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FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Regulation D; Docket No. R–1501]

RIN 7100 AE–23

Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending Regulation D, Reserve Requirements of Depository Institutions, to reflect the annual indexing of the reserve requirement exemption amount and the low reserve tranche for 2015. The Regulation D amendments set the amount of total reservable liabilities of each depository institution that is subject to a zero percent reserve requirement in 2015 at $14.5 million (from $13.3 million in 2014). This amount is known as the reserve requirement exemption amount. The Regulation D amendments also set the amount of net transaction accounts at each depository institution (over the reserve requirement exemption amount) that is subject to a three percent reserve requirement in 2015 at $103.6 million (from $89.0 million in 2014). This amount is known as the low reserve tranche. The adjustments to both of these amounts are derived using statutory formulas specified in the Federal Reserve Act.

The Board is also announcing changes in two other amounts, the nonexempt deposit cutoff level and the reduced reporting limit, that are used to determine the frequency at which depository institutions must submit deposit reports.

DATES: *Effective date:* December 17, 2014.

Compliance dates: The new low reserve tranche and reserve requirement exemption amount will apply to the fourteen-day reserve maintenance period that begins January 22, 2015. For depository institutions that report deposit data weekly, this maintenance period corresponds to the fourteen-day computation period that begins December 23, 2014. For depository institutions that report deposit data quarterly, this maintenance period corresponds to the seven-day computation period that begins December 16, 2014. The new values of the nonexempt deposit cutoff level, the reserve requirement exemption amount, and the reduced reporting limit will be used to determine the frequency at which a depository institution submits deposit reports effective in either June or September 2015.

FOR FURTHER INFORMATION CONTACT: Sophia H. Allison, Special Counsel (202/452–3565), Legal Division, or Ezra A. Kidane, Financial Analyst (202/973–6161), Division of Monetary Affairs; for users of Telecommunications Device for the Deaf (TDD) only, contact (202/263–4869); Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Section 19(b)(2) of the Federal Reserve Act (12 U.S.C. 461(b)(2)) requires each depository institution to maintain reserves against its transaction accounts and nonpersonal time deposits, as prescribed by Board regulations, for the purpose of implementing monetary policy. Section 11(a)(2) of the Federal Reserve Act (12 U.S.C. 248(a)(2)) authorizes the Board to require reports of liabilities and assets from depository institutions to enable the Board to conduct monetary policy. The Board's actions with respect to each of these provisions are discussed in turn below.

Reserve Requirements

Pursuant to section 19(b) of the Federal Reserve Act (Act), transaction account balances maintained at each depository institution are subject to reserve requirement ratios of zero, three, or ten percent. Section 19(b)(11)(A) of the Act (12 U.S.C. 461(b)(11)(A)) provides that a zero percent reserve requirement shall apply at each depository institution to total reservable liabilities that do not exceed a certain amount, known as the reserve requirement exemption amount. Section 19(b)(11)(B) provides that, before December 31 of each year, the Board shall issue a regulation adjusting the reserve requirement exemption amount for the next calendar year if total reservable liabilities held at all depository institutions increase from one year to the next. No adjustment is made to the reserve requirement exemption amount if total reservable liabilities held at all depository institutions should decrease during the applicable time period. The Act requires the percentage increase in the reserve requirement exemption amount to be 80 percent of the increase in total reservable liabilities of all depository institutions over the one-year period that ends on the June 30 prior to the adjustment.

Total reservable liabilities of all depository institutions increased by 11.1 percent, from $6,317 billion to $7,020 billion between June 30, 2013, and June 30, 2014. Accordingly, the Board is amending Regulation D to set the reserve requirement exemption amount for 2015 at $14.5 million, an increase of $1.2 million from its level in 2014.[1]

Pursuant to Section 19(b)(2) of the Act (12 U.S.C. 461(b)(2)), transaction account balances maintained at each depository institution over the reserve requirement exemption amount and up to a certain amount, known as the low reserve tranche, are subject to a three percent reserve requirement. Transaction account balances over the low reserve tranche are subject to a ten percent reserve requirement. Section 19(b)(2) also provides that, before December 31 of each year, the Board shall issue a regulation adjusting the low reserve tranche for the next calendar year. The Act requires the adjustment in the low reserve tranche to be 80 percent of the percentage increase or decrease in total transaction accounts of all depository institutions over the one-year period that ends on the June 30 prior to the adjustment.

Net transaction accounts of all depository institutions increased 20.5 percent, from $1,576 billion to $1,900 billion between June 30, 2013 and June 30, 2014. Accordingly, the Board is amending Regulation D to increase the low reserve tranche for net transaction

[1] Consistent with Board practice, the low reserve tranche and reserve requirement exemption amounts have been rounded to the nearest $0.1 million.

accounts by $14.6 million, from $89.0 million for 2014 to $103.6 million for 2015.

The new low reserve tranche and reserve requirement exemption amount will be effective for all depository institutions for the fourteen-day reserve maintenance period beginning Thursday, January 22, 2015. For depository institutions that report deposit data weekly, this maintenance period corresponds to the fourteen-day computation period that begins December 23, 2014. For depository institutions that report deposit data quarterly, this maintenance period corresponds to the seven-day computation period that begins December 16, 2014.

2. Deposit Reports

Section 11(b)(2) of the Federal Reserve Act authorizes the Board to require depository institutions to file reports of their liabilities and assets as the Board may determine to be necessary or desirable to enable it to discharge its responsibility to monitor and control the monetary and credit aggregates. The Board screens depository institutions each year and assigns them to one of four deposit reporting panels (weekly reporters, quarterly reporters, annual reporters, or nonreporters). The panel assignment for annual reporters is effective in June of the screening year; the panel assignment for weekly and quarterly reporters is effective in September of the screening year.

In order to ease reporting burden, the Board permits smaller depository institutions to submit deposit reports less frequently than larger depository institutions. The Board permits depository institutions with net transaction accounts above the reserve requirement exemption amount but total transaction accounts, savings deposits, and small time deposits below a specified level (the ''nonexempt deposit cutoff'') to report deposit data quarterly. Depository institutions with net transaction accounts above the reserve requirement exemption amount and with total transaction accounts, savings deposits, and small time deposits greater than or equal to the nonexempt deposit cutoff are required to report deposit data weekly. The Board requires certain large depository institutions to report weekly regardless of the level of their net transaction accounts if the depository institution's total transaction accounts, savings deposits, and small time deposits exceeds or is equal to a specified level (the ''reduced reporting limit''). The nonexempt deposit cutoff level and the reduced reporting limit are adjusted annually, by an amount equal to 80 percent of the increase, if any, in total transaction accounts, savings deposits, and small time deposits of all depository institutions over the one-year period that ends on the June 30 prior to the adjustment.

From June 30, 2013 to June 30, 2014, total transaction accounts, savings deposits, and small time deposits at all depository institutions increased 7.6 percent, from $9,509 billion to $10,234 billion. Accordingly, the Board is increasing the nonexempt deposit cutoff level by $18.7 million to $325.4 million in 2015 (from $306.7 million for 2014). The Board is also increasing the reduced reporting limit by $105 million to $1.824 billion for 2015 (from $1.719 billion in 2014).[2]

Beginning in 2015, the boundaries of the four deposit reporting panels will be defined as follows. Those depository institutions with net transaction accounts over $14.5 million (the reserve requirement exemption amount) or with total transaction accounts, savings deposits, and small time deposits greater than or equal to $1.824 billion (the reduced reporting limit) are subject to detailed reporting, and must file a Report of Transaction Accounts, Other Deposits and Vault Cash (FR 2900 report) either weekly or quarterly. Of this group, those with total transaction accounts, savings deposits, and small time deposits greater than or equal to $325.4 million (the nonexempt deposit cutoff level) are required to file the FR 2900 report each week, while those with total transaction accounts, savings deposits, and small time deposits less than $325.4 million are required to file the FR 2900 report each quarter. Those depository institutions with net transaction accounts less than or equal to $14.5 million (the reserve requirement exemption amount) and with total transaction accounts, savings deposits, and small time deposits less than $1.824 billion (the reduced reporting limit) are eligible for reduced reporting, and must either file a deposit report annually or not at all. Of this group, those with total deposits greater than $14.5 million (but with total transaction accounts, savings deposits, and small time deposits less than $1.824 billion) are required to file the Annual Report of Deposits and Reservable Liabilities (FR 2910a) report annually, while those with total deposits less than or equal to $14.5 million are not required to file a deposit report. A depository institution that adjusts reported values on its FR 2910a report in order to qualify for reduced reporting will be shifted to an FR 2900 reporting panel.

