavit setting forth the persons who participated in the work, a description of the plugged work, and a certification by the operator that the well has been plugged.

(19) Within 60 days after this petition becomes final, the petitioner will submit proposed revisions for its approved part 48 training plan to the DM. The revisions will include initial and refresher training regarding the compliance with the terms and conditions of this petition for modification.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure or protection afforded by the existing standard.

Docket Number: M–2014–033–C.

Petitioner: Emerald Processing, LLC, 1144 Market Street, Suite 400, Wheeling, West Virginia 26003.

Mine: Peerless Rachel Mine, MSHA I.D. No. 46–09258, 4449 Left Fork of Joe's Creek, Comfort, West Virginia 25049, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 75.1909(b)(6) (Nonpermissible diesel-powered equipment design and performance requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of the Getman Diesel Grader with rear wheel brakes at the Peerless Rachel Mine. The petitioner states that:

(1) The maximum speed of the diesel grader will be limited to 10 miles per hour by physically blocking the higher gear ratios that provide for speeds exceeding 10 miles per hour.

(2) The miners that operate the grader will be trained to recognize the gear blocking device and its proper application and requirements.

(3) The miners who operate the grader will be trained to drop the grader blade to provide additional stopping capability in emergencies.

(4) The low speeds coupled with the availability of the grader blade for stopping in emergencies will provide for the appropriate stopping ability. The rear wheel brakes will be maintained in proper working condition at all times.

(5) All other applicable requirements of the Federal Mine Safety and Health Act of 1977 and its corresponding regulations for the Getman grader will apply.

(6) This petition is limited to the Getman diesel grader, Serial No. 6732.

(7) Within 60 days after this petition becomes final, the petitioner will submit to the District Manager proposed revisions for the approved part 48 training plan that will specify initial and refresher training consistent with the terms and conditions stated in this petition.

The petitioner asserts that the proposed alternative method will guarantee no less than the same measure of protection to all miners as would be provided by the existing standard.

Docket Number: M–2014–034–C.

Petitioner: Lone Mountain Processing, Inc., Drawer C, St. Charles, Virginia 24282.

Mine: Clover Fork Mine, MSHA I.D. No. 15–18647, located in Harlan County, Kentucky.

Regulation Affected: 30 CFR 75.310(a)(3) (Installation of main mine fans).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of fan signal monitoring provided by the Communication Center at Huff Creek Mine as an alternative to having personnel on the surface at the mine to monitor fan operation. In support of the request, the petitioner states that:

(1) The Clover Fork fan can be monitored for operation at the Huff Creek Communication Center.

(2) Huff Creek Mine Communication Center personnel are present at all times when miners are underground.

(3) If there is an interruption in the fan operation, a notification from the Huff Creek Communication Center can be given to the miners underground at Clover Fork mine.

(4) Fan alarm signal monitoring by the Huff Creek Mine Communication Center is accomplished in two ways, first by fan signal connection to mine phones, and by a fiber optic line that is running from Clover Fork mine to the Huff Creek mine.

(5) The fiber optic line is connected to the CO monitoring and tracking system computer at Clover Fork mine which receives an input from the fan alarm signal device. The fiber optic line terminates at a computer in the Communication Center and provides both audible and visual notification if the Clover Fork fan stops operating.

(6) Voice communication to the Clover Fork mine is accomplished by three separate connections and also by wireless tracking system radios. Primary communication is by a mine phone line running through Huff Creek mine along A-Main entries to the borehole connection between the mines.

(7) Backup to the mine phone system is an overland copper pair for the emergency phone system provided by the land line telephone company. A third way of communication to the mine is by land line telephone to the mine office. Tracking system radios provide a fourth means of communication.

(8) In the event that the monitoring system for the fan should fail at the Huff Creek Mine Communication Center, Clover Fork mine management will provide personnel to monitor the fan operation at the mine site until repairs are made to the Huff Creek Mine Communication Center system.

The petitioner asserts that the proposed alternative method provides the same level of protection to all miners as provided by the existing standard.

Dated: October 24, 2014.

Sheila McConnell,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 2014–25773 Filed 10–29–14; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR Part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below to modify the application of existing mandatory safety standards codified in Title 30 of the Code of Federal Regulations.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations and Variances on or before December 1, 2014.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.
2. *Facsimile:* 202–693–9441.
3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939, Attention: Sheila McConnell, Acting Director, Office of Standards, Regulations and Variances. Persons delivering documents are required to check in at the receptionist's desk on the 21st floor. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2014–029–C.

Petitioner: North American Drillers, Contractor ID: H2Q, 130 Meadow Ridge Road, Suite 22, Mount Morris, Pennsylvania 15349.

Companies and Mines: Tunnel Ridge, LLC, Tunnel Ridge Mine, MSHA I.D. No. 46–08864, located in Ohio County, West Virginia; Mettiki Coal WV, LLC, Mountain View Mine, MSHA I.D. No. 46–09028, located in Tucker County, West Virginia; ACI Tygart Valley, Leer Mine, MSHA I.D. No. 46–09192, Taylor County, West Virginia; Monongalia County Coal Company, Monongalia County Mine, MSHA I.D. No. 46–01968, located in Monongalia County, West Virginia; Ohio County Coal Company, Ohio County Mine, MSHA I.D. No. 46–01436, located in Ohio County, West Virginia; Harrison County Coal Company, Harrison County Mine, MSHA I.D. No. 46–01318, located in Harrison County, West Virginia; Marshall County Coal Company, Marshall County Mine, MSHA I.D. No. 46–01437, located in Marshall County, West Virginia; Marion County Coal Company, Marion County Mine, MSHA I.D. No. 46–01433, located in Marion County, West Virginia; The Ohio Valley Coal Company, Powhatan #6 Mine, MSHA I.D. No. 33–01159, located in Belmont County, Ohio; and Eastern Associated Coal, LLC, Federal #2 Mine, MSHA I.D. No. 46–01456, located in Monongalia County, West Virginia.

Regulation Affected: 30 CFR 77.1914(a) (Electrical equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of 480-volt, three-phase, alternating current submersible pumps to dewater completed ventilation shafts prior to the shafts being put into service at the mines referenced in this petition.

The petitioner proposes the following terms and conditions:

(1) The three-phase, 480-volt alternating current electric power circuit for the pump will be designed and installed to:

(a) Contain either a direct or derived neutral wire, which will be grounded through a suitable resistor at the source transformer or power center and through a grounding circuit originating at the grounded side of the grounding resistor, that will extend along with the power conductors and serve as the grounding conductor for the frame of the pump and all associated electric equipment that may be supplied power from this circuit.

(b) Contain a grounding resistor that limits the ground-fault current to not more than 15 amperes. The grounding resistors will be rated for the maximum fault current available and will be insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(2) The 480-volt pump circuit will be provided with a suitable circuit interrupting device of adequate interrupting capacity, with devices to provide protection against under-voltage, grounded phase, short-circuit, and overload.

(3) The under-voltage protection device will operate on a loss of voltage to prevent automatic restarting of the equipment.

(4) The grounded phase protection device will be set not to exceed 40 percent of the current rating of the neutral grounding resistor. The 480-volt circuit will provide the following:

(i) A ''look ahead'' circuit device to prevent closing the breaker when a phase to ground fault condition exists on the system; and

(ii) A test circuit that will inject a test current through the grounded phase current transformer.

(5) The short-circuit protection device will be set not to exceed the required short-circuit protection for the power cable or 75 percent of the minimum available phase-to-phase short-circuit current, whichever is less.

(6) The circuit will include a disconnecting device located on the surface and installed in conjunction with the circuit breaker to provide a means for visual evidence that the power is disconnected from the pump circuits and a means to lock and tag-out the system.

(7) The pump power system will include a fail-safe ground check circuit or other, no less effective, device approved by the Secretary that will cause the circuit breaker to open when either the ground or pilot wire is broken. A manually operated test switch will be provided to verify the operation of the ground check device. The device will be installed, and maintained operable, to monitor the ground continuity from the starter box to the pump.

(8) The pump(s) electric control circuit(s) will be designed and installed so that:

(a) The pump(s) cannot start and/or run in either the manual or the automatic mode if the water is below the low water probe level.

(b) The low water probe will be positioned to maintain at least 12 inches above the inlet of the pump and electrical connections of the pump motor.

(c) The low water probe will be suitable for submersible pump control application.

(d) All probe circuits will be intrinsically safe.

(e) A motor controller will be provided and used for pump startup and shutdown.

(9) The pump installation will be equipped with a water level indicator at the pump circuit controls such that a miner can determine the water level above the pump inlet and electrical connector(s).

(10) The surface pump(s) control and power circuits will be examined as required by 30 CFR 77.502.

(a) A record of the examination will be kept in accordance with 30 CFR 77.502.

(b) The examination will include a functional test of the grounded phase protective device(s) to determine proper operation. A record of these functional tests will be recorded in an electric equipment record book.

(d) An electrical examination will be performed prior to placing the pump in service.

(e) Methane checks will be made at the collar of the borehole prior to energizing the pump. The pump will not be energized if 1.0 percent or greater of methane is detected.

(11) The power cable to the submersible pump motor will be suitable for this application and will have a current carrying capacity not less than 125 percent of the full load current of the submersible pump motor and an outer jacket suitable for a ''wet location''.

(12) Splices and connections made in submersible pump cable will be made in a workmanlike manner and will meet the requirements of 30 CFR 75.604. The pump installations will comply with all other applicable 30 CFR requirements.

(13) The District Manager will be notified prior to dewatering any shaft using a nonpermissible submersible pump. The required shaft plan will include this notification.

(14) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved part 48 training plan to the District Manager. The proposed revisions will specify task training for all qualified electricians who perform electric work and monthly electric examinations as required in 30 CFR 77.502, refresher training regarding the alternative method outlined in the petition, and the terms and conditions in the Proposed Decision and Order. Training will include the following elements:

(a) The hazards that could exist if the water level falls below the pump inlet or the electric connections of the pump motor.

(b) The safe restart procedures that will include the miner determining that the water level is above the pump inlet and pump motor prior to attempting to manually restart the pump motor.

(15) Procedures of 30 CFR 48.3 for approval of proposed revisions to already approved training plans will apply.

The petitioner states that:

(1) In the execution of work providing a blind drilled shaft for the mine operator the blind drilled shaft remains full of water and personnel are never required to go below the collar of the blind drilled shaft.

(2) Water will be removed from the blind drilled shaft installations upon completion of the work and prior to the mine operator connecting the blind drilled shaft to the underground mine.

(3) The blind drilled shaft is fully lined with steel casing and is grouted in place. This steel casing and grout seal isolate the completed blind drilled shaft from any coal seams, mitigating any possibility for methane to enter the blind drilled shaft.

(4) The electric motor of any submersible pump is located below the pump intake making it impossible for the motor to ever be above the surface of the water.

(5) There are no electric submersible motor/pump assemblies manufactured that will effectively pump water deeper than approximately 400 feet that are permissible as required in 30 CFR 77.1914(a).

(6) The petitioner proposes to use permissible pumps to dewater blind drilled shafts where depths are less than approximately 400 feet.

(7) At depths greater than approximately 400 feet, the alternative method outlined in this petition is consistent with prudent engineering design pursuant to 30 CFR 77.1900

whereas it minimizes the hazards to those employed in the initial or subsequent development of the blind drilled shaft.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the existing standard.

Docket Number: M–2014–030–C.

Petitioner: M-Class Mining, LLC, 11351 N. Thompsonville Road, Macedonia, Illinois 62860.

Mine: MC#1 Mine, MSHA I.D. No. 11–03189, located in Franklin County, Illinois.

Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut return air; permissibility requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of nonpermissible submersible deep well pumps in bleeder and return air courses. The petitioner proposes to install low-voltage alternating current submersible pumps in return and/or bleeder entries and sealed area of the MC#1Mine. The petitioner states that:

(1) These low-voltage submersible pumps will provide a pumping option to the existing turbine pumps that are installed to maintain the bleeder and return entries from obstructions caused by water. Water accumulations in these airways can pose a safety hazard as they can affect the airflow in the active and inactive parts of the mine.

(2) The pumps may be installed between 600 and 1,200 feet below the surface.

(3) The three-phase low-voltage alternating current electric power circuits for the pumps will be designed and installed to:

(a) Contain either a direct or derived neutral wire, which must be grounded through a suitable resistor at the source transformer or power center and through a grounding circuit originating at the grounded side of the grounding resistor, which must extend along with the power conductors and serve as the grounding conductor for the frame of the pump and all associated electric equipment that may be supplied power from this circuit. The borehole casing will be bonded to the system grounded medium.

(b) Contain a grounding resistor that limits the ground-fault current to not more than 15 amperes. The grounding resistor will be rated for the maximum fault current available and will be insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(c) Provide protection by a suitable circuit breaker of adequate interrupting capacity with devices to protect against undervoltage, grounded phase, short-circuit, and overload.

(d) Contain a disconnecting device installed in conjunction with the circuit breaker to provide visual evidence that the power is disconnected.

(e) Include a fail-safe ground check circuit or other no less effective device approved by the Secretary as required by 30 CFR 75.902, that will cause the circuit breaker to open when either the ground or pilot wire is broken.

(4) The pump(s) electric control circuits will be designed and installed so that:

(a) The pump(s) cannot start and/or run in either the manual or the automatic mode if the water is below the low level indicator (probe or bubbler) level.

(b) The low level (probe or bubbler) water level probe will be located at least three feet above the pump inlet and motor and electrical connections of the pump(s).

(c) The high and low water probes must be suitable for submersible pump control application.

(d) All water level probe circuits will be protected with MSHA approved intrinsically safe barriers.

(e) A remote control and monitoring system may be used with the pump system for condition monitoring and for remote start-up and shutdown control of the pumps. The remote control and monitoring system will not allow remote reset of the pump power system when fault conditions (e.g., grounded phase, short circuit, or overload) exist on the system.

(5) The surface pump(s) control and power circuits will be examined, tested, and maintained as required by 30 CFR 77.502.

(6) Splices and connections made in submersible pump cable will be made in a workmanlike manner and will meet the requirements of 30 CFR 75.604. The pump installations will comply with all other applicable 30 CFR requirements.

(7) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved part 48 training plan to the District Manager. The proposed revisions will specify task training for all qualified electricians who perform electric work and monthly electric examinations, testing and maintenance as required in 30 CFR 77.502, refresher training regarding the alternative method outlined in the petition, and the terms and conditions in the Proposed Decision and Order.

(8) The procedures of 30 CFR 48.3 for approval of proposed revisions to already approved training plans will apply.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the existing standard.

Dated: October 24, 2014.

Sheila McConnell,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 2014–25774 Filed 10–29–14; 8:45 am]

BILLING CODE 4510–43–P

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Agency Information Collection Activities: Extension of Information Collection; Comment Request

AGENCY: Office of the Director of National Intelligence (ODNI).

ACTION: Notice.

SUMMARY: In December 2011, the ODNI accepted responsibility from the Information Security Oversight Office (ISOO) to manage the continuation in existence of Standard Form 714: Financial Disclosure Report, in accordance with the responsibilities assigned to the Director of National Intelligence (DNI) as Security Executive Agent. Standard Form 714 is used across the U.S. Government for assessing an individual's eligibility (or continued eligibility) for access to certain types of classified information. This standard form must be completed and submitted as a condition for access to designated classified information, along with a favorably adjudicated personnel security background investigation or reinvestigation. Accordingly, the ODNI is seeking to revive and maintain in effect for an additional three years the version of Standard Form 714 that expired on 6/30/12. The ODNI proposed no changes to the Standard Form 714 and its instructions at this time.

DATES: Written comments must be received on or before December 1, 2014 to be assured of consideration.

ADDRESSES: Comments should be sent to: *dni-foia@dni.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection and supporting statements should be directed to Ms. Jennifer L. Hudson, Director of the Information Management Division, Office of the Chief Information Officer, Office of the Director of

National Intelligence, Washington, DC 20511; 703–874–8085

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), ODNI is requesting extension in effect of SF 714, proposing no changes to the Form and its instructions at this time. ODNI invites the general public and other Federal agencies to comment on Standard Form 714. The comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection reflected in the Standard Form 714 meets the intent of section 1.3 (''Financial Disclosure'') of Executive Order 12968, as amended (''Access to Classified Information''); (b) the accuracy of the estimated burden of the proposed information collection for Standard Form 714; (c) ways to enhance the quality, utility, and clarity of the information to be collected in the Standard Form 714; (d) ways, including the use of information technology, to minimize the burden of the collection of information on all respondents to the Standard Form 714; and (e) whether small businesses are affected by this collection. The comments that are submitted will be summarized and included in the ODNI request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

Abstract: The National Security Act of 1947, as amended; section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004; and Executive Order 13467, ''Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information,'' authorize the DNI, as the Security Executive Agent, to develop standard forms, including a standard financial disclosure form, that promotes uniformity and consistency in the implementation of the Government's security programs.

The Financial Disclosure Report contains information that is used to assist in making eligibility determinations for access to specifically designated classified information pursuant to Executive Order 12968, as amended, ''Access to Classified Information.'' The data may later be used as part of a review process to evaluate continued eligibility for access to such specifically designated classified information or as evidence in legal proceedings. In addition, law enforcement entities may use this data where pertinent to appropriate investigatory activity.

Respondent burden data follows below:

Title: Financial Disclosure Report.

OMB number: 3440–0001.

Agency form number: Standard Form 714.

Type of review: Regular.

Affected public: Business or other for-profit.

Estimated number of respondents: 86,000.

Estimated time per response: 2 hours.

Frequency of response: Annually.

Estimated total annual burden hours: 172,000 hours.

Dated: October 16, 2014.

Mark W. Ewing,

Chief Management Officer.

[FR Doc. 2014–25846 Filed 10–29–14; 8:45 am]

BILLING CODE 9500–01–P–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by December 1, 2014. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Li Ling Hamady, ACA Permit Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7149.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

1. Applicant, Permit Application: 2015–012

Dr. Diana H. Wall, Natural Resource Ecology Lab, Dept. 1499, Colorado State University, Fort Collins, CO 80526–1499

Activity for Which Permit Is Requested: ASPA entry, Import. Applicant wishes to enter Cape Royds ASPA 121 to collect soil samples and associated invertebrates as well as benthic algal mats and underlying soil. This project follows up on several past surveys of orthinogenic soils conducted in this ASPA which examined invertebrate genetic distribution, and also explores the influence of climate change on soil invertebrate populations. The algae sampling is to also follow up on previous surveys, to examine the temporal stability of lake algal communities in the region. Soil samples of approximately 600 grams each would be collected at up to 30 sites within the ASPA using sterile collecting techniques. For benthic algae, at 6 sites along the shore of Poly Lake, the applicant and team would use a sanitized 2cm copper coring apparatus to collect, by hand, 4 replicates of surface algal mats and 1–2 cm of underlying sediment. Samples would be transported back to the US for further study.

Location: ASPA 121 Cape Royds.

Dates: January 1, 2015–February 15, 2015.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–25772 Filed 10–29–14; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Li Ling Hamady, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: *ACApermits@nsf.gov*

SUPPLEMENTARY INFORMATION: On August 18, 2014 the National Science Foundation published a notice in the **Federal Register** of a permit application received. After considering all comments received, the permit modification was issued on October 24, 2014 to: Dan McGrath and Dwayne Stevens, Permit No. 2014–007.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–25771 Filed 10–29–14; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board's *ad hoc* Working Group on Administrative Burdens (AB), pursuant to NSF regulations (45 CFR Part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

DATE AND TIME: Wednesday, November 5, 10:00–11:00 a.m., EST.

SUBJECT MATTER: Chairman's updates on implementation of previous Board recommendations; and discussion of the scope of work for the *ad hoc* Working Group on Administrative Burdens.

STATUS: Open.

This meeting will be held by teleconference. A public listening line will be available. Members of the public must contact the Board Office (call 703–292–7000 or send an email message to *nationalsciencebrd@nsf.gov*) at least 24 hours prior to the teleconference for the public listening number. Please refer to the National Science Board Web site *www.nsf.gov/nsb* for additional information and schedule updates (time, place, subject matter or status of meeting) which may be found at *http://www.nsf.gov/nsb/notices/.* Point of contact for this meeting is Jacqueline Meszaros at *jmeszaro@nsf.gov.*

Ann Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2014–25891 Filed 10–28–14; 11:15 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 040–8943; NRC–2008–0208]

License Renewal of Crow Butte ISR, Uranium In Situ Recovery Project

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering renewal of Crow Butte Resources, Inc. (CBR or the applicant), Source Materials License SUA–1534 for continued uranium production operations and in situ recovery (ISR) of uranium at the Crow Butte Project in Crawford, Nebraska.

DATES: The environmental assessment and finding of no significant impact are available as of October 30, 2014.

ADDRESSES: Please refer to Docket ID NRC–2008–0208 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0208. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Nathan Goodman, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–2703, email: *Nathan.Goodman@nrc.gov;* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering renewal of CBR's Source Materials License SUA–1534 for continued uranium production operations and ISR of uranium at the Crow Butte Project in Crawford, Nebraska. The applicant is proposing continued ISR operations and processing materials into yellowcake to be shipped for conversion. The NRC staff has prepared an Environmental Assessment (EA) in support of this proposed license renewal, in accordance with the requirements in Part 51 of Title 10 of the *Code of Federal Regulations* (10 CFR). The NRC staff has also completed a safety evaluation of the proposed license renewal, pursuant to 10 CFR Part 40, and the results of the safety evaluation are documented in a separate Safety Evaluation Report (SER), ADAMS Accession No. ML14149A433. If approved, the NRC will issue the renewed license following the publication of this notice. The new license will also be made publicly available in ADAMS.

II. Environmental Assessment Summary

On November 27, 2007, CBR submitted an application to the NRC to extend the current NRC License SUA–1534 for an additional 10 years of operation (ADAMS Accession Nos. ML073480266, ML073480272, ML073480274, and ML073480267). The proposed action would permit CBR to continue ISR operations and yellowcake production at the CBR facility. The ISR operations require an extraction step and a uranium recovery step. Extraction is accomplished by installing a series of injection wells through which barren lixiviant (a mixture of groundwater charged with oxygen and bicarbonate) is pumped into an underground geological formation containing uranium deposits (the ore body). Corresponding production wells and pumps promote flow through the ore body and allow for the collection of uranium-rich pregnant lixiviant. Uranium is removed from the pregnant lixiviant by ion exchange, and then from the ion exchange resin by elution. After the uranium is removed, the lixiviant can then be recharged and

reinjected into the ore body to repeat the extraction cycle. The elution liquid containing the uranium (the ''pregnant'' eluant) is then processed by precipitation, dewatering, and drying to produce a transportable form of uranium (yellowcake).

The NRC staff has assessed the environmental impacts associated with the request from CBR to renew its Source Materials License No. SUA–1534 for CBR's ISR facility located in Crawford, Nebraska, as well as the no action alternative, and has documented the results in this EA. The NRC staff performed its environmental review in accordance with the requirements in 10 CFR Part 51. In conducting the environmental review, the NRC staff considered information in the license renewal application (LRA); information in the responses to the NRC staff's requests for additional information (RAIs); communications with CBR, the Nebraska State Historic Preservation Office (SHPO), and the Nebraska Department of Environmental Quality (NDEQ); information from the NRC staff site visits and inspections; consultation with Native American Tribes and the public; and the NRC staff's independent analysis.

In this EA, the NRC staff evaluated the potential environmental impacts of the proposed action and the no action alternative on the affected environment, specifically: land use; historical and cultural resources; visual and scenic resources; air quality; geology and soils; water resources; ecological resources; socioeconomics; environmental justice; noise; transportation; and public and occupational health and safety.

The NRC staff evaluated the potential impacts and categorized the impacts as follows:

- SMALL—environmental effects are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource.
- MODERATE—environmental effects are sufficient to alter noticeably, but not to destabilize, important attributes of the resource.
- LARGE—environmental effects are clearly noticeable and are sufficient to destabilize important attributes of the resource.

Additionally, the NRC staff analyzed the cumulative impacts from past, present, and reasonably foreseeable future actions when combined with the environmental impacts from the proposed action. For cumulative impacts, the NRC staff evaluated whether these actions would have a significant impact on each resource area.

The NRC staff has determined that renewal of Source Material License SUA–1534 will be consistent with the requirements of 10 CFR Part 40 and will not have long-term detrimental impacts on the environment. The following statements summarize the conclusions resulting from the staff's environmental assessment:

(1) Impacts for all resource areas were determined to be SMALL.

(2) Approval of the proposed action would not alter the current land use at the CBR facility. No new construction, including roads, at the CBR facility is anticipated. Traffic is not expected to increase from current conditions.

(3) The NRC staff has determined that impacts to water resources, discussed in detail in Sections 4.6 and 4.13.6 of the EA, would not be significant from the relicensing of the CBR facility. Under the license renewal, the facility would continue to operate in accordance with the State and Federal requirements that minimize impacts to water resources.

(4) The proposed action would have SMALL impacts to cultural resources. Consultation was completed between the NRC and Native American Tribes in accordance with Section 106 of the National Historic Preservation Act (NHPA), and there were no sites considered eligible for listing in the National Register of Historic Places. Additionally, there will be no disproportionally high and adverse impacts on minority and low-income populations.

(5) Impacts to threatened and endangered species are not expected from the relicensing of the CBR facility because no new construction or land disturbance is anticipated.

(6) There would be no impacts to the public pertaining to radiological and non-radiological health associated with relicensing the CBR facility. Under the license renewal, the facility would continue to operate in accordance with the State and Federal requirements that minimize radiological and non-radiological impacts.

(7) The NRC staff analyzed potential cumulative impacts and concluded that there would not be significant adverse cumulative impacts to any resource area.

III. Finding of No Significant Impact (FONSI)

Based on its review of the proposed action, in accordance with the requirements in 10 CFR Part 51, the NRC staff has concluded that the proposed action, renewal of NRC Source Materials License No. SUA–1534 for CBR's ISR facility located in Crawford, Nebraska, will not have a significant impact on the resource areas discussed in this EA and will not significantly affect the quality of the human environment. Therefore, the NRC staff has determined, pursuant to 10 CFR 51.31, that preparation of an environmental impact statement is not required for the proposed action and a FONSI is appropriate.

IV. Availability of Documents

The documents identified in the following table are available to interested persons as indicated. For additional information on accessing ADAMS, see the **ADDRESSES** section of this document.

Document	ADAMS Accession No.
License Renewal Application	ML073480266, ML073480272, ML073480274, ML073480267
Applicant's Response to Environmental RAIs	ML091980473
Section 106 Documents:	
NRC Staff Documentation of Section 106 Review Findings	ML13260A566
Traditional Cultural Property Survey Report by Santee Sioux Nation and Crow Nation	ML13093A123
NRC Staff letter to Nebraska SHPO requesting concurrence on completion of Section 106 process	ML13105A359
Nebraska SHPO response to concurrence letter	ML13266A266
Environmental Assessment	ML14288A517
Safety Evaluation Report	ML14149A433

The Section 106 documents listed in the above table are also publicly available on the NRC Web site at: *http://www.nrc.gov/info-finder/materials/uranium/licensed-facilities/crow-butte/section-106-license-renewal-docs.html.*

Dated at Rockville, Maryland, this 24th day of October, 2014.

For the Nuclear Regulatory Commission.

Marissa G. Bailey,

Director, Division of Fuel Cycle Safety, Safeguards and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2014–25853 Filed 10–29–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will convene a teleconference meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on December 10, 2014, to discuss the Committee's comments on NRC's Advanced Notice of Proposed Rulemaking for Title 10 of the *Code of Federal Regulations* for Part 20. Meeting information, including a copy of the agenda and handouts, will be available at *http://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2014.html.* The agenda and handouts may also be obtained by contacting Ms. Sophie Holiday using the information below.

DATE: The teleconference meeting will be held on Wednesday, December 10, 2014, 2:00 p.m. to 4:00 p.m. Eastern Daylight Time (EDT).

Public Participation: Any member of the public who wishes to participate in the teleconference should contact Ms. Holiday using the contact information below.

Contact Information: Sophie Holiday, email: *sophie.holiday@nrc.gov,* telephone: (301) 415–7865.

Conduct of the Meeting

Dr. Bruce Thomadsen, ACMUI Chairman, will preside over the meeting. Dr. Thomadsen will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Holiday at the contact information listed above. All submittals must be received by December 05, 2014, three business days prior to the meeting, and must pertain to the topic on the agenda for the meeting.

2. Questions and comments from members of the public will be permitted during the meetings, at the discretion of the Chairman.

3. The draft transcript and meeting summary will be available on ACMUI's Web site *http://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2014.html* on or about January 23, 2015.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations,* Part 7.

Dated: October 24, 2014

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2014–25854 Filed 10–29–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Call for Nominations

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Call for Nominations.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is advertising for nominations for the position of radiation therapy medical physicist on the Advisory Committee on the Medical Uses of Isotopes (ACMUI).

DATES: Nominations are due on or before January 13, 2015.

Nomination Process: Submit an electronic copy of resume or curriculum vitae to Ms. Sophie Holiday, *Sophie.Holiday@nrc.gov.* Please ensure that the resume or curriculum vitae includes the following information, if applicable: Education; certification; professional association membership and committee membership activities; duties and responsibilities in current and previous clinical, research, and/or academic position(s).