Notice and Regulatory Flexibility Act. The provisions of 5 U.S.C. 553(b) relating to notice of proposed rulemaking have not been followed in connection with the adoption of these amendments. The amendments involve expected, ministerial adjustments prescribed by statute and by the Board's policy concerning reporting practices. The adjustments in the reserve requirement exemption amount, the low reserve tranche, the nonexempt deposit cutoff level, and the reduced reporting limit serve to reduce regulatory burdens on depository institutions. Accordingly, the Board finds good cause for determining, and so determines, that notice in accordance with 5 U.S.C. 553(b) is unnecessary. Consequently, the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601, do not apply to these amendments.

List of Subjects in 12 CFR Part 204

Banks, Banking, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Board is amending 12 CFR part 204 as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (REGULATION D)

■ 1. The authority citation for part 204 continues to read as follows:

Authority: 12 U.S.C. 248(a), 248(c), 371a, 461, 601, 611, and 3105.

■ 2. Section 204.4(f) is revised to read as follows:

§ 204.4 Computation of required reserves.

* * * * *

(f) For all depository institutions, Edge and Agreement corporations, and United States branches and agencies of foreign banks, required reserves are computed by applying the reserve requirement ratios below to net transaction accounts, nonpersonal time deposits, and Eurocurrency liabilities of the institution during the computation period.

[2] Consistent with Board practice, the nonexempt deposit cutoff level has been rounded to the nearest $0.1 million, and the reduced reporting limit has been rounded to the nearest $1 million.

Reservable liability	Reserve requirement
Net Transaction Accounts:	
$0 to reserve requirement exemption amount ($14.5 million)	0 percent of amount.
Over reserve requirement exemption amount ($14.5 million) and up to low reserve tranche ($103.6 million).	3 percent of amount.
Over low reserve tranche ($103.6 million)	$2,673,000 plus 10 percent of amount over $103.6 million.
Nonpersonal time deposits	0 percent.
Eurocurrency liabilities	0 percent.

By order of the Board of Governors of the Federal Reserve System, acting through the Director of the Division of Monetary Affairs under delegated authority, November 12, 2014.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2014–27161 Filed 11–14–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30981 Amdt. No. 3611]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective November 17, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 17, 2014.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit *http://www.nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125), Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the, associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPS and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the

affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule '' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26,1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on September 26, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 13 November 2014

Nome, AK, Nome, ILS OR LOC/DME Z RWY 28, Amdt 4
Nome, AK, Nome, LOC/DME BC RWY 10, Amdt 4
Nome, AK, Nome, NDB–A, Amdt 1
Nome, AK, Nome, NDB/DME RWY 3, Amdt 3
Nome, AK, Nome, Takeoff Minimums and Obstacle DP, Amdt 6
Nome, AK, Nome, VOR RWY 28, Amdt 3
Nome, AK, Nome, VOR/DME RWY 10, Amdt 3
Shaktoolik, AK, Shaktoolik, RNAV (GPS) RWY 14, Amdt 1
Sitka, AK, Sitka Rocky Gutierrez, BIORKA THREE, Graphic DP
Arkadelphia, AR, Dexter B Florence Memorial Field, NDB RWY 4, Amdt 7, CANCELED
Arkadelphia, AR, Dexter B Florence Memorial Field, RNAV (GPS) RWY 4, Amdt 1
Arkadelphia, AR, Dexter B Florence Memorial Field, RNAV (GPS) RWY 22, Orig
Arkadelphia, AR, Dexter B Florence Memorial Field, Takeoff Minimums and Obstacle DP, Amdt 3
Glendale, AZ, Glendale Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Goodyear, AZ, Phoenix Goodyear, POTER TWO, Graphic DP
Goodyear, AZ, Phoenix Goodyear, Takeoff Minimums and Obstacle DP, Amdt 1
San Diego/El Cajon, CA, Gillespie Field, LOC/DME–D, Amdt 11
Santa Rosa, CA, Charles M. Schulz—Sonoma County, Takeoff Minimums and Obstacle DP, Amdt 7
Denver, CO, Rocky Mountain Metropolitan, Takeoff Minimums and Obstacle DP, Amdt 6
Perry, FL, Perry-Foley, Takeoff Minimums and Obstacle DP, Amdt 1
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (GPS) RWY 9L, Amdt 4
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (GPS) PRM RWY 9L (SIMULTANEOUS CLOSE PARALLEL), Orig
Winder, GA, Barrow County, ILS OR LOC RWY 31, Orig-B
Winder, GA, Barrow County, NDB RWY 31, Amdt 9A
Winder, GA, Barrow County, RNAV (GPS) RWY 31, Amdt 1A
Newton, IA, Newton Muni, ILS OR LOC RWY 32, Amdt 2
Newton, IA, Newton Muni, RNAV (GPS) RWY 14, Amdt 1
Newton, IA, Newton Muni, RNAV (GPS) RWY 32, Orig-A
Boise, ID, Boise Air Terminal/Gowen Fld, RNAV (RNP) X RWY 28R, Orig
New Castle, IN, New Castle-Henry Co Muni, NDB RWY 27, Amdt 6
New Castle, IN, New Castle-Henry Co Muni, RNAV (GPS) RWY 9, Orig
New Castle, IN, New Castle-Henry Co Muni, RNAV (GPS) RWY 27, Orig
New Castle, IN, New Castle-Henry Co Muni, VOR RWY 27, Amdt 10
Sullivan, IN, Sullivan County, RNAV (GPS) RWY 18, Amdt 1
Sullivan, IN, Sullivan County, RNAV (GPS) RWY 36, Amdt 1
Wichita, KS, Wichita Dwight D. Eisenhower National, ILS OR LOC RWY 1L, ILS RWY 1L (SA CAT I), ILS RWY 1L (CAT II), Amdt 3C
Wichita, KS, Wichita Dwight D. Eisenhower National, ILS OR LOC RWY 1R, Amdt 17C
Wichita, KS, Wichita Dwight D. Eisenhower National, ILS OR LOC RWY 19L, Amdt 1
Wichita, KS, Wichita Dwight D. Eisenhower National, ILS OR LOC RWY 19R, Amdt 5F
Wichita, KS, Wichita Dwight D. Eisenhower National, NDB RWY 1R, Amdt 15C
Wichita, KS, Wichita Dwight D. Eisenhower National, RNAV (GPS) RWY 1R, Amdt 2
Wichita, KS, Wichita Dwight D. Eisenhower National, RNAV (GPS) RWY 32, Amdt 1A
Wichita, KS, Wichita Dwight D. Eisenhower National, RNAV (GPS) Y RWY 1L, Amdt 1B
Wichita, KS, Wichita Dwight D. Eisenhower National, RNAV (GPS) Y RWY 14, Amdt 2A
Wichita, KS, Wichita Dwight D. Eisenhower National, RNAV (GPS) Y RWY 19L, Amdt 2
Wichita, KS, Wichita Dwight D. Eisenhower National, RNAV (GPS) Y RWY 19R, Amdt 1A
Wichita, KS, Wichita Dwight D. Eisenhower National, RNAV (RNP) Z RWY 1L, Orig-C
Wichita, KS, Wichita Dwight D. Eisenhower National, RNAV (RNP) Z RWY 14, Orig-B
Wichita, KS, Wichita Dwight D. Eisenhower National, RNAV (RNP) Z RWY 19L, Amdt 1
Wichita, KS, Wichita Dwight D. Eisenhower National, RNAV (RNP) Z RWY 19R, Orig-B
Marion, KY, Marion-Crittenden County, RNAV (GPS) RWY 7, Amdt 2
Marion, KY, Marion-Crittenden County, RNAV (GPS) RWY 25, Amdt 2
Pine Knot, KY, Mc Creary County, RNAV (GPS) RWY 4, Orig
Pine Knot, KY, Mc Creary County, RNAV (GPS) RWY 22, Orig
Pine Knot, KY, Mc Creary County, Takeoff Minimums and Obstacle DP, Orig
Galliano, LA, South LaFourche Leonard Miller Jr, ILS OR LOC/DME RWY 36, Amdt 1
Galliano, LA, South LaFourche Leonard Miller Jr, RNAV (GPS) RWY 18, Amdt 2
Galliano, LA, South LaFourche Leonard Miller Jr, RNAV (GPS) RWY 36, Amdt 1
Springhill, LA, Springhill, RNAV (GPS) RWY 18, Orig-A, CANCELED
Springhill, LA, Springhill, Takeoff Minimums and Obstacle DP, Orig-A
Grand Rapids, MI, Gerald R. Ford Intl, ILS OR LOC RWY 8R, Amdt 6A
Grand Rapids, MI, Gerald R. Ford Intl, ILS OR LOC RWY 26L, Amdt 21A
Grand Rapids, MI, Gerald R. Ford Intl, ILS OR LOC RWY 35, Amdt 1B
Grand Rapids, MI, Gerald R. Ford Intl, RNAV (GPS) RWY 17, Amdt 1A
Grand Rapids, MI, Gerald R. Ford Intl, VOR RWY 17, Orig-D
Grand Rapids, MI, Gerald R. Ford Intl, VOR RWY 35, Amdt 1A
Greenville, MI, Greenville Muni, RNAV (GPS) RWY 10, Orig-A
Greenville, MI, Greenville Muni, RNAV (GPS) RWY 28, Orig-A
Greenville, MI, Greenville Muni, VOR/DME–A, Amdt 2A
Hastings, MI, Hastings, VOR RWY 12, Orig-E