FOR FURTHER INFORMATION CONTACT: Ms. Sophie Holiday, U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards; (301) 415–7865; *Sophie.Holiday@nrc.gov.*

SUPPLEMENTARY INFORMATION: The ACMUI advises NRC on policy and technical issues that arise in the regulation of the medical use of byproduct material.

Responsibilities include providing comments on changes to NRC regulations and guidance; evaluating certain non-routine uses of byproduct material; providing technical assistance in licensing, inspection, and enforcement cases; and bringing key issues to the attention of NRC staff, for appropriate action.

ACMUI members possess the medical and technical skills needed to address evolving issues. The current membership is comprised of the following professionals: (a) Nuclear medicine physician; (b) nuclear cardiologist; (c) two radiation oncologists; (d) diagnostic radiologist; (e) therapy medical physicist; (f) nuclear medicine physicist; (g) nuclear pharmacist; (h) health care administrator; (i) radiation safety officer; (j) patients' rights advocate; (k) Food and Drug Administration representative; and (l) Agreement State representative.

NRC is inviting nominations for the therapy medical physicist to the ACMUI. The term of the individual currently occupying this position will end October 15, 2015. Committee members currently serve a four-year term and may be considered for reappointment to an additional term.

Nominees must be U.S. citizens and be able to devote approximately 160 hours per year to Committee business. Members who are not Federal employees are compensated for their service. In addition, members are reimbursed for travel (including per-diem in lieu of subsistence) and are reimbursed secretarial and correspondence expenses. Full-time Federal employees are reimbursed travel expenses only.

Security Background Check: The selected nominee will undergo a thorough security background check. Security paperwork may take the nominee several weeks to complete. Nominees will also be required to complete a financial disclosure statement to avoid conflicts of interest.

Dated at Rockville, Maryland this 24th day of October, 2014.

For the U.S. Nuclear Regulatory Commission.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2014–25851 Filed 10–29–14; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

2015 Railroad Experience Rating Proclamations, Monthly Compensation Base and Other Determinations

AGENCY: Railroad Retirement Board.

ACTION: Notice.

SUMMARY: Pursuant to section 8(c)(2) and section 12(r)(3) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(2) and 45 U.S.C. 362(r)(3), respectively), the Board gives notice of the following:

1. The balance to the credit of the Railroad Unemployment Insurance (RUI) Account, as of June 30, 2014, is $140,802,288.41;
2. The September 30, 2014, balance of any new loans to the RUI Account, including accrued interest, is zero;
3. The system compensation base is $3,901,571,076.71 as of June 30, 2014;
4. The cumulative system unallocated charge balance is ($379,702,597.46) as of June 30, 2014;
5. The pooled credit ratio for calendar year 2015 is zero;
6. The pooled charged ratio for calendar year 2015 is zero;
7. The surcharge rate for calendar year 2015 is 1.5 percent;
8. The monthly compensation base under section 1(i) of the Act is $1,455 for months in calendar year 2015;
9. The amount described in sections 1(k) and 3 of the Act as ''2.5 times the monthly compensation base'' is $3,637.50 for base year (calendar year) 2015;
10. The amount described in section 4(a-2)(i)(A) of the Act as ''2.5 times the monthly compensation base'' is $3,637.50 with respect to disqualifications ending in calendar year 2015;
11. The amount described in section 2(c) of the Act as ''an amount that bears the same ratio to $775 as the monthly compensation base for that year as computed under section 1(i) of this Act bears to $600'' is $1,879 for months in calendar year 2015;
12. The maximum daily benefit rate under section 2(a)(3) of the Act is $72 with respect to days of unemployment and days of sickness in registration periods beginning after June 30, 2015.

DATES: The balance in notice (1) and the determinations made in notices (3) through (7) are based on data as of June 30, 2014. The balance in notice (2) is based on data as of September 30, 2014. The determinations made in notices (5) through (7) apply to the calculation, under section 8(a)(1)(C) of the Act, of employer contribution rates for 2015. The determinations made in notices (8) through (11) are effective January 1, 2015. The determination made in notice (12) is effective for registration periods beginning after June 30, 2015.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611–2092.

FOR FURTHER INFORMATION CONTACT: Marla L. Huddleston, Bureau of the Actuary, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611–2092, telephone (312) 751–4779.

SUPPLEMENTARY INFORMATION: The RRB is required by section 8(c)(1) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(1)) as amended by Public Law 100–647, to proclaim by October 15 of each year certain system-wide factors used in calculating experience-based employer contribution rates for the following year. The RRB is further required by section 8(c)(2) of the Act (45 U.S.C. 358(c)(2)) to publish the amounts so determined and proclaimed. The RRB is required by section 12(r)(3) of the Act (45 U.S.C. 362(r)(3)) to publish by December 11, 2014, the computation of the calendar year 2015 monthly compensation base (section 1(i) of the Act) and amounts described in sections 1(k), 2(c), 3 and 4(a–2)(i)(A) of the Act which are related to changes in the monthly compensation base. Also, the RRB is required to publish, by June 11, 2015, the maximum daily benefit rate under section 2(a)(3) of the Act for days of unemployment and days of sickness in registration periods beginning after June 30, 2015.

Surcharge Rate

A surcharge is added in the calculation of each employer's contribution rate, subject to the applicable maximum rate, for a calendar year whenever the balance to the credit of the RUI Account on the preceding June 30 is less than the greater of $100 million or the amount that bears the same ratio to $100 million as the system compensation base for that June 30 bears to the system compensation base as of June 30, 1991. If the RUI Account balance is less than $100 million (as indexed), but at least $50 million (as indexed), the surcharge will be 1.5 percent. If the RUI Account balance is less than $50 million (as indexed), but greater than zero, the surcharge will be 2.5 percent. The maximum surcharge of 3.5 percent applies if the RUI Account balance is less than zero.

The ratio of the June 30, 2014 system compensation base of $3,901,571,076.71 to the June 30, 1991 system compensation base of $2,763,287,237.04 is 1.41193106. Multiplying 1.41193106 by $100 million yields $141,193,106. Multiplying $50 million by 1.41193106 produces 70,596,553. The Account balance on June 30, 2014, was $140,802,288.41. Accordingly, the surcharge rate for calendar year 2015 is 1.5 percent.

Monthly Compensation Base

For years after 1988, section 1(i) of the Act contains a formula for determining the monthly compensation base. Under the prescribed formula, the monthly compensation base increases by approximately two-thirds of the cumulative growth in average national wages since 1984. The monthly compensation base for months in calendar year 2015 shall be equal to the greater of (a) $600 or (b) $600 [1 + {(A—37,800)/56,700}], where A equals the amount of the applicable base with respect to tier 1 taxes for 2015 under section 3231(e)(2) of the Internal Revenue Code of 1986. Section 1(i) further provides that if the amount so determined is not a multiple of $5, it shall be rounded to the nearest multiple of $5.

Using the calendar year 2015 tier 1 tax base of $118,500 for A above produces the amount of $1,453.97, which must then be rounded to $1,455. Accordingly, the monthly compensation base is determined to be $1,455 for months in calendar year 2015.

Amounts Related to Changes in Monthly Compensation Base

For years after 1988, sections 1(k), 3, 4(a–2)(i)(A) and 2(c) of the Act contain formulas for determining amounts related to the monthly compensation base.

Under section 1(k), remuneration earned from employment covered under the Act cannot be considered subsidiary remuneration if the employee's base year compensation is less than 2.5 times the monthly compensation base for months in such base year. Under section 3, an employee shall be a ''qualified employee'' if his/her base year compensation is not less than 2.5 times the monthly compensation base for months in such base year. Under section 4(a–2)(i)(A), an employee who leaves work voluntarily without good cause is disqualified from receiving unemployment benefits until he has been paid compensation of not less than 2.5 times the monthly compensation base for months in the calendar year in which the disqualification ends.

Multiplying 2.5 by the calendar year 2015 monthly compensation base of $1,455 produces $3,637.50. Accordingly, the amount determined under sections 1(k), 3 and 4(a–2)(i)(A) is $3,637.50 for calendar year 2015.

Under section 2(c), the maximum amount of normal benefits paid for days of unemployment within a benefit year and the maximum amount of normal benefits paid for days of sickness within a benefit year shall not exceed an employee's compensation in the base year. In determining an employee's base year compensation, any money remuneration in a month not in excess of an amount that bears the same ratio to $775 as the monthly compensation base for that year bears to $600 shall be taken into account.

The calendar year 2015 monthly compensation base is $1,455. The ratio of $1,455 to $600 is 2.42500000. Multiplying 2.42500000 by $775 produces $1,879. Accordingly, the amount determined under section 2(c) is $1,879 for months in calendar year 2015.

Maximum Daily Benefit Rate

Section 2(a)(3) contains a formula for determining the maximum daily benefit rate for registration periods beginning after June 30, 1989, and after each June 30 thereafter. Legislation enacted on October 9, 1996, revised the formula for indexing maximum daily benefit rates. Under the prescribed formula, the maximum daily benefit rate increases by approximately two-thirds of the cumulative growth in average national wages since 1984. The maximum daily benefit rate for registration periods beginning after June 30, 2015, shall be equal to 5 percent of the monthly compensation base for the base year immediately preceding the beginning of the benefit year. Section 2(a)(3) further provides that if the amount so computed is not a multiple of $1, it shall be rounded down to the nearest multiple of $1.

The calendar year 2014 monthly compensation base is $1,440. Multiplying $1,440 by 0.05 yields $72. Accordingly, the maximum daily benefit rate for days of unemployment and days of sickness beginning in registration periods after June 30, 2015, is determined to be $72.

By Authority of the Board.

Martha P. Rico,

Secretary to the Board.

[FR Doc. 2014–25810 Filed 10–29–14; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31319; 812–14271]

ETF Securities Advisors LLC, et al.; Notice of Application

October 24, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.

APPLICANTS: ETF Securities Advisors LLC (''ETF Securities''), ETFS Trust (the ''Trust''), and ALPS Distributors, Inc. (the ''Distributor'').

SUMMARY OF APPLICATION: Applicants request an order that permits: (a) Actively-managed series of certain open-end management investment companies to issue shares (''Shares'') redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days from the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

DATES: *Filing Dates:* The application was filed on January 29, 2014 and amended on July 29, 2014 and October 23, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 18, 2014, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: The Commission: Brent J. Fields, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: ETF Securities Advisors LLC and ETFS Trust, 48 Wall Street, New York, NY 10005; Distributor: ALPS Distributors, Inc., P.O. Box 328, Denver, CO 80201.

FOR FURTHER INFORMATION CONTACT: Vanessa M. Meeks, Senior Counsel, at (202) 551–6806 or Melissa R. Harke, Branch Chief, at (202) 551–6722 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust will be registered as an open-end management investment company under the Act and is a statutory trust organized under the laws of Delaware. The Trust initially will offer one series, the ETFS Diversified Commodities Fund (the ''Initial Fund''), which applicants state will seek total return. The Initial Fund will be an investment company subject to regulation under the 1940 Act and will seek to achieve its investment objective by investing substantially all of its assets in a combination of commodity and currency-linked investments, U.S. government securities and money market instruments. The Initial Fund will seek to gain exposure to commodity markets, in whole or in part, through investments in a wholly-owned subsidiary that will be organized under the laws of the Cayman Islands.

2. ETF Securities, a Delaware limited liability company, will be registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). ETF Securities will serve as investment adviser to the Initial Fund. The Advisor (as defined below) may in the future retain one or more sub-advisors (each a ''Sub-Advisor'') to manage the portfolios of the Funds (as defined below). Any Sub-Advisor will be registered, or not subject to registration, under the Advisers Act. The Distributor is a registered broker-

dealer (''Broker'') under the Securities Exchange Act of 1934 (''Exchange Act'') and will act as the distributor and principal underwriter of the Funds.

3. Applicants request that the order apply to the Initial Fund and any future series of the Trust as well as other open-end management companies that may utilize active management investment strategies (''Future Funds''). Any Future Fund will (a) be advised by ETF Securities or an entity controlling, controlled by, or under common control with ETF Securities (ETF Securities and each such other entity and any successor thereto included in the term ''Advisor''),[1] and (b) comply with the terms and conditions of the application.[2] The Initial Fund and Future Funds together are the ''Funds''.[3] Each Fund will consist of a portfolio of securities (including fixed income securities and/or equity securities) and/or currencies traded in the U.S. and/or non-U.S. markets, futures contracts, options on such futures contracts, swaps, forward contracts or other derivatives, other assets, and other investment positions (''Portfolio Instruments'').[4] Funds may invest in ''Depositary Receipts''.[5] Each Fund will operate as an actively managed exchange-traded fund (''ETF'').

4. Applicants also request that any exemption under section 12(d)(1)(J) of the Act apply to: (1) With respect to section 12(d)(1)(B), any Fund that is currently or subsequently part of the same ''group of investment companies'' as the Initial Fund within the meaning of section 12(d)(1)(G)(ii) of the Act as well as any principal underwriter for the Fund and any Brokers selling Shares of a Fund to an Investing Fund (as defined below); and (2) with respect to section 12(d)(1)(A), each management investment company or unit investment trust registered under the Act that is not part of the same ''group of investment companies'' as the Funds, and that enters into a FOF Participation Agreement (as defined below) with a Fund (such management investment companies, ''Investing Management Companies,'' such unit investment trusts, ''Investing Trusts,'' and Investing Management Companies and Investing Trusts together, ''Investing Funds''). Investing Funds do not include the Funds.[6]

5. Applicants anticipate that a Creation Unit will consist of at least 25,000 Shares. Applicants anticipate that the trading price of a Share will range from $10 to $100. All orders to purchase Creation Units must be placed with the Distributor by or through a party that has entered into a participant agreement with the Distributor and the transfer agent of the Fund (''Authorized Participant'') with respect to the creation and redemption of Creation Units. An Authorized Participant is either: (a) A Broker or other participant in the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC''), a clearing agency registered with the Commission and affiliated with the Depository Trust Company (''DTC''), or (b) a participant in the DTC (such participant, ''DTC Participant'').

6. In order to keep costs low and permit each Fund to be as fully invested as possible, Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'').[7] On any given Business Day[8] the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, and these instruments may be referred to, in the case of either a purchase or redemption, as the ''Creation Basket.'' In addition, the Creation Basket will correspond pro rata to the positions in a Fund's portfolio (including cash positions),[9] except:

(a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement;

(b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots;[10] or (c) TBA Transactions,[11] short positions and other positions that cannot be transferred in kind[12] will be excluded from the Creation Basket.[13] If there is a difference between NAV attributable to a Creation Unit and the aggregate market value of the Creation Basket exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the ''Cash Amount'').

7. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Cash Amount, as described above; (b) if, on a given Business Day, a Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or

[1] For the purposes of the requested order, a ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] Any Advisor to a Future Fund will be registered as an investment adviser under the Advisers Act. All entities that currently intend to rely on the order are named as applicants. Any other entity that relies on the order in the future will comply with the terms and conditions of the application.

[3] Applicants further request that the order apply to any future distributor and principal underwriter of the Funds (included in the term ''Distributor''), which would be a registered broker-dealer under the Exchange Act and would comply with the terms and conditions of the Application. The Distributor of any Fund may be an affiliated person of the Advisor and/or Sub-Advisors.

[4] If a Fund invests in derivatives, then (a) the board of trustees (''Board'') of the Fund will periodically review and approve the Fund's use of derivatives and how the Fund's investment adviser assesses and manages risk with respect to the Fund's use of derivatives and (b) the Fund's disclosure of its use of derivatives in its offering documents and periodic reports will be consistent with relevant Commission and staff guidance.

[5] Depositary Receipts are typically issued by a financial institution, a ''depositary'', and evidence ownership in a security or pool of securities that have been deposited with the depositary. A Fund will not invest in any Depositary Receipts that the Advisor or any Sub-Advisor deems to be illiquid or for which pricing information is not readily available. No affiliated persons of applicants, any Future Fund, any Advisor, or any Sub-Advisor will serve as the depositary bank for any Depositary Receipts held by a Fund.

[6] An Investing Fund may rely on the order only to invest in Funds and not in any other registered investment company.

[7] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act of 1933 (''Securities Act''). In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to Rule 144A under the Securities Act, the Funds will comply with the conditions of Rule 144A.

[8] Each Fund will sell and redeem Creation Units on any day the Fund is open, including as required by section 22(e) of the Act (each, a ''Business Day'').

[9] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's net asset value (''NAV'') for that Business Day.

[10] A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[11] A TBA Transaction is a method of trading mortgage-backed securities. In a TBA Transaction, the buyer and seller agree on general trade parameters such as agency, settlement date, par amount and price.

[12] This includes instruments that can be transferred in kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

[13] Because these instruments will be excluded from the Creation Basket, their value will be reflected in the determination of the Cash Amount (defined below).

redemption order from an Authorized Participant, a Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash; (d) if, on a given Business Day, a Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC or DTC; or (ii) in the case of Funds holding non-U.S. investments (''Global Funds''), such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if a Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Global Fund would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.[14]

8. Each Business Day, before the open of trading on a national securities exchange, as defined in section 2(a)(26) of the Act (''Stock Exchange''), on which Shares are listed, each Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Creation Basket, as well as the estimated Cash Amount (if any), for that day. The published Creation Basket will apply until a new Creation Basket is announced on the following Business Day, and there will be no intra-day changes to the Creation Basket except to correct errors in the published Creation Basket. The Stock Exchange will disseminate every 15 seconds throughout the trading day an amount representing, on a per Share basis, the sum of the current value of the Portfolio Instruments that were publicly disclosed prior to the commencement of trading in Shares on the Stock Exchange.

9. A Fund may recoup the settlement costs charged by NSCC and DTC by imposing a transaction fee on investors purchasing or redeeming Creation Units (the ''Transaction Fee''). The Transaction Fee will be borne only by purchasers and redeemers of Creation Units and will be limited to amounts that have been determined appropriate by the Advisor to defray the transaction expenses that will be incurred by a Fund when an investor purchases or redeems Creation Units.[15] All orders to purchase Creation Units will be placed with the Distributor by or through an Authorized Participant and the Distributor will transmit all purchase orders to the relevant Fund. The Distributor will be responsible for delivering a prospectus (''Prospectus'') to those persons purchasing Creation Units and for maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it.

10. Shares will be listed and traded at negotiated prices on a Stock Exchange and traded in the secondary market. Applicants expect that Stock Exchange specialists or market makers (''Market Makers'') will be assigned to Shares. The price of Shares trading on the Stock Exchange will be based on a current bid/offer in the secondary market. Transactions involving the purchases and sales of Shares on the Stock Exchange will be subject to customary brokerage commissions and charges.

11. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs. Market Makers, acting in their unique role to provide a fair and orderly secondary market for Shares, also may purchase Creation Units for use in their own market making activities.[16] Applicants expect that secondary market purchasers of Shares will include both institutional and retail investors.[17] Applicants expect that arbitrage opportunities created by the ability to continually purchase or redeem Creation Units at their NAV per Share should ensure that the Shares will not trade at a material discount or premium in relation to their NAV.

12. Shares will not be individually redeemable and owners of Shares may acquire those Shares from a Fund, or tender such shares for redemption to the Fund, in Creation Units only. To redeem, an investor must accumulate enough Shares to constitute a Creation Unit. Redemption requests must be placed by or through an Authorized Participant.

13. Neither the Trust nor any Fund will be marketed or otherwise held out as a ''mutual fund.'' Instead, each Fund will be marketed as an ''exchange-traded fund.'' In any advertising material where features of obtaining, buying or selling Shares traded on the Stock Exchange are described there will be an appropriate statement to the effect that Shares are not individually redeemable.

14. The Funds' Web site, which will be publicly available prior to the public offering of Shares, will include a Prospectus and additional quantitative information updated on a daily basis, including, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or mid-point of the bid/ask spread at the time of the calculation of such NAV (''Bid/Ask Price''), and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV. On each Business Day, before commencement of trading in Shares on the Stock Exchange, the Fund will disclose on its Web site the identities and quantities of the Portfolio Instruments held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.[18] This disclosure will look through the ETFS Cayman Subsidiary and identify the specific Portfolio Instruments held by that entity.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for an exemption

[14] A ''custom order'' is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

[15] Where a Fund permits an in-kind purchaser to deposit cash in lieu of depositing one or more Deposit Instruments, the purchaser may be assessed a higher Transaction Fee to offset the cost to the Fund of buying those particular Deposit Instruments. In all cases, the Transaction Fee will be limited in accordance with the requirements of the Commission applicable to open-end management investment companies offering redeemable securities.

[16] If Shares are listed on The NASDAQ Stock Market LLC (''Nasdaq'') or a similar electronic Stock Exchange (including NYSE Arca), one or more member firms of that Stock Exchange will act as Market Maker and maintain a market for Shares trading on that Stock Exchange. On Nasdaq, no particular Market Maker would be contractually obligated to make a market in Shares. However, the listing requirements on Nasdaq, for example, stipulate that at least two Market Makers must be registered in Shares to maintain a listing. In addition, on Nasdaq and NYSE Arca, registered Market Makers are required to make a continuous two-sided market or subject themselves to regulatory sanctions. No Market Maker will be an affiliated person or an affiliated person of an affiliated person, of the Funds, except within the meaning of section 2(a)(3)(A) or (C) of the Act due solely to ownership of Shares as discussed below.

[17] Shares will be registered in book-entry form only. DTC or its nominee will be the record or registered owner of all outstanding Shares. Beneficial ownership of Shares will be shown on the records of DTC or DTC Participants.

[18] Applicants note that under accounting procedures followed by the Funds, trades made on the prior Business Day will be booked and reflected in NAV on the current Business Day. Accordingly, each Fund will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for its NAV calculation at the end of such Business Day.

from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit each Fund to redeem Shares in Creation Units only. Applicants state that investors may purchase Shares in Creation Units from each Fund and redeem Creation Units from each Fund. Applicants further state that because the market price of Creation Units will be disciplined by arbitrage opportunities, investors should be able to sell Shares in the secondary market at prices that do not vary materially from their NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming, or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in the Prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (a) prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or preferential treatment among buyers resulting from sales at different prices, and (c) assure an orderly distribution system of investment company shares by eliminating price competition from brokers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that (a) secondary market trading in Shares does not involve the Funds as parties and cannot result in dilution of an investment in Shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the proposed distribution system will be orderly because arbitrage activity should ensure that the difference between the market price of Shares and their NAV remains narrow.

Section 22(e) of the Act

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants observe that settlement of redemptions of Creation Units of Global Funds is contingent not only on the settlement cycle of the U.S. securities markets but also on the delivery cycles present in foreign markets in which those Funds invest. Applicants have been advised that, under certain circumstances, the delivery cycles for transferring Portfolio Instruments to redeeming investors, coupled with local market holiday schedules, will require a delivery process of up to 14 calendar days. Applicants therefore request relief from section 22(e) in order to provide payment or satisfaction of redemptions within the maximum number of calendar days required for such payment or satisfaction in the principal local markets where transactions in the Portfolio Instruments of each Global Fund customarily clear and settle, but in all cases no later than 14 calendar days following the tender of a Creation Unit.[19]

8. Applicants state that section 22(e) was designed to prevent unreasonable, undisclosed and unforeseen delays in the actual payment of redemption proceeds. Applicants assert that the requested relief will not lead to the problems that section 22(e) was designed to prevent. Applicants state that allowing redemption payments for Creation Units of a Fund to be made within a maximum of 14 calendar days would not be inconsistent with the spirit and intent of section 22(e). Applicants state each Global Fund's statement of additional information (''SAI'') will disclose those local holidays (over the period of at least one year following the date of the SAI), if any, that are expected to prevent the delivery of redemption proceeds in seven calendar days and the maximum number of days needed to deliver the proceeds for each affected Global Fund. Applicants are not seeking relief from section 22(e) with respect to Global Funds that do not effect redemptions in-kind.

[19] Applicants acknowledge that no relief obtained from the requirements of section 22(e) will affect any obligations that it may otherwise have under rule 15c6–1 under the Exchange Act. Rule 15c6–1 requires that most securities transactions be settled within three business days of the trade date.

Section 12(d)(1) of the Act

9. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring shares of an investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter, or any other broker or dealer from selling its shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

10. Applicants request relief to permit Investing Funds to acquire Shares in excess of the limits in section 12(d)(1)(A) of the Act and to permit the Funds, their principal underwriters and any Broker to sell Shares to Investing Funds in excess of the limits in section 12(d)(l)(B) of the Act. Applicants submit that the proposed conditions to the requested relief address the concerns underlying the limits in section 12(d)(1), which include concerns about undue influence, excessive layering of fees and overly complex structures.

11. Applicants submit that their proposed conditions address any concerns regarding the potential for undue influence. To limit the control that an Investing Fund may have over a Fund, applicants propose a condition prohibiting the adviser of an Investing Management Company (''Investing Fund Advisor''), sponsor of an Investing Trust (''Sponsor''), any person controlling, controlled by, or under common control with the Investing Fund Advisor or Sponsor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by the Investing Fund Advisor, the Sponsor, or any person controlling, controlled by, or under common control with the Investing Fund Advisor or Sponsor (''Investing Fund's Advisory Group'') from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any sub-adviser to an Investing Management Company (''Investing Fund Sub-Advisor''), any person controlling, controlled by or under common control with the Investing Fund Sub-Advisor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Investing Fund Sub-Advisor or any person controlling, controlled by or under common control with the Investing Fund Sub-Advisor (''Investing Fund's Sub-Advisory Group'').

12. Applicants propose a condition to ensure that no Investing Fund or Investing Fund Affiliate [20] (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting''). An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Investing Fund Advisor, Investing Fund Sub-Advisor, employee or Sponsor of the Investing Fund, or a person of which any such officer, director, member of an advisory board, Investing Fund Advisor, Investing Fund Sub-Advisor, employee or Sponsor is an affiliated person (except any person whose relationship to the Fund is covered by section 10(f) of the Act is not an Underwriting Affiliate).

13. Applicants propose several conditions to address the potential for layering of fees. Applicants note that the board of directors or trustees of any Investing Management Company, including a majority of the directors or trustees who are not ''interested persons'' within the meaning of section 2(a)(19) of the Act (''disinterested directors or trustees''), will be required to find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, services provided under the advisory contract of any Fund in which the Investing Management Company may invest. Applicants also state that any sales charges and/or service fees charged with respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.[21]

14. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that a Fund will be prohibited from acquiring securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes.

15. To ensure that an Investing Fund is aware of the terms and conditions of the requested order, the Investing Funds must enter into an agreement with the respective Funds (''FOF Participation Agreement''). The FOF Participation Agreement will include an acknowledgement from the Investing Fund that it may rely on the order only to invest in a Fund and not in any other investment company.

Sections 17(a)(1) and (2) of the Act

16. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person (''second tier affiliate''), from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' to include any person directly or indirectly owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of the other person and any person directly or indirectly controlling, controlled by, or under common control with, the other person. Section 2(a)(9) of the Act defines ''control'' as the power to exercise a controlling influence over the management or policies of a company and provides that a control relationship will be presumed where one person owns more than 25% of another person's voting securities. Each Fund may be deemed to be controlled by an Advisor and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by an Advisor (an ''Affiliated Fund'').

17. Applicants request an exemption under sections 6(c) and 17(b) of the Act from sections 17(a)(1) and 17(a)(2) of the Act to permit in-kind purchases and redemptions of Creation Units by

[20] An ''Investing Fund Affiliate'' is any Investing Fund Advisor, Investing Fund Sub-Advisor, Sponsor, promoter and principal underwriter of an Investing Fund, and any person controlling, controlled by or under common control with any of these entities. ''Fund Affiliate'' is an investment adviser, promoter, or principal underwriter of a Fund or any person controlling, controlled by or under common control with any of these entities.

[21] Any reference to NASD Conduct Rule 2830 includes any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority.

persons that are affiliated persons or second tier affiliates of the Funds solely by virtue of one or more of the following: (a) Holding 5% or more, or in excess of 25% of the outstanding Shares of one or more Funds; (b) having an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25% of the Shares of one or more Affiliated Funds.[22] Applicants also request an exemption in order to permit a Fund to sell its Shares to and redeem its Shares from, and engage in the in-kind transactions that would accompany such sales and redemptions with, certain Investing Funds of which the Funds are affiliated persons or second-tier affiliates.[23]

18. Applicants assert that no useful purpose would be served by prohibiting such affiliated persons from making in-kind purchases or in-kind redemptions of Shares of a Fund in Creation Units. Absent the unusual circumstances discussed in the application, the Deposit Instruments and Redemption Instruments available for a Fund will be the same for all purchasers and redeemers, respectively, and will correspond *pro rata* to the Fund's Portfolio Instruments. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions will be the same for all purchases and redemptions. Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Instruments currently held by the relevant Funds, and the valuation of the Deposit Instruments and Redemption Instruments will be made in the same manner and on the same terms for all, regardless of the identity of the purchaser or redeemer. Applicants do not believe that in-kind purchases and redemptions will result in abusive self-dealing or overreaching of the Fund.

19. Applicants also submit that the sale of Shares to and redemption of Shares from an Investing Fund meets the standards for relief under sections 17(b) and 6(c) of the Act. Applicants note that any consideration paid for the purchase or redemption of Shares directly from a Fund will be based on the NAV of the Fund in accordance with policies and procedures set forth in the Fund's registration statement.[24] The FOF Participation Agreement will require any Investing Fund that purchases Creation Units directly from a Fund to represent that the purchase of Creation Units from a Fund by an Investing Fund will be accomplished in compliance with the investment restrictions of the Investing Fund and will be consistent with the investment policies set forth in the Investing Fund's registration statement.