Holland, MI, West Michigan Rgnl, VOR–A, Amdt 10D
Lansing, MI, Capital Region Intl, ILS OR LOC RWY 10R, Amdt 11
Lansing, MI, Capital Region Intl, ILS OR LOC RWY 28L, Amdt 27
Lansing, MI, Capital Region Intl, RNAV (GPS) RWY 28L, Amdt 1
Lansing, MI, Capital Region Intl, Takeoff Minimums and Obstacle DP, Amdt 14
South St Paul, MN, South St Paul Muni-Richard E Fleming Fld, LOC RWY 34, Amdt 1A
South St Paul, MN, South St Paul Muni-Richard E Fleming Fld, NDB–B, Amdt 4
South St Paul, MN, South St Paul Muni-Richard E Fleming Fld, RNAV (GPS) RWY 34, Amdt 1
South St Paul, MN, South St Paul Muni-Richard E Fleming Fld, Takeoff Minimums and Obstacle DP, Amdt 1
Thief River Falls, MN, Thief River Falls Rgnl, ILS OR LOC RWY 31, Amdt 4
Thief River Falls, MN, Thief River Falls Rgnl, NDB RWY 31, Amdt 2A
Thief River Falls, MN, Thief River Falls Rgnl, RNAV (GPS) RWY 4, Orig
Thief River Falls, MN, Thief River Falls Rgnl, RNAV (GPS) RWY 13, Orig-A
Thief River Falls, MN, Thief River Falls Rgnl, RNAV (GPS) RWY 22, Orig
Thief River Falls, MN, Thief River Falls Rgnl, RNAV (GPS) RWY 31, Orig-A
Thief River Falls, MN, Thief River Falls Rgnl, Takeoff Minimums and Obstacle DP, Orig-A
Grain Valley, MO, East Kansas City, GPS RWY 9, Orig, CANCELED
Grain Valley, MO, East Kansas City, GPS RWY 27, Orig, CANCELED
Grain Valley, MO, East Kansas City, RNAV (GPS) RWY 9, Orig
Grain Valley, MO, East Kansas City, RNAV (GPS) RWY 27, Orig
Grain Valley, MO, East Kansas City, Takeoff Minimums and Obstacle DP, Orig
Grain Valley, MO, East Kansas City, VOR/DME RNAV RWY 27, Amdt 2A, CANCELED
Grain Valley, MO, East Kansas City, VOR OR GPS RWY 23, Amdt 3A, CANCELED
Monett, MO, Monett Rgnl, RNAV (GPS) RWY 18, Amdt 3
Monett, MO, Monett Rgnl, RNAV (GPS) RWY 36, Amdt 3
Monett, MO, Monett Rgnl, Takeoff Minimums and Obstacle DP, Amdt 2
Warsaw, MO, Warsaw Muni, RNAV (GPS) RWY 18, Orig
Warsaw, MO, Warsaw Muni, RNAV (GPS) RWY 36, Orig
Warsaw, MO, Warsaw Muni, Takeoff Minimums and Obstacle DP, Orig
Gulfport, MS, Gulfport-Biloxi Intl, ILS OR LOC RWY 14, Amdt 14B
Cut Bank, MT, Cut Bank Intl, GPS RWY 31, Orig-A, CANCELED
Cut Bank, MT, Cut Bank Intl, RNAV (GPS) RWY 5, Orig
Cut Bank, MT, Cut Bank Intl, RNAV (GPS) RWY 23, Orig
Cut Bank, MT, Cut Bank Intl, Takeoff Minimums and Obstacle DP, Amdt 2
Cut Bank, MT, Cut Bank Intl, VOR RWY 32, Amdt 16
Berlin, NJ, Camden County, Takeoff Minimums and Obstacle DP, Amdt 2
Las Cruces, NM, Las Cruces Intl, RNAV (GPS) RWY 12, Amdt 1
Las Cruces, NM, Las Cruces Intl, RNAV (GPS) RWY 30, Amdt 1
Lovington, NM, Lea County-Zip Franklin Memorial, RNAV (GPS) RWY 3, Amdt 1
Lovington, NM, Lea County-Zip Franklin Memorial, RNAV (GPS) RWY 21, Amdt 1
Brigham City, UT, Brigham City, NDB–A, Amdt 1A, CANCELED
Barre/Montpelier, VT, Edward F Knapp State, ILS OR LOC RWY 17, Amdt 7
Barre/Montpelier, VT, Edward F Knapp State, RNAV (GPS) RWY 17, Amdt 1
Barre/Montpelier, VT, Edward F Knapp State, RNAV (GPS) RWY 35, Amdt 1
Barre/Montpelier, VT, Edward F Knapp State, Takeoff Minimums and Obstacle DP, Amdt 5
Barre/Montpelier, VT, Edward F Knapp State, VOR RWY 35, Amdt 4
Barre/Montpelier, VT, Edward F Knapp State, VOR/DME RWY 35, Amdt 1A, CANCELED
Eastsound, WA, Orcas Island, RNAV (GPS) RWY 16, Orig
Eastsound, WA, Orcas Island, Takeoff Minimums and Obstacle DP, Amdt 3
Walla Walla, WA, Walla Walla Rgnl, RNAV (GPS) RWY 16, Orig-A, CANCELED
Walla Walla, WA, Walla Walla Rgnl, VOR RWY 16, Amdt 12A, CANCELED
Milwaukee, WI, Lawrence J Timmerman, LOC RWY 15L, Amdt 6B

Effective 11 December 2014

Winslow, AZ, Winslow-Lindbergh Rgnl, Takeoff Minimums and Obstacle DP, Orig
Kindred, ND, Robert Odegaard Field, RNAV (GPS) RWY 11, Amdt 1B
Kindred, ND, Robert Odegaard Field, RNAV (GPS) RWY 29, Amdt 1A
Gothenburg, NE, Quinn Field, RNAV (GPS) RWY 3, Orig-A
Gothenburg, NE, Quinn Field, RNAV (GPS) RWY 21, Orig-A
Gothenburg, NE, Quinn Field, VOR–A, Amdt 3
Greybull, WY, South Big Horn County, RNAV (GPS) RWY 7, Orig-B
Greybull, WY, South Big Horn County, RNAV (GPS) RWY 34, Amdt 1B

RESCINDED: On September 25, 2014 (79 FR 57436), the FAA published an Amendment in Docket No. 30974, Amdt No. 3605, to Part 97 of the Federal Aviation Regulations under section 97.33. The following entries for Conway, AR, effective September 18, 2014 are hereby rescinded in their entirety:

Conway, AR, Cantrell Field, RNAV (GPS) RWY 4, Orig
Conway, AR, Cantrell Field, RNAV (GPS) RWY 22, Orig
Conway, AR, Cantrell Field, Takeoff Minimums and Obstacle DP, Orig

[FR Doc. 2014–26864 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30982; Amdt. No. 3612]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective November 17, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 17, 2014.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs are available online free of charge. Visit *nfdc.faa.gov* to register. Additionally, individual

SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on September 26, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
13–Nov–14	KY	Louisville	Louisville Intl-Standiford Field.	4/0430	09/19/14	RNAV (GPS) Y RWY 17R, Amdt 1A.
13–Nov–14	KY	Louisville	Louisville Intl-Standiford Field.	4/0431	09/19/14	RNAV (RNP) Z RWY 35L, Amdt 1.
13–Nov–14	KY	Louisville	Louisville Intl-Standiford Field.	4/0432	09/19/14	LOC RWY 29, Orig-A.
13–Nov–14	KY	Louisville	Louisville Intl-Standiford Field.	4/0438	09/19/14	ILS OR LOC RWY 17R, Amdt 3B.
13–Nov–14	KY	Louisville	Louisville Intl-Standiford Field.	4/0444	09/19/14	RNAV (GPS) Y RWY 35R, Amdt 1.
13–Nov–14	KY	Louisville	Louisville Intl-Standiford Field.	4/0448	09/19/14	RNAV (GPS) Y RWY 35L, Amdt 1.
13–Nov–14	KY	Louisville	Louisville Intl-Standiford Field.	4/0449	09/19/14	RNAV (RNP) Z RWY 35R, Orig.
13–Nov–14	KY	Louisville	Louisville Intl-Standiford Field.	4/0450	09/19/14	RNAV (RNP) Z RWY 17L, Orig-A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
13–Nov–14	KY	Louisville	Louisville Intl-Standiford Field.	4/0451	09/19/14	RNAV (RNP) Z RWY 17R, Orig-A.
13–Nov–14	KY	Louisville	Louisville Intl-Standiford Field.	4/0452	09/19/14	RNAV (GPS) Y RWY 17L, Amdt 1A.
13–Nov–14	KY	Louisville	Louisville Intl-Standiford Field.	4/0453	09/19/14	ILS OR LOC RWY 35L, ILS RWY 35L (SA CAT I), ILS RWY 35L (CAT II & III), Amdt 3A.
13–Nov–14	NE	Grand Island	Central Nebraska Rgnl	4/0532	09/11/14	ILS OR LOC RWY 35, Amdt 9D.
13–Nov–14	NE	Grand Island	Central Nebraska Rgnl	4/0533	09/11/14	VOR RWY 13, Amdt 19A.
13–Nov–14	NE	Grand Island	Central Nebraska Rgnl	4/0537	09/11/14	VOR/DME RWY 35, Amdt 15.
13–Nov–14	NE	Grand Island	Central Nebraska Rgnl	4/0539	09/11/14	VOR RWY 17, Amdt 24.
13–Nov–14	NE	Grand Island	Central Nebraska Rgnl	4/0540	09/11/14	LOC/DME BC RWY 17, Amdt 9C.
13–Nov–14	TN	Millington	Millington Rgnl Jetport	4/1581	09/11/14	ILS OR LOC RWY 22, Amdt 4.
13–Nov–14	NC	Wilmington	Wilmington Intl	4/1744	09/12/14	TACAN A, Orig-A.
13–Nov–14	VA	Richlands	Tazewell County	4/1762	09/12/14	RNAV (GPS) RWY 25, Amdt 1.
13–Nov–14	VA	Richlands	Tazewell County	4/1764	09/12/14	LOC/DME RWY 25, Amdt 1.
13–Nov–14	VA	Richlands	Tazewell County	4/1765	09/12/14	RNAV (GPS) RWY 7, Orig-A.
13–Nov–14	CO	Burlington	Kit Carson County	4/2020	09/19/14	NDB RWY 15, Amdt 1A.
13–Nov–14	CO	Burlington	Kit Carson County	4/2021	09/19/14	LOC RWY 33, Orig.
13–Nov–14	CA	San Francisco	San Francisco Intl	4/2350	09/11/14	ILS OR LOC RWY 28L, ILS RWY 28L (SA CAT II), Amdt 24C.
13–Nov–14	AK	Anchorage	Ted Stevens Anchorage Intl.	4/2363	09/12/14	RNAV (GPS) RWY 15, Amdt 2A.
13–Nov–14	IL	Peru	Illinois Valley Rgnl-Walter A Duncan Field.	4/2747	09/19/14	LOC RWY 36, Amdt 3B.
13–Nov–14	CA	Tulare	Mefford Field	4/2777	09/11/14	VOR/DME RWY 13, Amdt 1.
13–Nov–14	CA	Tulare	Mefford Field	4/2778	09/11/14	RNAV (GPS) RWY 13, Orig.
13–Nov–14	IL	Belleville	Scott AFB/MidAmerica	4/2866	09/11/14	RNAV (GPS) RWY 32R, Orig-A.
13–Nov–14	SC	Columbia	Jim Hamilton L.B. Owens	4/2997	09/11/14	GPS RWY 31, Orig-A.
13–Nov–14	AK	Aniak	Aniak	4/3278	09/11/14	ILS/DME RWY 10, Amdt 7D.
13–Nov–14	AL	Huntsville	Huntsville Intl-Carl T Jones Field.	4/3543	09/19/14	ILS OR LOC RWY 36R, Amdt 2A.
13–Nov–14	AL	Huntsville	Huntsville Intl-Carl T Jones Field.	4/3544	09/19/14	ILS OR LOC RWY 36L, Amdt 10A.
13–Nov–14	AL	Huntsville	Huntsville Intl-Carl T Jones Field.	4/3545	09/19/14	ILS OR LOC RWY 18L, Amdt 4B.
13–Nov–14	FL	Fort Myers	Page Field	4/3675	09/19/14	VOR RWY 13, Orig-D.
13–Nov–14	IA	Pocahontas	Pocahontas Muni	4/3728	09/19/14	VOR/DME RWY 30, Amdt 4A.
13–Nov–14	IA	Pocahontas	Pocahontas Muni	4/3729	09/19/14	RNAV (GPS) RWY 30, Orig-B.
13–Nov–14	IA	Sac City	Sac City Muni	4/3731	09/19/14	RNAV (GPS) RWY 18, Orig.
13–Nov–14	IA	Sac City	Sac City Muni	4/3732	09/19/14	RNAV (GPS) RWY 36, Amdt 1A.
13–Nov–14	IA	Sac City	Sac City Muni	4/3733	09/19/14	NDB RWY 36, Amdt 4A.
13–Nov–14	HI	Hilo	Hilo Intl	4/4084	09/11/14	RNAV (GPS) RWY 26, Orig-B.
13–Nov–14	OR	Portland	Portland-Hillsboro	4/4777	09/19/14	VOR/DME C, Orig.
13–Nov–14	AK	Akiak	Akiak	4/5005	09/12/14	RNAV (GPS) RWY 3, Orig.
13–Nov–14	AK	Akiak	Akiak	4/5011	09/12/14	RNAV (GPS) RWY 21, Orig.
13–Nov–14	TX	Carrizo Springs	Dimmit County	4/5412	09/19/14	NDB RWY 31, Amdt 3B.
13–Nov–14	TX	Carrizo Springs	Dimmit County	4/5417	09/19/14	RNAV (GPS) RWY 31, Amdt 1.
13–Nov–14	TX	Carrizo Springs	Dimmit County	4/5420	09/19/14	RNAV (GPS) RWY 13, Orig-A.
13–Nov–14	MO	Mountain Grove	Mountain Grove Memorial	4/5429	09/11/14	RNAV (GPS) RWY 26, Orig.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
13–Nov–14	IL	Chicago/Prospect Heights/ Wheeling.	Chicago Executive	4/5601	09/19/14	ILS OR LOC RWY 16, Amdt 2A.
13–Nov–14	IL	Chicago/Prospect Heights/ Wheeling.	Chicago Executive	4/5602	09/19/14	VOR RWY 16, Orig-C.
13–Nov–14	IL	Chicago/Prospect Heights/ Wheeling.	Chicago Executive	4/5606	09/19/14	RNAV (GPS) RWY 16, Amdt 1B.
13–Nov–14	AK	St Mary's	St Mary's	4/5864	09/12/14	RNAV (GPS) RWY 35, Amdt 2A.
13–Nov–14	AK	St Mary's	St Mary's	4/5868	09/12/14	RNAV (GPS) RWY 17, Amdt 3A.
13–Nov–14	AK	St Mary's	St Mary's	4/5869	09/12/14	LOC/DME RWY 17, Amdt 5A.
13–Nov–14	WA	Chehalis	Chehalis-Centralia	4/6108	09/19/14	RNAV (GPS) RWY 16, Amdt 1.
13–Nov–14	AK	Emmonak	Emmonak	4/6915	09/11/14	VOR RWY 34, Amdt 1.
13–Nov–14	AK	Emmonak	Emmonak	4/6917	09/11/14	RNAV (GPS) RWY 16, Amdt 2.
13–Nov–14	AK	Emmonak	Emmonak	4/6918	09/11/14	RNAV (GPS) RWY 34, Amdt 2.
13–Nov–14	AK	Emmonak	Emmonak	4/6919	09/11/14	VOR RWY 16, Amdt 1.
13–Nov–14	TX	Austin	Austin-Bergstrom Intl	4/7057	09/19/14	ILS OR LOC RWY 17R, Amdt 4A.
13–Nov–14	TX	Austin	Austin-Bergstrom Intl	4/7058	09/19/14	ILS OR LOC RWY 17L, ILS RWY 17L (SA CAT I), ILS RWY 17L (CAT II & III), Amdt 2A.
13–Nov–14	WV	Williamson	Appalachian Rgnl	4/9281	09/12/14	RNAV (GPS) RWY 8, Orig-B.
13–Nov–14	WV	Williamson	Appalachian Rgnl	4/9282	09/12/14	RNAV (GPS) RWY 26, Orig-B.
13–Nov–14	CA	Madera	Madera Muni	4/9765	09/12/14	RNAV (GPS) RWY 30, Orig.
13–Nov–14	CA	Madera	Madera Muni	4/9767	09/12/14	RNAV (GPS) RWY 12, Orig.
13–Nov–14	DC	Washington	Manassas Rgnl/Harry P. Davis Field.	4/9772	09/12/14	ILS OR LOC RWY 16L, Orig.
13–Nov–14	DC	Washington	Manassas Rgnl/Harry P. Davis Field.	4/9776	09/12/14	RNAV (GPS) RWY 16L, Amdt 1B.

[FR Doc. 2014–26852 Filed 11–14–14; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30984; Amdt. No. 3614]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective November 17, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 17, 2014.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs are available online free of charge. Visit *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500

South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on October 10, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
13–Nov–14	PR	Mayaguez	Eugenio Maria De Hostos	4/0234	09/29/14	VOR RWY 9, Amdt 10.
13–Nov–14	PR	Mayaguez	Eugenio Maria De Hostos	4/0236	09/29/14	RNAV (GPS) RWY 9, Orig.
13–Nov–14	AK	Fairbanks	Fairbanks Intl	4/1294	09/29/14	ILS OR LOC RWY 2L, ILS RWY 2L (SA CAT I), ILS RWY 2L (CAT II & CAT III), Amdt 9.
13–Nov–14	PA	Chambersburg	Franklin County Rgnl	4/1339	10/01/14	RNAV (GPS) RWY 6, Orig-A.
13–Nov–14	PA	Chambersburg	Franklin County Rgnl	4/1386	10/01/14	Takeoff Minimums and (Obstacle) DP, Amdt 3.
13–Nov–14	CA	Petaluma	Petaluma Muni	4/2422	09/22/14	RNAV (GPS) RWY 29, Orig.
13–Nov–14	FL	Fort Myers	Page Field	4/3676	09/19/14	RNAV (GPS) RWY 13, Amdt 1B.
13–Nov–14	KY	Louisville	Louisville Intl-Standiford Field.	4/4118	09/24/14	ILS OR LOC RWY 17L, Amdt 4A.
13–Nov–14	KY	Louisville	Louisville Intl-Standiford Field.	4/4119	09/24/14	ILS OR LOC RWY 35R, ILS RWY 35R (SA CAT I), ILS RWY 35R (CAT II & III), Amdt 4A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
13–Nov–14	HI	Hana	Hana	4/4771	09/19/14	RNAV (GPS) RWY 26, Orig.
13–Nov–14	OH	Ravenna	Portage County	4/5356	09/22/14	VOR A, Amdt 6.
13–Nov–14	CA	Santa Rosa	Charles M. Schulz—Sonoma County.	4/6088	09/22/14	ILS OR LOC RWY 32, Amdt 18A.
13–Nov–14	CA	Santa Rosa	Charles M. Schulz—Sonoma County.	4/6089	09/22/14	RNAV (GPS) RWY 32, Orig-A.
13–Nov–14	CA	Santa Rosa	Charles M. Schulz—Sonoma County.	4/6090	09/22/14	VOR RWY 32, Amdt 19A.
13–Nov–14	OH	Ravenna	Portage County	4/6169	09/22/14	RNAV (GPS) RWY 27, Amdt 1.
13–Nov–14	CA	Petaluma	Petaluma Muni	4/6220	09/22/14	VOR RWY 29, Orig-B.
13–Nov–14	WA	Seattle	Boeing Field/King County Intl.	4/6223	09/22/14	ILS OR LOC RWY 31L, Amdt 1A.
13–Nov–14	TX	Dallas	Dallas Love Field	4/6446	09/22/14	RNAV (RNP) X RWY 13L, Orig.
13–Nov–14	TX	Dallas	Dallas Love Field	4/6447	09/22/14	RNAV (RNP) Z RWY 31R, Orig.
13–Nov–14	TX	Dallas	Dallas Love Field	4/6454	09/22/14	RNAV (RNP) X RWY 13R, Orig.
13–Nov–14	TX	Dallas	Dallas Love Field	4/6456	09/22/14	RNAV (RNP) W RWY 13L, Orig.
13–Nov–14	TX	Dallas	Dallas Love Field	4/6457	09/22/14	RNAV (RNP) W RWY 13R, Orig.
13–Nov–14	TX	Dallas	Dallas Love Field	4/6459	09/22/14	RNAV (RNP) Z RWY 31L, Orig.
13–Nov–14	GA	Albany	Southwest Georgia Rgnl	4/6546	09/29/14	NDB RWY 4, Amdt 13A.
13–Nov–14	CA	Santa Rosa	Charles M. Schulz—Sonoma County.	4/6551	09/22/14	RNAV (GPS) RWY 2, Orig-A.
13–Nov–14	GA	Atlanta	Hartsfield—Jackson Atlanta Intl.	4/6569	09/29/14	ILS OR LOC RWY 9L, Amdt 10.
13–Nov–14	KY	Paducah	Barkley Rgnl	4/6584	09/29/14	VOR/DME RWY 22, Amdt 6B.
13–Nov–14	GA	Atlanta	Hartsfield—Jackson Atlanta Intl.	4/6686	09/29/14	RNAV (GPS) RWY 9R, Amdt 4.
13–Nov–14	MD	Elkton	Claremont	4/6687	09/29/14	RNAV (GPS) RWY 13, Orig-B.
13–Nov–14	MD	Elkton	Claremont	4/6692	09/29/14	Takeoff Minimums and (Obstacle) DP, Orig-A.
13–Nov–14	MD	Elkton	Claremont	4/6693	09/29/14	RNAV (GPS) RWY 31, Orig-C.
13–Nov–14	DE	Wilmington	New Castle	4/6781	09/29/14	VOR RWY 27, Amdt 4A.
13–Nov–14	MS	Pascagoula	Trent Lott Intl	4/6950	09/29/14	ILS OR LOC RWY 17, Amdt 2A.
13–Nov–14	WV	Parkersburg	Mid-Ohio Valley Rgnl	4/7117	09/30/14	ILS OR LOC RWY 3, Amdt 14.
13–Nov–14	WV	Parkersburg	Mid-Ohio Valley Rgnl	4/7119	09/30/14	VOR RWY 21, Amdt 17A.
13–Nov–14	AK	Tanana	Ralph M Calhoun Memorial.	4/7154	09/22/14	RNAV (GPS) RWY 7, Orig-A.
13–Nov–14	AK	Tanana	Ralph M Calhoun Memorial.	4/7155	09/22/14	VOR/DME RWY 17, Amdt 2A.
13–Nov–14	GA	Cornelia	Habersham County	4/7418	09/29/14	VOR/DME RWY 6, Amdt 6.
13–Nov–14	AK	Barter Island LRRS	Barter Island LRRS	4/7902	09/24/14	RNAV (GPS) RWY 7, Orig-B.
13–Nov–14	AK	Barter Island LRRS	Barter Island LRRS	4/7904	09/24/14	RNAV (GPS) RWY 25, Orig-B.
13–Nov–14	AK	Fairbanks	Fairbanks Intl	4/7965	09/24/14	RNAV (RNP) Z RWY 2L, Orig.
13–Nov–14	AK	Fairbanks	Fairbanks Intl	4/7966	09/24/14	RNAV (GPS) Y RWY 2L, Orig-C.
13–Nov–14	AK	Fairbanks	Fairbanks Intl	4/7968	09/29/14	RNAV (RNP) Z RWY 20R, Orig.
13–Nov–14	AK	Galena	Edward G. Pitka Sr	4/7971	09/24/14	RNAV (GPS) RWY 25, Amdt 2A.
13–Nov–14	AK	Galena	Edward G. Pitka Sr	4/7972	09/24/14	VOR/DME RWY 25, Amdt 11.