20. Applicants believe that: (i) With respect to the relief requested pursuant to section 17(b), the terms of the proposed transactions, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned, the proposed transactions are consistent with the policies of each registered investment company concerned, and that the proposed transactions are consistent with the general purposes of the Act, and (ii) with respect to the relief requested pursuant to section 6(c), the requested exemption for the proposed transactions is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

A. ETF Relief

1. As long as a Fund operates in reliance on the requested order, the Shares of the Fund will be listed on a Stock Exchange.

2. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or a mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that the Shares are not individually redeemable and that owners of the Shares may acquire those Shares from the Fund and tender those Shares for redemption to the Fund in Creation Units only.

3. The Web site for the Funds, which is and will be publicly accessible at no charge, will contain, on a per Share basis, for each Fund the prior Business Day's NAV and the market closing price or Bid/Ask Price, and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

4. On each Business Day, before commencement of trading in Shares on the Stock Exchange, the Fund will disclose on its Web site the identities and quantities of the Portfolio Instruments held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.

5. The Advisor or any Sub-Advisor, directly or indirectly, will not cause any Authorized Participant (or any investor on whose behalf an Authorized Participant may transact with the Fund) to acquire any Deposit Instrument for the Fund through a transaction in which the Fund could not engage directly.

6. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of actively-managed exchange-traded funds.

B. Section 12(d)(1) Relief

1. The members of the Investing Fund's Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The members of the Investing Fund's Sub-Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, the Investing Fund's Advisory Group or the Investing Fund's Sub-Advisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Fund, it will vote its Shares of the Fund in the same proportion as the vote of all other holders of the Fund's Shares. This condition does not apply to the Investing Fund's Sub-Advisory Group with respect to a Fund for which the Investing Fund Sub-Advisor or a person controlling, controlled by or under common control with the Investing Fund Sub-Advisor acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

2. No Investing Fund or Investing Fund Affiliate will cause any existing or potential investment by the Investing Fund in a Fund to influence the terms of any services or transactions between the Investing Fund or an Investing Fund Affiliate and the Fund or a Fund Affiliate.

[22] Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an affiliated person, or an affiliated person of an affiliated person, of an Investing Fund because an investment adviser to the Funds is also an investment adviser to an Investing Fund.

[23] To the extent that purchases and sales of Shares occur in the secondary market and not through principal transactions directly between an Investing Fund and a Fund, relief from section 17(a) would not be necessary. The requested relief is intended to cover, however, transactions directly between an Investing Fund and a Fund.

[24] Applicants acknowledge that the receipt of compensation by (a) an affiliated person of an Investing Fund, or an affiliated person of such person, for the purchase by the Investing Fund of Shares of the Fund or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its Shares to an Investing Fund, may be prohibited by section 17(e)(1) of the Act. The FOF Participation Agreement also will include this acknowledgment.

3. The board of directors or trustees of an Investing Management Company, including a majority of the independent directors or trustees, will adopt procedures reasonably designed to ensure that the Investing Fund Advisor and any Investing Fund Sub-Advisor are conducting the investment program of the Investing Management Company without taking into account any consideration received by the Investing Management Company or an Investing Fund Affiliate from a Fund or a Fund Affiliate in connection with any services or transactions.

4. Once an investment by an Investing Fund in the Shares of a Fund exceeds the limit in section 12(d)(1)(A)(i) of the Act, the Board of a Fund, including a majority of the independent directors or trustees, will determine that any consideration paid by the Fund to the Investing Fund or an Investing Fund Affiliate in connection with any services or transactions: (i) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Fund; (ii) is within the range of consideration that the Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund and its investment adviser(s), or any person controlling, controlled by or under common control with such investment adviser(s).

5. The Investing Fund Advisor, or Trustee or Sponsor, as applicable, will waive fees otherwise payable to it by the Investing Fund in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b–1 under the Act) received from a Fund by the Investing Fund Advisor, or Trustee or Sponsor, or an affiliated person of the Investing Fund Advisor, or Trustee or Sponsor, other than any advisory fees paid to the Investing Fund Advisor, or Trustee, or Sponsor, or its affiliated person by the Fund, in connection with the investment by the Investing Fund in the Fund. Any Investing Fund Sub-Advisor will waive fees otherwise payable to the Investing Fund Sub-Advisor, directly or indirectly, by the Investing Management Company in an amount at least equal to any compensation received from a Fund by the Investing Fund Sub-Advisor, or an affiliated person of the Investing Fund Sub-Advisor, other than any advisory fees paid to the Investing Fund Sub-Advisor or its affiliated person by the Fund, in connection with the investment by the Investing Management Company in the Fund made at the direction of the Investing Fund Sub-Advisor. In the event that the Investing Fund Sub-Advisor waives fees, the benefit of the waiver will be passed through to the Investing Management Company.

6. No Investing Fund or Investing Fund Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an Affiliated Underwriting.

7. The Board of a Fund, including a majority of the independent directors or trustees, will adopt procedures reasonably designed to monitor any purchases of securities by the Fund in an Affiliated Underwriting, once an investment by an Investing Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Investing Fund in the Fund. The Board will consider, among other things: (i) Whether the purchases were consistent with the investment objectives and policies of the Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to assure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders of the Fund.

8. Each Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings once an investment by an Investing Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the Board's determinations were made.

9. Before investing in a Fund in excess of the limits in section 12(d)(1)(A), an Investing Fund will execute a FOF Participation Agreement with the Fund stating that their respective boards of directors or trustees and their investment advisers, or Trustee and Sponsor, as applicable, understand the terms and conditions of the order, and agree to fulfill their responsibilities under the order. At the time of its investment in Shares of a Fund in excess of the limit in section 12(d)(1)(A)(i), an Investing Fund will notify the Fund of the investment. At such time, the Investing Fund will also transmit to the Fund a list of the names of each Investing Fund Affiliate and Underwriting Affiliate. The Investing Fund will notify the Fund of any changes to the list as soon as reasonably practicable after a change occurs. The Fund and the Investing Fund will maintain and preserve a copy of the order, the FOF Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

10. Before approving any advisory contract under section 15 of the Act, the board of directors or trustees of each Investing Management Company, including a majority of the independent directors or trustees, will find that the advisory fees charged under such contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund in which the Investing Management Company may invest. These findings and their basis will be recorded fully in the minute books of the appropriate Investing Management Company.

11. Any sales charges and/or service fees charged with respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

12. No Fund relying on the section 12(d)(1) relief will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting

the Fund to purchase shares of other investment companies for short-term cash management purposes.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25781 Filed 10–29–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73426; File No. SR–ODD–2014–01]

Canadian Derivatives Clearing Corporation; Order Approving Accelerated Distribution of an Amended Options Disclosure Document

October 24, 2014.

On October 3, 2014, the Canadian Derivatives Clearing Corporation (''CDCC''), on behalf of the Bourse de Montréal, Inc. (''Bourse de Montréal''), submitted to the Securities and Exchange Commission (''Commission''), pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (''Act''),[1] five definitive copies of an amended options disclosure document (''ODD'') that describes the risks and characteristics of options traded on the Bourse de Montréal.[2] The CDCC has revised the ODD to, among other things, modify certain expiration dates of options and clarify that bond options do not currently trade on the Bourse de Montréal.

Rule 9b–1 under the Act provides that an options market must file five preliminary copies of an amended ODD with the Commission at least 30 days prior to the date when definitive copies of the amended ODD are furnished to customers, unless the Commission determines otherwise, having due regard to the adequacy of the information disclosed and the public interest and protection of investors.[3]

The Commission has reviewed the amended ODD and finds, having due regard to the adequacy of the information disclosed, that it is consistent with the protection of investors and in the public interest to allow the distribution of the amended ODD as of the date of this order.[4]

It is therefore ordered, pursuant to Rule 9b–1 under the Act,[5] that the distribution of the revised ODD (SR–ODD–2014–01) as of the date of this is order, is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25782 Filed 10–29–14; 8:45 am]

BILLING CODE 8011–01–P

[1] 17 CFR 240.9b–1.

[2] The Commission initially reviewed the ODD in 1984. *See* Securities Exchange Act Release No. 21365 (October 2, 1984), 49 FR 39400 (October 5, 1984) (File No. SR–ODD–84–1). Since then, the Commission has reviewed several amendments to the ODD. *See, e.g.,* Securities Exchange Act Release Nos. 51124 (February 2, 2005), 70 FR 6740 (February 8, 2005) (File No. SR–ODD–2004–03) (amending the ODD to reflect, among other things, the name change from the S&P/TSE 60 Index to the S&P/TSX 60 Index and to add an Annex to the ODD setting forth the holidays and early closings of the Bourse de Montréal,); 44333 (May 21, 2001), 66 FR 29193 (May 29, 2001) (File No. SR–ODD–00–04) (amending the ODD to reflect, among other things, changes to the structure of the Canadian equity markets and to provide a discussion of Enhanced Capital Marketing); 37569 (August 14, 1996), 61 FR 43281 (August 21, 1996) (File No. SR–ODD–96–01) (amending the ODD to reflect, among other things, the name change from TCO to CDCC); 29033 (April 1, 1991), 56 FR 14407 (April 9, 1991) (File No. SR–ODD–91–1) (amending the ODD to include, among other things, references to Toronto Stock Exchange 35 Composite Index options); 24480 (May 19, 1987), 52 FR 20179 (May 29, 1987) (File No. SR–ODD–87–2) (amending the ODD to include, among other things, a discussion of Government of Canada Treasury Bill Price Index options); 22349 (August 21, 1985), 50 FR 34956 (August 28, 1985) (File No. SR–ODD–85–1) (amending the ODD to include, among other things, a discussion of the risks and uses of stock index and bond options); 51124 (February 1, 2005), 70 FR 6740 (February 8, 2005) (File No. SR–ODD–2004–03) (amending the ODD to include, among other things, the CDCC's new automatic exercise parameters for equity and bond options); 58172 (July 16, 2008), 73 FR 42840 (July 23, 2008) (File No. SR–ODD–2008–03) (amending the ODD to include, among other things, the CDCC's current automatic exercise parameters for equity and bond options and to add an update to the discussion of the treatment of adjustments in the terms of equity options with respect to stock splits, stock dividends or other stock distributions); and 63125 (October 18, 2010) 75 FR 65537 (October 25, 2010) (File No. SR–ODD–2010–02) (amending the ODD to, among other things, update the discussion of Canadian federal income tax considerations applicable to non-residents).

[3] This provision is intended to permit the Commission either to accelerate or extend the time period in which definitive copies of a disclosure document may be distributed to the public.

[4] Rule 9b–1 under the Act provides that the use of an ODD shall not be permitted unless the options class to which the document relates is the subject of an effective registration statement on Form S–20 under the Securities Act of 1933 or is exempt from such registration. On April 5, 2010, the Commission declared effective the CDCC's most recent Post-Effective Amendment to its Form S–20 registration statement. *See* File No. 002–69458.

[5] 17 CFR 240.9b–1.

[6] 17 CFR 200.30–3(a)(39)(i).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73422; File No. SR–CBOE–2014–079)

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Renew an Existing Pilot Program

October 24, 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 October 16, 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 and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to renew an existing pilot program until May 3, 2016. Under the existing pilot program, the Exchange is permitted to list P.M.-settled options on broad-based indexes that expire on: (a) Any Friday of the month, other than the third Friday-of-the-month (''End of Week Expirations'' or ''EOWs''), and (b) the last trading day of the month (''End of Month Expirations'' or ''EOMs''). The text of the proposed rule change is provided below. (additions are *italicized;* deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated

Rules

* * * * *

Rule 24.9. Terms of Index Option Contracts

(a)–(d) No change.

(e) End of Week/End of Month Expirations Pilot Program (''EOW/EOM Pilot Program'')

(1) End of Week (''EOW'') Expirations. The Exchange may open for trading EOWs on any broad-based index eligible for regular options trading to expire on any Friday of the month, other than the third Friday-of-the-month. EOWs shall be subject to all provisions of this Rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

and treated the same as options on the same underlying index that expire on either the Saturday following the third Friday of the month, for series expiring prior to February 1, 2015, or on the third Friday of the expiration month, for series expiring on or after February 1, 2015; provided, however, that EOWs shall be P.M.-settled.

(2) End of Month (''EOM'') Expirations. The Exchange may open for trading EOMs on any broad-based index eligible for regular options trading to expire on last trading day of the month. EOMs shall be subject to all provisions of this Rule and treated the same as options on the same underlying index that expire on either the Saturday following the third Friday of the month, for series expiring prior to February 1, 2015, or on the third Friday of the expiration month, for series expiring on or after February 1, 2015; provided, however, that EOMs shall be P.M.-settled.

(3) Duration of EOW/EOM Pilot Program. The EOW/EOM Pilot Program shall be through [November 3, 2014] *May 3, 2016.*

(4) EOW/EOM Trading Hours on the Last Trading Day. On the last trading day, transactions in expiring EOWs and EOMs may be effected on the Exchange between the hours of 8:30 a.m. (Chicago time) and 3:00 p.m. (Chicago time). This subsection (4) applies to all outstanding expiring EOW and EOM Expirations listed on or before May 6, 2011 and all EOWs and EOMs listed thereafter under the EOW/EOM Pilot Program.

* * * Interpretations and Policies:

.01–.14 No change

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission.

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

On September 14, 2010, the Commission approved a CBOE proposal to establish a pilot program under which the Exchange is permitted to list P.M.-settled options on broad-based indexes to expire on (a) any Friday of the month, other than the third Friday-of-the-month, and (b) the last trading day of the month.[3] Under the terms of the End of Week/End of Month Expirations Pilot Program (''Program''), EOWs and EOMs are permitted on any broad-based index that is eligible for regular options trading. EOWs and EOMs are cash-settled and have European-style exercise. The proposal became effective on a pilot basis for a period of fourteen months that commenced on the next full month after approval was received to establish the Program[4] and was subsequently extended.[5] The Program is scheduled to expire on November 3, 2014. The Exchange believes that the Program has been successful and well received by its Trading Permit Holders and the investing public during that the time that it has been in operation. The Exchange hereby proposes to extend the Program until May 3, 2016. This proposal does not request any other changes to the Program.

Pursuant to the order approving the establishment of the Program, two months prior to the conclusion of the pilot period, CBOE is required to submit an annual report to the Commission, which addresses the following areas: Analysis of Volume & Open Interest, Monthly Analysis of EOW & EOM Trading Patterns and Provisional Analysis of Index Price Volatility. The Exchange has submitted, under separate cover, the annual report in connection with the present proposed rule change. Confidential treatment under the Freedom of Information Act is requested regarding the annual report.