13–Nov–14	AK	Galena	Edward G. Pitka Sr	4/7973	09/24/14	RNAV (GPS) RWY 7, Amdt 2.
13–Nov–14	AK	Galena	Edward G. Pitka Sr	4/7974	09/24/14	VOR/DME RWY 7, Amdt 8.
13–Nov–14	AK	Soldotna	Soldotna	4/7993	09/24/14	RNAV (GPS) RWY 25, Amdt 1A.
13–Nov–14	AK	Soldotna	Soldotna	4/7994	09/24/14	NDB RWY 7, Amdt 2C.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
13–Nov–14	AK	Soldotna	Soldotna	4/7995	09/24/14	RNAV (GPS) RWY 7, Orig-C.
13–Nov–14	AK	Soldotna	Soldotna	4/7996	09/24/14	NDB RWY 25, Amdt 3B.
13–Nov–14	AK	Allakaket	Allakaket	4/7997	09/24/14	RNAV (GPS) RWY 5, Amdt 1.
13–Nov–14	AK	Fairbanks	Fairbanks Intl	4/7998	09/24/14	ILS OR LOC RWY 20R, ILS RWY 20R (SA CAT I & II), Amdt 24.
13–Nov–14	AK	Coldfoot	Coldfoot	4/8022	09/24/14	RNAV (GPS) RWY 1, Amdt 1A.
13–Nov–14	AK	Huslia	Huslia	4/8043	09/24/14	VOR/DME RWY 3, Orig-B.
13–Nov–14	AK	Kenai	Kenai Muni	4/8044	09/24/14	RNAV (GPS) RWY 1L, Amdt 2.
13–Nov–14	AK	Kokhanok	Kokhanok	4/8045	09/24/14	RNAV (GPS) RWY 6, Orig-B.
13–Nov–14	AK	Kokhanok	Kokhanok	4/8046	09/24/14	RNAV (GPS) RWY 24, Orig-B.
13–Nov–14	AK	Kenai	Kenai Muni	4/8047	09/24/14	VOR/DME RWY 1L, Amdt 8.
13–Nov–14	AK	Kasigluk	Kasigluk	4/8053	09/24/14	RNAV (GPS) RWY 17, Orig.
13–Nov–14	AK	Kasigluk	Kasigluk	4/8055	09/24/14	RNAV (GPS) RWY 35, Orig.
13–Nov–14	AK	King Salmon	King Salmon	4/8057	09/24/14	ILS OR LOC/DME RWY 12, Amdt 18.
13–Nov–14	AK	Mountain Village	Mountain Village	4/8059	09/24/14	RNAV (GPS) RWY 2, Amdt 1.
13–Nov–14	AK	Mountain Village	Mountain Village	4/8060	09/24/14	RNAV (GPS) RWY 20, Amdt 1A.
13–Nov–14	AK	Kodiak	Kodiak	4/8064	09/30/14	ILS OR LOC/DME Y RWY 25, Amdt 2A.
13–Nov–14	AK	Kodiak	Kodiak	4/8065	09/30/14	VOR RWY 25, Amdt 2.
13–Nov–14	AK	Juneau	Juneau Intl	4/8077	09/24/14	LDA X RWY 8, Amdt 12A.
13–Nov–14	AK	Juneau	Juneau Intl	4/8078	09/24/14	RNAV (GPS) V RWY 8, Amdt 2A.
13–Nov–14	AK	Bethel	Bethel	4/8092	09/25/14	ILS OR LOC/DME Y RWY 19R, Orig-B.
13–Nov–14	AK	Bethel	Bethel	4/8094	09/25/14	ILS OR LOC/DME Z RWY 19R, Amdt 7C.
13–Nov–14	AK	Bethel	Bethel	4/8097	09/25/14	RNAV (GPS) RWY 19R, Amdt 2B.
13–Nov–14	AK	Bethel	Bethel	4/8099	09/25/14	VOR/DME RWY 19R, Amdt 2B.
13–Nov–14	AL	Bessemer	Bessemer	4/8100	09/29/14	RNAV (GPS) RWY 23, Orig.
13–Nov–14	AL	Bessemer	Bessemer	4/8101	09/29/14	ILS OR LOC RWY 5, Amdt 2.
13–Nov–14	AL	Bessemer	Bessemer	4/8102	09/29/14	RNAV (GPS) RWY 5, Amdt 1.
13–Nov–14	WY	Cheyenne	Cheyenne Rgnl/Jerry Olson Field.	4/8283	09/25/14	RNAV (GPS) RWY 31, Amdt 1.
13–Nov–14	WY	Cheyenne	Cheyenne Rgnl/Jerry Olson Field.	4/8284	09/25/14	RNAV (GPS) RWY 13, Amdt 1.
13–Nov–14	WY	Cheyenne	Cheyenne Rgnl/Jerry Olson Field.	4/8288	09/25/14	RNAV (GPS) RWY 9, Amdt 1.
13–Nov–14	HI	Hilo	Hilo Intl	4/8369	09/11/14	ILS OR LOC RWY 26, Amdt 13.
13–Nov–14	HI	Lanai City	Lanai	4/8370	09/25/14	VOR OR TACAN RWY 3, Amdt 7.
13–Nov–14	HI	Lanai City	Lanai	4/8371	09/25/14	ILS OR LOC/DME RWY 3, Amdt 1.
13–Nov–14	HI	Lanai City	Lanai	4/8372	09/25/14	RNAV (GPS) RWY 3, Orig-A.
13–Nov–14	HI	Kailua/Kona	Kona Intl At Keahole	4/8394	09/25/14	VOR/DME OR TACAN RWY 17, Orig.
13–Nov–14	HI	Kailua/Kona	Kona Intl At Keahole	4/8395	09/25/14	RNAV (GPS) Z RWY 35, Amdt 1.
13–Nov–14	HI	Kailua/Kona	Kona Intl At Keahole	4/8398	09/25/14	VOR/DME OR TACAN RWY 35, Orig.
13–Nov–14	HI	Kailua/Kona	Kona Intl At Keahole	4/8399	09/25/14	RNAV (GPS) Y RWY 17, Amdt 1A.
13–Nov–14	HI	Kailua/Kona	Kona Intl At Keahole	4/8401	09/25/14	RNAV (RNP) Z RWY 17, Orig.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
13–Nov–14	HI	Kailua/Kona	Kona Intl At Keahole	4/8402	09/25/14	LOC/DME BC RWY 35, Amdt 10.
13–Nov–14	HI	Kailua/Kona	Kona Intl At Keahole	4/8403	09/25/14	RNAV (GPS) Y RWY 35, Amdt 1.
13–Nov–14	HI	Kailua/Kona	Kona Intl At Keahole	4/8404	09/25/14	ILS OR LOC/DME RWY 17, Amdt 2.
13–Nov–14	HI	Kahului	Kahului	4/8482	09/29/14	RNAV (GPS) Y RWY 2, Amdt 1.
13–Nov–14	HI	Kahului	Kahului	4/8483	09/29/14	RNAV (RNP) Z RWY 2, Orig.
13–Nov–14	HI	Kahului	Kahului	4/8484	09/29/14	NDB RWY 2, Orig.
13–Nov–14	AZ	Casa Grande	Casa Grande Muni	4/8598	09/29/14	GPS RWY 5, Orig-C.
13–Nov–14	AZ	Casa Grande	Casa Grande Muni	4/8600	09/29/14	VOR RWY 5, Amdt 4C.
13–Nov–14	AZ	Casa Grande	Casa Grande Muni	4/8601	09/29/14	ILS OR LOC/DME RWY 5, Amdt 6E.
13–Nov–14	AK	Wrangell	Wrangell	4/8706	09/29/14	RNAV (GPS) RWY 10, Orig.
13–Nov–14	TX	Sinton	Alfred C 'Bubba' Thomas	4/8737	09/30/14	VOR RWY 32, Amdt 9.
13–Nov–14	TX	Sinton	Alfred C 'Bubba' Thomas	4/8740	09/30/14	GPS RWY 32, Orig.
13–Nov–14	TX	Sinton	Alfred C 'Bubba' Thomas	4/8743	09/30/14	VOR/DME RWY 14, Amdt 1A.
13–Nov–14	TX	Sinton	Alfred C 'Bubba' Thomas	4/8747	09/30/14	Takeoff Minimums and (Obstacle) DP, Orig.

[FR Doc. 2014–26857 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30983 Amdt. No. 3613]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective November 17, 2014. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 17, 2014.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability—All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit *http://www.nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR

sections and specifies the types of SIAPs and the effective dates of the, associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPS and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule '' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC, on October 10, 2014.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 13 November 2014

Akutan, AK, Akutan, RNAV (GPS) RWY 9, Orig
Akutan, AK, Akutan, RNAV (GPS) RWY 27, Amdt 1
Akutan, AK, Akutan, RNAV (GPS)-A, Amdt 1
Nome, AK, Nome, ILS OR LOC/DME Y RWY 28, Amdt 4
Nome, AK, Nome, RNAV (GPS) RWY 3, Amdt 1
Nome, AK, Nome, RNAV (GPS) RWY 10, Amdt 2
Nome, AK, Nome, RNAV (GPS) RWY 28, Amdt 2
Selma, AL, Craig Field, ILS Y OR LOC Y RWY 33, Orig
Selma, AL, Craig Field, ILS Z OR LOC Z RWY 33, Amdt 2
Selma, AL, Craig Field, NDB RWY 33, Amdt 5
Selma, AL, Craig Field, RNAV (GPS) RWY 15, Amdt 1
Selma, AL, Craig Field, RNAV (GPS) RWY 33, Amdt 1
Selma, AL, Craig Field, VOR RWY 15, Amdt 1, CANCELED
Selma, AL, Craig Field, VOR RWY 33, Orig-A, CANCELED
Conway, AR, Cantrell Field, RNAV (GPS) RWY 4, Orig
Conway, AR, Cantrell Field, RNAV (GPS) RWY 22, Orig
Conway, AR, Cantrell Field, Takeoff Minimums and Obstacle DP, Orig
Hope, AR, Hope Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Hope, AR, Hope Muni, VOR/DME RWY 4, Orig
Hope, AR, Hope Muni, VOR/DME RWY 22, Orig
Glendale, AZ, Glendale Muni, DRAKE TWO, Graphic DP
Springerville, AZ, Springerville Muni, RNAV (GPS) RWY 21, Amdt 1B
Santa Rosa, CA, Charles M. Schulz—Sonoma County, RNAV (GPS) RWY 14, Amdt 2
Santa Rosa, CA, Charles M. Schulz—Sonoma County, VOR/DME RWY 14, Amdt 3
Denver, CO, Rocky Mountain Metropolitan, ILS OR LOC RWY 30R, Amdt 15
Denver, CO, Rocky Mountain Metropolitan, ILS OR LOC Z RWY 29R, Orig-B, CANCELED
Denver, CO, Rocky Mountain Metropolitan, RNAV (GPS) RWY 30L, Amdt 2
Denver, CO, Rocky Mountain Metropolitan, RNAV (GPS) RWY 30R, Amdt 2
Denver, CO, Rocky Mountain Metropolitan, VOR/DME RWY 30L/R, Amdt 1
Jacksonville, FL, Cecil, ILS OR LOC RWY 36R, Amdt 3
Jacksonville, FL, Cecil, RNAV (GPS) RWY 9R, Amdt 1
Jacksonville, FL, Cecil, RNAV (GPS) RWY 18L, Amdt 1
Jacksonville, FL, Cecil, RNAV (GPS) RWY 18R, Orig
Jacksonville, FL, Cecil, RNAV (GPS) RWY 27L, Amdt 1
Jacksonville, FL, Cecil, RNAV (GPS) RWY 36L, Orig
Jacksonville, FL, Cecil, RNAV (GPS) RWY 36R, Amdt 1
Plant City, FL, Plant City, RNAV (GPS) RWY 28, Orig
Millen, GA, Millen, RNAV (GPS) RWY 17, Amdt 2
Millen, GA, Millen, RNAV (GPS) RWY 35, Amdt 1
Chicago, IL, Chicago Midway Intl, RNAV (RNP) X RWY 22L, Orig
Chicago, IL, Chicago Midway Intl, RNAV (RNP) Y RWY 22L, Amdt 2
Winfield/Arkansas City, KS, Strother Field, RNAV (GPS) RWY 17, Amdt 1
Winfield/Arkansas City, KS, Strother Field, RNAV (GPS) RWY 35, Amdt 1
Campbellsville, KY, Taylor County, NDB RWY 23, Amdt 4, CANCELED
Campbellsville, KY, Taylor County, RNAV (GPS) RWY 5, Amdt 1
Campbellsville, KY, Taylor County, RNAV (GPS) RWY 23, Amdt 1
Campbellsville, KY, Taylor County, VOR/DME–A, Amdt 7
Cynthiana, KY, Cynthiana-Harrison County, RNAV (GPS) RWY 11, Orig
Cynthiana, KY, Cynthiana-Harrison County, RNAV (GPS) RWY 29, Orig
Cynthiana, KY, Cynthiana-Harrison County, Takeoff Minimums and Obstacle DP, Orig
Prestonsburg, KY, Big Sandy Rgnl, RNAV (GPS) RWY 3, Amdt 1
Prestonsburg, KY, Big Sandy Rgnl, RNAV (GPS) RWY 21, Amdt 2
Prestonsburg, KY, Big Sandy Rgnl, VOR/DME–A, Amdt 3
Marshfield, MA, Marshfield Muni—George Harlow Field, NDB RWY 6, Amdt 5
Marshfield, MA, Marshfield Muni—George Harlow Field, NDB RWY 24, Amdt 3
Marshfield, MA, Marshfield Muni—George Harlow Field, RNAV (GPS) RWY 6, Amdt 1
Marshfield, MA, Marshfield Muni—George Harlow Field, RNAV (GPS) RWY 24, Amdt 1

Marshfield, MA, Marshfield Muni—George Harlow Field, Takeoff Minimums and Obstacle DP, Amdt 1
Belfast, ME, Belfast Muni, NDB RWY 15, Amdt 4
Belfast, ME, Belfast Muni, RNAV (GPS) RWY 15, Amdt 1
Belfast, ME, Belfast Muni, RNAV (GPS) RWY 33, Amdt 1
Fryeburg, ME, Eastern Slopes Rgnl, RNAV (GPS) RWY 32, Amdt 1
Grand Haven, MI, Grand Haven Memorial Airpark, VOR–A, Amdt 16A
Oxford, MS, University-Oxford, LOC Y RWY 9, Orig
Oxford, MS, University-Oxford, LOC Z RWY 9, Amdt 3
Oxford, MS, University-Oxford, RNAV (GPS) RWY 9, Amdt 1
Oxford, MS, University-Oxford, RNAV (GPS) RWY 27, Amdt 1
Oxford, MS, University-Oxford, Takeoff Minimums and Obstacle DP, Amdt 2
Oxford, MS, University-Oxford, VOR/DME–A, Amdt 5
Wallace, NC, Henderson Field, GPS RWY 9, Orig, CANCELED
Wallace, NC, Henderson Field, GPS RWY 27, Orig, CANCELED
Wallace, NC, Henderson Field, RNAV (GPS) RWY 9, Orig
Wallace, NC, Henderson Field, RNAV (GPS) RWY 27, Orig
Seneca Falls, NY, Finger Lakes Rgnl, RNAV (GPS) RWY 1, Amdt 3
Seneca Falls, NY, Finger Lakes Rgnl, RNAV (GPS) RWY 19, Orig
White Plains, NY, Westchester County, ILS OR LOC RWY 16, ILS RWY 16 (SA CAT I), ILS RWY 16 SA CAT II), Amdt 25
Pendleton, OR, Eastern Oregon Rgnl At Pendleton, Takeoff Minimums and Obstacle DP, Amdt 4
Somerset, PA, Somerset County, RNAV (GPS) RWY 7, Amdt 1
Somerset, PA, Somerset County, RNAV (GPS) RWY 25, Amdt 1
Marion, SC, Marion County, NDB RWY 4, Amdt 5
Marion, SC, Marion County, RNAV (GPS) RWY 4, Amdt 1
Marion, SC, Marion County, RNAV (GPS) RWY 22, Orig
Marion, SC, Marion County, Takeoff Minimums and Obstacle DP, Amdt 2
Marion, SC, Marion County, VOR/DME–A, Amdt 5
Rock Hill, SC, Rock Hill/York Co/Bryant Field, ILS Y OR LOC Y RWY 2, Amdt 1
Rock Hill, SC, Rock Hill/York Co/Bryant Field, ILS Z OR LOC Z RWY 2, Amdt 3
Rock Hill, SC, Rock Hill/York Co/Bryant Field, RNAV (GPS) RWY 2, Amdt 3
Canadian, TX, Hemphill County, RNAV (GPS) RWY 4, Amdt 1
Canadian, TX, Hemphill County, Takeoff Minimums and Obstacle DP, Amdt 3
Wendover, UT, Wendover, RNAV (GPS) RWY 26, Amdt 1
Wendover, UT, Wendover, RNAV (GPS)-A, Amdt 1
Wendover, UT, Wendover, RNAV (GPS)-C, Amdt 1
Wendover, UT, Wendover, Takeoff Minimums and Obstacle DP, Amdt 6
Wendover, UT, Wendover, VOR/DME–B, Amdt 1
Wendover, UT, Wendover, VOR/DME OR TACAN RWY 26, Amdt 1
Renton, WA, Renton Muni, NDB RWY 16, Amdt 8
Richland, WA, Richland, LOC RWY 19, Amdt 9
Richland, WA, Richland, RNAV (GPS) RWY 26, Amdt 2
Richland, WA, Richland, RNAV (GPS) Y RWY 19, Amdt 2
Richland, WA, Richland, RNAV (GPS) Z RWY 19, Amdt 1
Richland, WA, Richland, Takeoff Minimums and Obstacle DP, Amdt 9
Richland, WA, Richland, VOR/DME–A, Amdt 7
Seattle, WA, Seattle-Tacoma Intl, ILS OR LOC RWY 16C, ILS RWY 16C (SA CAT I), ILS RWY 16C (CAT II), ILS RWY 16C (CAT III), Amdt 15
Seattle, WA, Seattle-Tacoma Intl, ILS OR LOC RWY 16L, ILS RWY 16L (SA CAT I), ILS RWY 16L (CAT II), ILS RWY 16L (CAT III), Amdt 6
Seattle, WA, Seattle-Tacoma Intl, ILS OR LOC RWY 16R, ILS RWY 16R (SA CAT I), ILS RWY 16R (CAT II), ILS RWY 16R (CAT III), Amdt 3
Seattle, WA, Seattle-Tacoma Intl, RNAV (GPS) Y RWY 16C, Amdt 3
Seattle, WA, Seattle-Tacoma Intl, RNAV (GPS) Y RWY 16L, Amdt 4
Seattle, WA, Seattle-Tacoma Intl, RNAV (GPS) Y RWY 16R, Amdt 2
Seattle, WA, Seattle-Tacoma Intl, RNAV (RNP) Z RWY 16C, Amdt 1
Seattle, WA, Seattle-Tacoma Intl, RNAV (RNP) Z RWY 16L, Amdt 1
Seattle, WA, Seattle-Tacoma Intl, RNAV (RNP) Z RWY 16R, Amdt 1
Seattle, WA, Seattle-Tacoma Intl, RNAV (RNP) Z RWY 34C, Amdt 1
Seattle, WA, Seattle-Tacoma Intl, RNAV (RNP) Z RWY 34L, Amdt 1
Seattle, WA, Seattle-Tacoma Intl, RNAV (RNP) Z RWY 34R, Amdt 1
La Crosse, WI, La Crosse Rgnl, ILS OR LOC RWY 18, Amdt 21
La Crosse, WI, La Crosse Rgnl, NDB RWY 18, Amdt 19A
La Crosse, WI, La Crosse Rgnl, RNAV (GPS) RWY 3, Amdt 1A
La Crosse, WI, La Crosse Rgnl, RNAV (GPS) RWY 13, Orig-A
La Crosse, WI, La Crosse Rgnl, RNAV (GPS) RWY 18, Orig-B
La Crosse, WI, La Crosse Rgnl, RNAV (GPS) RWY 21, Orig-A
La Crosse, WI, La Crosse Rgnl, RNAV (GPS) RWY 31, Orig-A
La Crosse, WI, La Crosse Rgnl, RNAV (GPS) RWY 36, Orig-A
La Crosse, WI, La Crosse Rgnl, VOR RWY 13, Amdt 31
La Crosse, WI, La Crosse Rgnl, VOR RWY 36, Amdt 32