If, in the future, the Exchange proposes an additional extension of the Program, or should the Exchange propose to make the Program permanent (which the Exchange currently intends to do), the Exchange will submit an annual report (addressing the same areas referenced above and consistent with the order approving the establishment of the Program) to the Commission at least two months prior to the expiration date of the Program. The annual report will be provided to the Commission on a confidential basis. Any positions established under the Program will not be impacted by the expiration of the Program.

The Exchange believes there is sufficient investor interest and demand in the Program to warrant its extension. The Exchange believes that the Program has provided investors with additional means of managing their risk exposures and carrying out their investment objectives. Furthermore, the Exchange has not experienced any adverse market effects with respect to the Program.

The Exchange believes that the proposed extension of the Program will not have an adverse impact on capacity.

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.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the Program has been successful to date and states that it has not encountered any problems with the

[3] *See* Securities Exchange Act Release No. 62911 (September 14, 2010), 75 FR 57539 (September 21, 2010) (order approving SR–CBOE–2009–075).

[4] *Id.*

[5] *See* Securities Exchange Act Release No. 65741 (November 14, 2011), 76 FR 72016 (November 21, 2011) (immediately effective rule change extending the Program through February 14, 2013). *See also* Securities Exchange Act Release No. 68933 (February 14, 2013), 78 FR 12374 (February 22, 2013) (immediately effective rule change extending the Program through April 14, 2014). *See also* Securities Exchange Act Release No. 71836 (April 1, 2014), 79 FR 19139 (April 7, 2014) (immediately effective rule change extending the Program through November 3, 2014).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *Id.*

Program. The proposed rule change allows for an extension of the Program for the benefit of market participants. Additionally, the Exchange believes that there is demand for the expirations offered under the Program and believes that that EOWs and EOMs will continue to provide the investing public and other market participants increased opportunities to better manage their risk exposure.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE 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. Specifically, the Exchange believes that, by extending the expiration of the Program, the proposed rule change will allow for further analysis of the Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6)(iii) thereunder.[10]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the pilot program to continue uninterrupted, thereby avoiding investor confusion that could result from a temporary interruption in the pilot program. For this reason, the Commission designates the proposed rule change to be operative upon filing.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2014–079 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–2014–079. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room at 100 F Street NE., Washington, DC 20549–1090 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2014–079 and should be submitted on or before November 20, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25779 Filed 10–29–14; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[11] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73425; File No. SR–MIAX–2014–55]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Options Fee Schedule

October 24, 2014.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 16, 2014, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, 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

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

wotitle/rule_filing, at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its marketing fee.[3] The marketing fee is assessed on certain transactions of all Market Makers.[4] The funds collected via this marketing fee are then put into pools controlled by Primary Lead Market Makers (''PLMMs'') and LMMs. The PLMM or LMM controlling a certain pool of funds can then determine the Electronic Exchange Member(s) (''EEM'') to which the funds should be directed in order to encourage such EEM(s) to send orders to the Exchange. In accordance with Exchange Rule 514, an EEM can designate an order (''Directed Order'') to a specific LMM.

Currently, Section (1)(b) of the Fee Schedule, provides that to qualify for a marketing fee allocation for an applicable month, an LMM must either: (i) Have an appointment in the relevant option class at the time of being directed the order; or (ii) for the month preceding the applicable month (the ''qualifying month'') have an appointment as an LMM for at least ten (10) trading days in a minimum of fifty percent (50%) of the option classes listed on the Exchange for the entire qualifying month. For non-directed orders and orders directed to non-qualifying LMMs, applicable Marketing Fees are allocated to the PLMM's Marketing Fee ''pool.'' All Market Makers that participated in such transactions will pay the applicable Marketing Fee to the Exchange, which will allocate such funds to the Member that controls the distribution of the Marketing Fee ''pool.'' Each month the Member will submit written instructions to MIAX describing how MIAX is to distribute the Marketing Fees in the ''pool'' to Electronic Exchange Members identified by the Member.

However, other options exchanges allow an LMM (or similar position) to have access to the marketing fee funds generated from a Directed Order (or similar order type) regardless of whether the LMM has an appointment in a class in which the Directed Order is received and executed without the additional requirement for an LMM to have at least ten (10) trading days in a minimum of fifty percent (50%) of the option classes listed on the Exchange for the entire qualifying month.[5] The Exchange now proposes to remove this additional requirement so that its marketing fee program operates in a manner more similar to that of competing options exchanges that offer similar programs.

The Exchange proposes amending the Fee Schedule to allow LMMs to receive an allocation of marketing fees generated by Directed Orders sent to the LMM without any additional requirements. Specifically, the Exchange proposes to remove the requirements that provide that an LLM, in order to qualify to be allocated Marketing Fees for Directed Orders for an applicable month, must either: (i) Have an appointment in the relevant option class at the time of being directed the order; or (ii) for the month preceding the applicable month (the ''qualifying month'') have an appointment as an LMM for at least ten (10) trading days in a minimum of fifty percent (50%) of the option classes listed on the Exchange for the entire qualifying month. The proposed changes will more closely align the Exchange's marketing fee program with the requirements of other competing exchanges that offer similar programs.[6]

Permitting LMMs to be allocated marketing fees generated from a Directed Order without these additional requirements would allow LMMs to encourage greater order flow to be sent to the Exchange. This increased order flow would benefit all market participants on the Exchange, such as customers with resting orders on the Exchange and LMMs that have an appointment and quote in the relevant option. Allowing LMMs to be allocated marketing fees generated from a Directed Order in the manner that is proposed would provide LMMs with an incentive to encourage the routing of order flow into classes in which the LMM otherwise would not. Further, the proposal will also provide LMMs with more flexibility to determine which classes that they choose to be appointed in and still receive payment for order flow without the restrictive criteria; as they will not have to be concerned with whether or not they have met the minimum class appointment threshold prior to making arrangements to paying for order flow in a specific class.

The proposed fee changes are to take effect on November 1, 2014.

2. Statutory Basis

MIAX believes that its proposed rule change is consistent with Section 6(b) of the Act[7] in general, and furthers the objectives of Section 6(b)(5) of the Act[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that this proposal to remove a requirement that other exchanges do not share, perfects the mechanism for a free and open market and a national market system by allowing the Exchange's marketing fee program to operate in a manner similar to competing options exchanges. In addition, the proposal promotes just and equitable principles of trade by encouraging greater order flow to be sent to the Exchange through Directed Orders in a manner that will benefit all market participants on the Exchange.

The Exchange also believes that the proposed changes to the marketing fee is consistent with Section 6(b)(4) of the Act[9] which provides that Exchange

[3] The proposal is based on a substantially similar filing by the Chicago Board Options Exchange, Incorporated. *See* Securities Exchange Act Release No. 68131 (November 1, 2012), 77 FR 67032 (November 8, 2012) (SR–CBOE–2012–101).

[4] *See* MIAX Options Fee Schedule, Section (1)(b), entitled Marketing Fee for more detail regarding the marketing fee.

[5] *See* CBOE Fees Schedule, fn. 6; NASDAQ OMX Phlx, LLC (''Phlx'') Pricing Schedule, section on Payment for Order Flow Fee; NYSE Amex Options Fee Schedule, fn. 10; International Securities Exchange, LLC (''ISE'') Schedule of Fees, Section IV(D)[sic]. None of which contain requirements that a PLMM or LMM (or similar position) have an appointment in the class in which a Directed Order (or similar order type) is received and executed nor the additional requirement of a minimum number of options class appointments in order to have access to the marketing fee funds generated from that Preferred order.

[6] *See id.*

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(4).

rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The proposed change is reasonable because it will allow LMMs greater access to marketing fee funds. The proposed change is equitable and not unfairly discriminatory because it is designed to allow LMMs to encourage greater order flow to be sent to the Exchange. A LMM could be able to amass a greater pool of funds with which to use to incent order flow providers to send order flow to the Exchange. This increased order flow would benefit all market participants on the Exchange. Further, allowing additional LMMs to access marketing fee funds generated from a Directed Order would provide LMMs with an incentive to encourage the routing of order flow into classes in which the LMM otherwise would not.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change would place the Exchange on equal footing as other exchanges that allow their LMM equivalents to be allocated marketing fees generated by Directed Orders. The Exchange believes that such an even playing field will promote competition among options exchanges. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues who offer similar fee structures. Many competing venues offer similar fee structures to market participants. To this end, the Exchange is proposing a market enhancement to encourage market participants to trade on the Exchange. The Exchange believes the proposed rule change is procompetitive because it would enable the Exchange to provide member organizations with a fee structure that is similar to that of other exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[10] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2014–55 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–MIAX–2014–55. 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–MIAX–2014–55 and should be submitted on or before November 20, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–25780 Filed 10–29–14; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA) (44 U.S.C. Chapter 35), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before December 1, 2014.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov*

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: The Small Business Investment Act authorizes SBA to guarantee a debenture issued by a Certified Development Company (CDC). The proceeds from each

debenture are used to fund loans to eligible small business concerns (''504 loans''). 15 U.S.C. 697(a). The Small Business Act and the Small Business Investment Act mandate that all guaranteed loans provided by the SBA to small business concerns (SBCs) must have a reasonable assurance of ability to repay. See 15 U.S.C. 636(a) (6) and 687(f); see also 13 CFR 120.150. The information collections described below—SBA Form 1244 and SBA Form 2450—are part of the application process for a 504 loan. SBA is proposing to make changes to Form 2450 to remove duplicative questions as well as questions that are no longer applicable to the 504 Loan Program.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collections

(1) *Title:* Application for Section 504 Loan

Description of Respondents: Small Business Concerns applying for a Section 504 loan and Certified Development Companies.

Form Number: SBA Form 1244 collects information that is used to determine the creditworthiness and repayment ability of the small business concern and its eligibility for SBA financial assistance; as well as the terms and conditions of the 504 loan. Form 1244 is also used by CDCs to request SBA's guarantee on the debenture. SBA Form 2450 is the Eligibility Checklist used to document the 504 loan's eligibility based on program requirements. These forms are used by CDCs to request SBA's guarantee on each debenture.

Estimated Annual Respondents: 7,760.

Estimated Annual Responses: 7,760.

Estimated Annual Hour Burden: 18,614.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2014–25821 Filed 10–29–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14165 and #14166]

Hawaii Disaster #HI–00032

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Hawaii dated 10/22/2014.

Incident: Tropical Storm Iselle.

Incident Period: 08/07/2014 through 08/09/2014.

Effective Date: 10/22/2014.

Physical Loan Application Deadline Date: 12/22/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 07/22/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Hawaii.

The Interest Rates are:

	Percent
For Physical Damage:	
Credit Available Elsewhere	4.125
Homeowners Without Credit Available Elsewhere	2.063
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 141658 and for economic injury is 141660.

The State which received an EIDL Declaration # is Hawaii.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: October 22, 2014.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2014–25826 Filed 10–29–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Industry Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The Federal Aviation Administration (FAA) is hosting a public meeting for the Aircraft Access to System Wide Information Management (AAtS) Phase 2 Working Group. The Working Group Meeting will be a forum for discussions regarding the operational needs for a capability such as AAtS. This meeting is not a precursor to a request for proposal (RFP) or request for offer (RFO). The FAA is not seeking or accepting unsolicited proposals.

DATES: The public meeting will be held on November 17, 2014, from 1:00 p.m. to 4:00 p.m.

ADDRESSES: The public meeting will be held at The MITRE Corporation, MITRE–1 Building (H), 7525 Colshire Drive, McLean, VA 22102.

FOR FURTHER INFORMATION CONTACT: Biruk Abraham, ANG–C53, Operational Improvements Portfolio Branch, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 267–8816; email: *Biruk.Abraham@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA's System Wide Information Management (SWIM) program is one of seven transformational programs of the NextGen portfolio. SWIM utilizes a Service Oriented Architecture (SOA) to exchange aviation data and services without the restrictive, time consuming and expensive process of developing unique interfaces for the multitude of systems and equipment used by the National Airspace System (NAS).

The Aircraft Access to SWIM (AAtS) initiative provides a global extension of the NAS SOA to aircraft using air to ground network services, selected and funded by aircraft operators, exchanging data between aircraft and the NAS. The AAtS capabilities established in Phase 1 are significant in that near real-time

NAS data is now available to support strategic and tactical traffic management and flight operations up to, but not including, those uses directly affecting aircraft trajectories. Through AAtS, aircraft are provided a means to connect to a collection of common aeronautical, meteorological, and traffic management information sources from multiple services including the FAA, National Weather Service (NWS), Department of Homeland Security (DHS), and airports, creating a shared and globally interoperable aviation information environment.

Phase 2 of the AAtS initiative facilitates a common information environment supporting flight crew involvement in the collaborative decision making process even further. AAtS will not implement a specific infrastructure for the creation of the service link to the aircraft. The AAtS Demonstrations and Concept development teams will define a set of operational and technical recommendations to be used as guidance to drive infrastructure development. Furthermore, AAtS provides information which is non-critical only.

The AAtS Phase 2 Working Group Meeting will be a forum for discussions regarding the operational needs for a capability such as AAtS. Questions to be answered in the next phase of AAtS activities include: What information is needed for a more successful operation, how the information is used, and what information could the operator provide back to the FAA for other operators to base decisions upon. Individuals attending the meeting will have an opportunity to participate in AAtS Working Group discussions involving Title 14 Code of Federal Regulation parts 121, 135 and 91 Operational demonstrations with an Electronic Flight Bag application as well as developmental discussions regarding AAtS utility in defining, updating, and manipulating trajectories. Participant insight is valuable in progressing AAtS IP Data Link capabilities into a bi-directional exchange of data between ground to ground and air to ground operational functionality.

Registration

To attend the meeting, participants must register via email by close of business day Wednesday, November 12, 2014. In accordance with security procedures, participants must provide the following information to *Katelyn@jma-solutions.com:* Full Name, Company, Phone Number, and U. S. Citizen (Y/N).

Issued in Washington, DC, on October 27, 2014.

Paul Fontaine,

Director, NextGen Advanced Concepts & Technology Development.

[FR Doc. 2014–25827 Filed 10–29–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2014–0134, Notice No. 14–04]

Safety Advisory: Packaging and Handling Ebola Virus Contaminated Infectious Waste for Transportation to Disposal Sites

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Safety Advisory Notice.

SUMMARY: PHMSA is issuing this safety advisory to provide guidance on the U.S. Department of Transportation's (DOT) Hazardous Materials Regulations (HMR; 49 CFR, parts 171–180) to persons who prepare, offer, and transport materials contaminated or suspected of being contaminated with the Ebola virus.

FOR FURTHER INFORMATION CONTACT: Charles E. Betts, Office of Hazardous Materials Safety, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: This Safety Advisory provides guidance on the U.S. Department of Transportation's (DOT) Hazardous Materials Regulations (HMR; 49 CFR, parts 171–180) to persons who prepare, offer and transport materials contaminated or suspected of being contaminated with the Ebola virus. The HMR apply to any material that the DOT determines is capable of posing an unreasonable risk to health, safety, and property when transported in commerce.[1] Material contaminated or suspected of being contaminated with Ebola is regulated as a Category A infectious substance under the HMR. To ensure their safe transportation, the Ebola contaminated materials must be packaged in conformity with the applicable requirements in the HMR for Category A infectious substances. Ebola contaminated materials that have been appropriately incinerated, autoclaved, or otherwise inactivated are not considered Category A infectious substances and are not subject to the requirements of the HMR. For more information on the HMR requirements see *http://phmsa.dot.gov/hazmat/transporting-infectious-substances.* For guidance on how to handle infectious substances before transporting them, refer to the Centers for Disease Control and Prevention (CDC) (*see http://www.cdc.gov/vhf/ebola/hcp/index.html*).

This document is intended to provide general guidance and does not address many of the specific provisions and exceptions contained in the HMR. It should not be used as a substitute for the HMR to determine compliance. Strict compliance with the HMR is required, unless you have been granted a special permit.

Transportation of a hazardous material in a motor vehicle, aircraft, or vessel operated by a Federal, state, or local government employee solely for noncommercial Federal, state, or local government purposes is not subject to the HMR. Accordingly, waste generated from the treatment of a patient contaminated or suspected of being contaminated with the Ebola virus transported by a Federal, state, or local government employee to a disposal facility is not subject to the HMR. DOT, however, recommends that Federal, state, or local governments comply with appropriate safety requirements provided in the HMR to ensure the safe transportation of waste contaminated or suspected of being contaminated with the Ebola virus. We also recommend compliance with all conditions and operational controls specified in any applicable special permit issued for the transportation of waste contaminated or suspected of being contaminated with the Ebola virus and our guidance referred to below. To transport materials contaminated or suspected of being contaminated with the Ebola virus, a special permit may be necessary to allow for a variance of the HMR packaging requirements to handle the larger volume of contaminated waste generated during the treatment of Ebola patients. DOT may grant a special permit if the applicant can demonstrate that an alternative packaging will achieve a safety level that is at least equal to the safety level required under HMR or is consistent with the public interest if a required safety level does not exist. Emergency processing of special permits applies when the special permit is necessary to prevent significant injury to persons or property not preventable under normal

[1] The HMR applies to interstate, intrastate, and foreign commerce.

processing, for immediate national security, or to prevent significant economic loss. To qualify for emergency processing, the application must meet specific criteria, justifications must be well documented, and describe the impact if the special permit is not granted.

PHMSA issued a non-site specific special permit (Special Permit DOT–SP 16279) to certain waste haulers, which authorizes the transportation in commerce of waste contaminated with or suspected of being contaminated with the Ebola virus for disposal. Other waste haulers not yet authorized under Special Permit DOT–SP 16279 may apply for party status in accordance with 49 CFR 107.107. If an entity needs a variance from the HMR, it must apply for a special permit as provided in 49 CFR part 107 subpart B.

The DOT's Pipeline and Hazardous Materials Safety Administration has provided the following guidance on the transportation of these materials:

- ''DOT Guidance for Preparing Packages of Ebola Contaminated Waste for Transportation and Disposal'' provides guidance to prepare packages containing waste contaminated or suspected of being contaminated with the Ebola virus for transportation to off-site treatment and disposal. *http://phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/suspected_ebola_patient_packaging_guidance_final.pdf.*
- ''DOT Guidance for Transporting Ebola Contaminated Items, a Category A Infectious Substance'' provides common FAQs regarding the HMR requirements for Category A infectious substances. *http://phmsa.dot.gov/portal/site/PHMSA/menuitem.6f23687cf7b00b0f22e4c6962d9c8789/?vgnextoid=4d1800e36b978410VgnVCM100000d2c97898RCRD&vgnextchannel=d248724dd7d6c010VgnVCM10000080e8a8c0RCRD&vgnextfmt=print.*
- ''Transporting Infectious Substances Safely'' brochure that explains the HMR for transporting infectious substance is available at: *http://www.phmsa.dot.gov/pv_obj_cache/pv_obj_id_54AC1BCBF0DFBE298024C4C700569893C2582700/filename/Transporting_Infectious_Substances_brochure.pdf.*
- Special Permit DOT–SP 16279 provides certain carriers with alternative authorized packaging options for transporting waste contaminated or suspected of being contaminated with the Ebola virus for treatment and disposal. *http://phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/DOT_SP_16279.pdf.*

Additional Information

- All Centers for Disease Control and Prevention guidance regarding the Ebola virus is available at: *http://www.cdc.gov/vhf/ebola/hcp/index.html.*

For questions on the HMR requirements, please contact the Pipeline and Hazardous Materials Safety Administration's (PHMSA's) Hazardous Materials Information Center at 1–800–467–4922, 9 a.m.–5 p.m. Eastern time.

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2014–25778 Filed 10–29–14; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Notice and Request for Comments

AGENCY: Surface Transportation Board, DOT.

ACTION: 30-day notice of request for approval: Extension of Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

SUMMARY: As part of its continuing effort to streamline the process to seek feedback from the public on agency service delivery, and as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3519 (PRA), the Surface Transportation Board (STB or Board) gives notice that it is requesting from the Office of Management and Budget (OMB) approval of generic clearance for the collection of qualitative feedback on agency service delivery.

The Board previously published a notice about this collection in the **Federal Register** on July 28, 2014, at 79 FR 43820. That notice allowed for a 60-day public review and comment period. No comments were received.

Comments may now be submitted to OMB concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) 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 when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be considered and also included in the Board's request for OMB approval.

Description of Collection

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2140–0019.

STB Form Number: None.

Type of Review: Extension without change.

Affected Public: Individuals and Households, Businesses and Organizations, State, and Local or Tribal Government.

Average Expected Annual Number of Activities: 5.

Respondents: 15 (for one focus group), 150 (for each of two surveys), 200 (for each of two comments card requests).

Annual Responses: 15 (for focus groups), 300 (for surveys), and 400 (for comment cards).

Frequency of Response: Once per request.

Average Minutes per Response: 24 minutes (2 hours per focus group, 36 minutes per survey, 10 minutes per comment card).

Burden Hours: 277.

Total Burden Hours (annually including all respondents): We estimate a total of 277 hours for all respondents (24 minutes per response × 715 responses).

Total ''Non-hour Burden'' Cost: Because respondents email their response letters to the Board, there are no non-hour costs to respondents.

Needs and Uses: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Government-wide commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, as opposed to statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations; provide an early warning of issues about how the Board provides service to the public; or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Board and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of the Board's program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall

population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs.

DATES: Comments on this information collection should be submitted by December 1, 2014.

ADDRESSES: Written comments should be identified as ''Paperwork Reduction Act Comments, Surface Transportation Board, Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.'' These comments should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Patrick Fuchs, Surface Transportation Board Desk Officer, by email at *OIRA_SUBMISSION@OMB.EOP.GOV;* by fax at (202) 395–6974; or by mail to Room 10235, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For further information regarding the ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery,'' contact Chris Oehrle at (202) 245–0271 or *oehrlec@stb.dot.gov*. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Under the PRA, a federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements or requests that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Section 3507(b) of the PRA requires, concurrent with an agency's submitting a collection to OMB for approval, a 30-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: October 24, 2014.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2014–25760 Filed 10–29–14; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of 1 Individual and 1 Entity Pursuant to Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism''

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of 1 individual and 1 entity whose property and interests in property are blocked pursuant to Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism.''

DATES: The designations by the Director of OFAC of the 1 individual and 1 entity in this notice, pursuant to Executive Order 13224, are effective on August 27, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On September 23, 2001, the President issued Executive Order 13224 (the ''Order'') pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701–1706, and the United Nations Participation Act of 1945, 22 U.S.C. 287c. In the Order, the President declared a national emergency to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001 terrorist attacks in New York, Pennsylvania, and at the Pentagon. The Order imposes economic sanctions on persons who have committed, pose a significant risk of committing, or support acts of terrorism. The President identified in the Annex to the Order, as amended by Executive Order 13268 of July 2, 2002, 13 individuals and 16 entities as subject to the economic sanctions. The Order was further amended by Executive Order 13284 of January 23, 2003, to reflect the creation of the Department of Homeland Security.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in or hereafter come within the United States or the possession or control of United States persons, of: (1) Foreign persons listed in the Annex to the Order; (2) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States; (3) persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order; and (4) except as provided in section 5 of the Order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to the Order or determined to be subject to the Order or to be otherwise associated with those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order.

On August 27, 2014, the Director of OFAC, in consultation with the Departments of State, Homeland Security, Justice and other relevant agencies, designated, pursuant to one or more of the criteria set forth in subsections 1(b), 1(c) or 1(d) of the Order, 1 individual and 1 entity whose property and interests in property are blocked pursuant to Executive Order 13224.

The listings for this individual and entity on OFAC's list of Specially Designated Nationals and Blocked Persons appear as follows:

Individual

1. IQBAL, Muhammad (a.k.a. IQBAL, Haji; a.k.a. IQBAL, Mohammad); DOB 01 Jan 1950; POB Lahore, Pakistan; nationality Pakistan; Passport BW1332961 (Pakistan) expires 23 Jul 2011; National ID No. 3520229942967 (Pakistan); alt. National ID No. 27350277794 (Pakistan) (individual) [SDGT] (Linked To: LASHKAR E–TAYYIBA).

Entity

1. ASMA MONEY EXCHANGERS (a.k.a. ASMA AUTHORISED MONEY EXCHANGERS; a.k.a. ASMA MONEY CHANGERS; a.k.a. ASMA MONEY EXCHANGER'S), Shop #2, Saddiq Plaza, Near Regal Chowk, Shahrah-e-Quaid-e-Azam, Lahore, Pakistan; Shop #2, Sadiq Plaza, 69-The Mall, Lahore, Punjab, Pakistan; Shop No. 2 Siddique Plaza, Shahrah e Quaid e Azam, Lahore, Punjab, Pakistan; Tax ID No. 2583018–0 [SDGT] (Linked To: IQBAL, Muhammad; Linked To: LASHKAR E–TAYYIBA).

Dated: August 27, 2014.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2014–25811 Filed 10–29–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Clinical Science Research and Development Service Cooperative Studies Scientific Evaluation Committee; Notice of Meeting

The Department of Veterans Affairs gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Clinical Science Research and Development Service Cooperative Studies Scientific Evaluation Committee will hold a meeting on December 10, 2014, at the Westin Crystal City, 1800 Jefferson Davis Highway, Arlington, VA. The meeting will begin at 9:00 a.m. and end at 2:00 p.m.

The Committee advises the Chief Research and Development Officer through the Director of the Clinical Science Research and Development Service on the relevance and feasibility of proposed projects and the scientific validity and propriety of technical details, including protection of human subjects.

The session will be open to the public for approximately 30 minutes at the start of the meeting for the discussion of administrative matters and the general status of the program. The remaining portion of the meeting will be closed to the public for the Committee's review, discussion, and evaluation of research and development applications.

During the closed portion of the meeting, discussions and recommendations will deal with qualifications of personnel conducting the studies, staff and consultant critiques of research proposals and similar documents, and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. As provided by section 10(d) of Public Law 92–463, as amended, closing portions of this meeting is in accordance with 5 U.S.C. 552b(c)(6) and (c)(9)(B).

The committee will not accept oral comments from the public for the open portion of the meeting. Those who plan to attend or wish additional information should contact Dr. Grant Huang, Acting Director, Cooperative Studies Program (10P9CS), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 443–5700 or by email at *grant.huang@va.gov.* Those wishing to submit written comments may send them to Dr. Huang at the same address and email.

Dated: October 27, 2014.

Rebecca Schiller,

Committee Management Officer.

[FR Doc. 2014–25807 Filed 10–29–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Rural Health Advisory Committee; 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 Veterans Rural Health Advisory Committee will meet on November 18–19, 2014, in Room 104, at 1100 First Street NE., Washington, DC from 8:30 a.m. to 5 p.m. each day. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on health care issues affecting enrolled Veterans residing in rural areas. The Committee examines programs and policies that impact the provision of VA health care to enrolled Veterans residing in rural areas, and discusses ways to improve and enhance VA services for these Veterans.

The agenda will include updates from the Committee Chair and the Director of the Veterans Health Administration (VHA) Office of Rural Health (ORH), as well as presentations on general health care access and quality.

Public comments will be received at 4:30 p.m. on November 19, 2014. Interested parties in attending the meeting should contact Mr. Elmer D. Clark, by mail at ORH, 90 K Street NE., Room 700C, Washington, DC 20002, or via email at *Elmer.Clark2@va.gov* or by fax (202) 632–8609. Individuals scheduled to speak are invited to submit a 1–2 page summary of their comments for inclusion in the official meeting record.

Dated: October 27, 2014.

Rebecca Schiller,

Committee Management Officer.

[FR Doc. 2014–25801 Filed 10–29–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Former Prisoners of War; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Advisory Committee on Former Prisoners of War (FPOW) has scheduled a meeting on November 17–19, 2014, at SpringHill Suites by Marriott Hotel, 1800 Yale Avenue, Seattle, WA. The meeting will be held on November 17–19 from 9 a.m. to 4 p.m. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of benefits under Title 38, United States Code, for Veterans who are former prisoners of war, and to make recommendations on the needs of such veterans for compensation, health care, and rehabilitation.

The Committee will hear from its Chairman and will receive briefings by VA management, from the Robert E. Mitchell Center, representatives from Veterans Benefits Administration and, and Veterans Health Administration. Tuesday, November 18th, at 3:30 p.m. The Committee will host an open public forum and FPOW panel to gain information from FPOWs about their experiences, issues, and recommendations for health benefits and claims processing. On November 19th, the Committee will draft the beginning of their 2015 recommendations and decide the location of their next meeting in the spring.

Former Prisoners of War who wish to speak at the public forum are invited to submit a 1–2 page summary of their comments at the end of the meeting for

inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Mr. Eric Robinson, Designated Federal Officer, Advisory Committee on Former Prisoners of War, and Program Analyst, Compensation Service (212), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, or via email at *Eric.Robinson3@va.gov.* Any member of the public seeking additional information should contact Mr. Robinson via email or call (202) 443–6016.

Dated: October 27, 2014.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2014–25784 Filed 10–29–14; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

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Part II

Department of the Interior

Bureau of Land Management

Proposed Supplementary Rules for Public Lands in Palm Beach County, FL

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLES002330.L17110000.PC0000 14X]

Proposed Supplementary Rules for Public Lands in Palm Beach County, FL

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) is proposing supplementary rules for all BLM-administered lands within the Jupiter Inlet Lighthouse Outstanding Natural Area (JILONA), Palm Beach County, Florida. These rules would regulate public use and recreation at the site and aid in enforcement of the decisions in the JILONA Comprehensive Management Plan completed September 15, 2010.

DATES: Interested parties may submit written comments regarding the proposed supplementary rules until December 29, 2014.

ADDRESSES: You may submit comments related to the JILONA supplementary rules by either of the following methods:

- *Email: pdewitt@blm.gov.*
- *Mail:* Peter De Witt, JILONA Manager, 120 U.S. 1 North, Suite 100, Tequesta, FL 33469.

FOR FURTHER INFORMATION CONTACT: Peter De Witt, JILONA Manager, telephone 561–746–7680; address 120 U.S. 1 North, Suite 100, Tequesta, FL 33469; email *pdewitt@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact Mr. De Witt during normal business hours. The service is available 24 hours a day, 7 days a week, to leave a message or question for Mr. De Witt. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures
II. Background
III. Discussion of Proposed Supplementary Rules
IV. Procedural Matters

I. Public Comment Procedures

You may mail or email comments to Peter De Witt at the addresses listed above (see **ADDRESSES**). Written comments on the proposed supplementary rules should be specific and confined to issues pertinent to the proposed rules, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the proposal that the commenter is addressing. The BLM is not obligated to consider, or include in the administrative record for the final supplementary rules, comments delivered to an address other than that listed above (see **ADDRESSES**) or comments that the BLM receives after the close of the comment period (see **DATES**), unless they are postmarked or electronically dated on or before the deadline.

Comments, including names, street addresses, and other contact information for respondents, may be available for public review at the location listed in **ADDRESSES** during regular business hours (8 a.m. to 4 p.m., Monday through Friday, except Federal holidays).

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.

II. Background

The Jupiter Inlet Lighthouse Outstanding Natural Area Comprehensive Management Plan, published in 2010, covers approximately 120 acres of lands, a portion of which (approximately 86 acres) are public lands administered by the BLM Southeastern States Field Office. The plan identifies the implementation of an array of management actions designed to protect, conserve, and enhance natural and cultural resource values—including historic and archaeological resource values—while providing for appropriate recreational opportunities in the area.

The Comprehensive Management Plan public process was conducted over a 2-year period and used a variety of methods of public engagement strategies, from press releases and mailings, to multiple public meetings in the communities surrounding JILONA. The public process included public information, scoping, and formal comments on the proposed plan.

The supplementary rules resulting from the management decisions within the Comprehensive Management Plan will help the BLM achieve management objectives and implement the Plan's decisions. Furthermore, the rules will allow the BLM to increase law enforcement efforts that will help mitigate damage to natural resources and provide for public health and safe public recreation.

The rules would apply to approximately 86 acres of public lands within the JILONA, Palm Beach County, Florida. The legal description of the affected public lands is Tallahassee Meridian T40S, R43E, Section 31, Lots 15, 17, and 19.

III. Discussion of Proposed Supplementary Rules

These supplementary rules were identified in and are consistent with the decision record for the JILONA Comprehensive Management Plan, which was approved on September 15, 2010. The Comprehensive Management Plan includes specific management actions that restrict certain activities and define allowable uses, and provides for the adoption of Palm Beach County's Natural Areas Ordinance No. 94–13 as supplementary rules for Lots 15, 17, and 19 to address immediate concerns with public access and use in these areas.

The proposed supplementary rules are needed to govern visitation, use, and public access of the natural areas within the JILONA for the protection of natural, historic, and cultural resources, and to address public safety concerns. In addition, they would assist the BLM's law enforcement at the site, and enhance consistency with the Palm Beach County Natural Areas Ordinance, which is currently enforced throughout the natural area portions of JILONA by Palm Beach County and the municipal jurisdiction of the Town of Jupiter and Village of Tequesta.

The proposed rules prohibiting certain activities affecting plants and animals (Rules 1(a) through (c)) would protect and preserve those organisms. The proposed prohibition against excavation and other soil-disturbing activities (Rule 1(d)) would protect the structure of habitats and reduce the risk of disturbing buried cultural artifacts. Prohibitions against starting fires and disposing of flammable materials (Rules 2(a) and (b)) are proposed in order to protect historical and archaeological resources from damage, and to reduce the risk of unauthorized fires. Proposed Rules 3(a) and 3(b) would restrict the use of watercraft to protect natural and cultural resources in various locations within the JILONA and would prevent damage to vegetation, wildlife, and shoreline. The prohibitions listed in Rule 4(a) through (i) would assist in the protection of public safety and would enhance recreation for the general public.

Rules 5(a) through (d) would list the following activities requiring prior authorization:

(a) Camping;

(b) Equestrian activities;

(c) Collection of plant and animal specimens or use of watercraft in wetlands for scientific research; and

(d) Occupation of the area after hours and at night, defined as the period between sunset and sunrise.

These requirements would assist in sound management of the public lands.

Rules 6(a) through 6(d) would restrict vehicle use and parking to prevent soil compaction and other damage to natural resources and to discourage overnight camping in violation of these proposed supplementary rules.

IV. Procedural Matters

Executive Orders 12866 and 13563, Regulatory Planning and Review

These proposed supplementary rules are not a significant regulatory action and are not subject to review by the Office of Management and Budget under Executive Order 12866 or Executive Orders 13563. These proposed supplementary rules would not have an annual effect of $100 million or more on the economy or adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. These proposed supplementary rules would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. These proposed supplementary rules would not materially alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients; nor do they raise novel legal or policy issues. They merely would impose limitations on certain recreational activities on certain public lands in Florida in order to protect natural resources and human health and safety.

Clarity of the Supplementary Rules

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. The BLM invites your comments on how to make these proposed supplementary rules easier to understand, including answers to questions such as the following:

(a) Are the requirements in the proposed supplementary rules clearly stated?

(b) Do the proposed supplementary rules contain technical language or jargon that interferes with their clarity?

(c) Does the format of the proposed supplementary rules (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?

(d) Would the proposed supplementary rules be easier to understand if they were divided into more (but shorter) sections?

(e) Is the description of the proposed supplementary rules in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful to your understanding of the proposed supplementary rules? How could this description be more helpful in making the proposed supplementary rules easier to understand?

Please send any comments you have on the clarity of the proposed supplementary rules to the address specified in the **ADDRESSES** section.

National Environmental Policy Act (NEPA)

These proposed supplementary rules would implement key decisions in the JILONA Comprehensive Management Plan. During the National Environmental Policy Act (NEPA) review for the Comprehensive Management Plan, the BLM fully analyzed the substance of these proposed supplementary rules in Environmental Assessment (EA) 2010–128–JFO. This analysis found that the management direction implementing the plan decisions will not constitute a major Federal action significantly affecting the quality of the human environment under Section 102(2)(C) of NEPA, 42 U.S.C. 4332(2)(C). The BLM signed the Decision Record for the EA on September 15, 2010. The BLM holds the Comprehensive Management Plan, EA, and Decision Record on file and for public review in the BLM administrative record at the address specified in the **ADDRESSES** section. The document is also available online at *http://on.doi.gov/15m0x12.*

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act (RFA) of 1980, as amended, 5 U.S.C. 601–612, to ensure that government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The proposed supplementary rules do not pertain specifically to commercial or governmental entities of any size, but to public recreational use of specific lands. Therefore, the BLM has determined under the RFA that these proposed supplementary rules would not have a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act

These proposed supplementary rules do not constitute a ''major rule'' as defined at 5 U.S.C. 804(2). These proposed supplementary rules generally set forth rules of conduct for recreational use of public lands. The proposed supplementary rules would not have an effect that rises to any of the following thresholds specified in 5 U.S.C. 804(2):

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Unfunded Mandates Reform Act

These proposed supplementary rules would not impose an unfunded mandate on State, local, or tribal governments, in the aggregate, or the private sector of more than $100 million per year; nor would they have a significant or unique effect on small governments. The proposed supplementary rules do not require anything of State, local, or tribal governments. Therefore, the BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

The proposed supplementary rules are not a government action capable of interfering with constitutionally protected property rights. The proposed supplementary rules would not address property rights in any form and would not cause the impairment of anybody's property rights. Therefore, the Department of the Interior has determined that these proposed supplementary rules would not cause a taking of private property or require further discussion of takings implications under this Executive Order.

Executive Order 13132, Federalism

The proposed supplementary rules would not have a substantial direct

effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the BLM has determined that these proposed supplementary rules do not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12988, Civil Justice Reform

Under Executive Order 12988, the BLM has determined that these proposed supplementary rules would not unduly burden the judicial system and that the requirements of Sections 3(a) and 3(b)(2) of the Executive Order are met. The proposed supplementary rules include rules of conduct and prohibited acts that are straightforward and clearly written.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, the BLM has found that these proposed rules do not include policies that have tribal implications, and would have no bearing on trust lands or on lands for which title is held in fee status by Indian tribes or on U.S. Government-owned lands managed by the Bureau of Indian Affairs.

Executive Order 13352, Facilitation of Cooperative Conservation

In accordance with Executive Order 13352, the BLM has determined that the proposed supplementary rules would not impede facilitating cooperative conservation; would take appropriate account of and consider the interests of persons with ownership or other legally recognized interests in land or other natural resources; would properly accommodate local participation in the Federal decision-making process; and would provide that the programs, projects, and activities are consistent with protecting public health and safety.

Information Quality Act

In developing these proposed supplementary rules, the BLM did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Section 515 of Pub. L. 106–554). In accordance with the Information Quality Act, the Department of the Interior has issued guidance regarding the quality of information that it relies upon for regulatory decisions. This guidance is available at DOI's Web site at *http://www.doi.gov/archive/ocio/iq.html.*

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

These proposed supplementary rules are not a ''significant energy action,'' as defined in Executive Order 13211. The rules are not likely to have an adverse effect on energy supply, distribution, or use and have no connection with energy policy.

Paperwork Reduction Act

These proposed supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Author

The principal author of these supplementary rules is Peter De Witt, Program Manager, Southeastern States Field Office.

Proposed Supplementary Rules for Public Lands in Palm Beach County, Florida

For the reasons stated in the preamble, and under the authority of 43 CFR 8365.1–6, the Eastern States Director proposes to establish the following supplementary rules. These rules apply to approximately 86 acres of public lands within the JILONA, Palm Beach County, Florida, Tallahassee Meridian T40S, R43E, Section 31, Lots 15, 17, and 19—to read as follows:

Definitions

Parking area means a specially designed and publicly designated area set aside for the standing or temporary stationing of vehicles.

Permit means a document provided by the BLM authorized officer or his designee granting permission to conduct or take part in a specific activity at a specific location and at a specific time.

Vehicle means any wheeled conveyance for transportation of persons or materials whether:

1. Powered or drawn by motor, such as an automobile, truck, motorcycle, scooter, or minibike;

2. Animal-drawn, such as a carriage, wagon, or cart; or

3. Self-propelled, such as a bicycle, skates, or skateboard.

Watercraft means any boat, kayak, canoe, raft, houseboat, barge, vessel, ship, or any other floating device capable of transporting humans or objects over water.

Prohibited Acts

1. Plant and Wildlife Protection and Preservation

(a) No person shall molest, harm, frighten, kill, trap, hunt, chase, shoot, throw objects at, harass, feed, or otherwise inhibit the natural movements and habits of any invertebrate, mammal, amphibian, reptile, fish, or bird.

(b) No person shall remove or have in his or her possession the young of any wild animal, or the eggs or nests of any amphibian, reptile, fish, bird, or invertebrate.

(c) No person shall introduce, plant, or release any plant or animal into any area.

(d) No person shall dig, move, or remove from any area any sand, soil, rocks, stones, trees, shrubs, or plants, fallen timber, or other wood or materials, or make any excavation by tool, equipment, blasting, or other means.

2. Fires

(a) No person shall build or attempt to build, light, or cause to be lighted any fire or fires unless given permission under a written permit from the BLM authorized officer or his designee.

(b) No person shall drop, throw, or otherwise deposit lighted matches, burning cigarettes or cigars, tobacco paper, or other flammable materials within any area or on any county highway, road, or street abutting or contiguous thereto.

3. Boating

(a) No person shall launch or operate any watercraft upon any watercourse, lagoon, lake, canal, pond, marsh, wet prairie, or slough, except at such places that are designated by the BLM for such use or as authorized by the BLM.

(b) No person shall operate, moor, or anchor any watercraft in a manner that results in damage or harm to the vegetation, wildlife, or shoreline.

4. Prohibited Activities

(a) No person shall engage in fishing or the buying or selling of fish.

(b) No person shall engage in hunting or trapping, or be in the possession of any kind of trapping device. State licensed hunters and trappers requested by the BLM authorized officer or his designee to remove nuisance and exotic animals are exempt from this prohibition, as are State licensed hunters authorized to reduce excessive populations of animals causing environmental damage.

(c) No person shall use firearms or other weapons potentially harmful to

wildlife and dangerous to human safety, except authorized law enforcement personnel and persons authorized by the BLM to remove nuisance and exotic animals. This prohibition includes shooting into the area from beyond its boundaries.

(d) No person shall engage in the sale, purchase, consumption, or possession of alcoholic beverages as defined in section 561.01(4), Florida Statutes.

(e) No person shall use, discharge or be in possession of fireworks, explosives, or substances that could be combined into an explosive mixture.

(f) No person shall bring domesticated animals (except horses) or pets into the area.

(g) No person shall conduct vehicle repair within the area, including its parking facilities.

(h) No person shall use an airboat.

(i) No person shall be in possession of or release inflated balloons.

5. Activities Requiring Prior BLM Authorization

(a) No person shall camp within the area without prior BLM authorization.

(b) No person shall engage in equestrian activities without prior BLM authorization.

(c) No person shall collect plant and animal specimens or use watercraft in wetlands for scientific research without prior BLM authorization.

(d) No person shall occupy the area after hours or at night, defined as the period between sunset and sunrise, without prior BLM authorization.

6. Vehicles

(a) No person shall drive, operate, or propel any vehicle outside the boundaries of designated paved or improved access roads or driveways unless specifically authorized to do so by the BLM.

(b) No person shall park any vehicle at any place other than a designated parking area without prior BLM authorization.

(c) No person shall park any vehicle in a manner that blocks or impedes access to a parking area or access road.

(d) No vehicle shall be left in a parking area overnight without prior authorization from the BLM.

Exemptions

The following persons are exempt from these supplementary rules: Any Federal, State, local, and/or military employee acting within the scope of their duties; members of any organized rescue or fire-fighting force performing an official duty; and persons, agencies, municipalities, or companies holding an existing special-use permit and operating within the scope of their permit.

Penalties

Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a) and 43 CFR 8360.0–7), any person who violates any of these supplementary rules may be tried before a United States Magistrate and fined no more than $1,000 or imprisoned for no more than 12 months or both. Such violations may also be subject to enhanced fines provided for by 18 U.S.C. 3571.

John F. Ruhs,

State Director, Eastern States Office.

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