[FR Doc. 2014–26862 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100, 117, 147, and 165

[USCG–2014–0918]

Quarterly Listings; Safety Zones, Security Zones, Special Local Regulations, Drawbridge Operation Regulations and Regulated Navigation Areas

AGENCY: Coast Guard, DHS.

ACTION: Notice of expired temporary rules issued.

SUMMARY: This document provides required notice of substantive rules issued by the Coast Guard and that were made temporarily effective between July 2014 and September 2014, and that expired before they could be published in the **Federal Register.** This notice lists temporary safety zones, security zones, special local regulations, drawbridge operation regulations and regulated navigation areas, all of limited duration and for which timely publication in the **Federal Register** was not possible.

DATES: This document lists temporary Coast Guard rules that became effective between July 2014 and September 2014 and were terminated before they could be published in the **Federal Register.**

ADDRESSES: The Docket Management Facility maintains the public docket for this notice. Documents indicated in this notice will be available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building ground floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: For questions on this notice contact Yeoman First Class Maria Fiorella Villanueva, Office of Regulations and Administrative Law, telephone (202) 372–3862. For questions on viewing, or on submitting material to the docket, contact Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. *Safety zones* may be established for safety or environmental purposes. A safety zone may be

stationary and described by fixed limits or it may be described as a zone around a vessel in motion. *Security zones* limit access to prevent injury or damage to vessels, ports, or waterfront facilities. *Special local regulations* are issued to enhance the safety of participants and spectators at regattas and other marine events. *Drawbridge operation regulations* authorize changes to drawbridge schedules to accommodate bridge repairs, seasonal vessel traffic, and local public events. *Regulated Navigation Areas* are water areas within a defined boundary for which regulations for vessels navigating within the area have been established by the regional Coast Guard District Commander.

Timely publication of these rules in the **Federal Register** is often precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, often informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Because **Federal Register** publication was not possible before the end of the effective period, mariners were personally notified of the contents of these safety zones, security zones, special local regulations, regulated navigation areas or drawbridge operation regulations by Coast Guard officials on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary safety zones, security zones, special local regulations, regulated navigation areas and drawbridge operation regulations. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register.** Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. The temporary rules listed in this notice have been exempted from review under Executive Order 12666, Regulatory Planning and Review, because of their emergency nature, limited scope and temporary effectiveness.

The following unpublished rules were placed in effect temporarily during the period between July 2014 and September 2014 unless otherwise indicated. To view copies of these rules, visit *www.regulations.gov* and search by the docket number indicated in the list below.

Dated: November 12, 2014.

K.G. Cervoni,

Chief, Office of Regulations and Administrative Law.

Docket No.	Location	Type	Effective date
USCG–2014–0519	Rehoboth Beach, DE	Safety Zones (Parts 147 and 165)	6/29/2014
USCG–2014–0521	Atlantic City, NJ	Safety Zones (Parts 147 and 165)	7/4/2014
USCG–2014–0523	Sea Isle City, NY	Safety Zones (Parts 147 and 165)	7/4/2014
USCG–2013–1033	Port Lake, MI	Safety Zones (Parts 147 and 165)	7/4/2014
USCG–2014–0535	Worth, IL	Safety Zones (Parts 147 and 165)	6/21/2014
USCG–2014–0518	Wyandotte, MI	Safety Zones (Parts 147 and 165)	6/27/2014
USCG–2014–0524	Dewey Beach, DE	Safety Zones (Parts 147 and 165)	7/4/2014
USCG–2014–0520	Baltimore & Arundel Counties, MD	Safety Zones (Parts 147 and 165)	6/20/2014
USCG–2014–0431	Manhattan, NY	Special Local Regulations (Part 100)	7/4/2014
USCG–2014–0497	Manhattan, NY	Security Zones (Part 165)	6/17/2014
USCG–2014–0525	Seattle, WA	Drawbridges (Part 117)	7/11/2014
USCG–2014–0551	Seattle, WA	Drawbridges (Part 117)	7/4/2014
USCG–2014–0548	Seattle, WA	Drawbridges (Part 117)	7/4/2014
USCG–2014–0550	Vancouver, WA	Drawbridges (Part 117)	7/4/2014
USCG–2014–0549	Portland, OR	Drawbridges (Part 117)	7/6/2014
USCG–2014–0538	Lake Michigan, Kewaunee, WI	Safety Zones (Parts 147 and 165)	7/4/2014
USCG–2014–0533	Buffalo, NY	Safety Zones (Parts 147 and 165)	7/4/2014
USCG–2014–0542	Lake Erie, Bay Village, OH	Safety Zones (Parts 147 and 165)	7/4/2014
USCG–2014–0537	Lake Michigan, Racine, WI	Safety Zones (Parts 147 and 165)	7/4/2014
USCG–2013–1033	Lake Michigan	Safety Zones (Parts 147 and 165)	7/3/2014
USCG–2014–0555	Wolcott, NY	Safety Zones (Parts 147 and 165)	6/25/2014
USCG–2014–09459	Philadelphia, PA	Safety Zones (Parts 147 and 165)	7/9/2014
USCG–2014–0508	Petersburg, FL	Safety Zones (Parts 147 and 165)	7/4/2014
USCG–2014–0557	Liberty State Park, NJ	Safety Zones (Parts 147 and 165)	7/4/2014
USCG–2014–0562	Port Savannah Zone, GA	Safety Zones (Parts 147 and 165)	7/3/2014
USCG–2014–0455	Sarasota, FL	Safety Zones (Parts 147 and 165)	7/5/2014
USCG–2014–0496	Baltimore, MD	Safety Zones (Parts 147 and 165)	7/15/2014
USCG–2014–0334	Port Detroit Zone	Safety Zones (Parts 147 and 165)	7/4/2014
USCG–2014–0528	Bayfield, MI	Safety Zones (Parts 147 and 165)	7/4/2014
USCG–2014–0463	Cape Girardeau, MO	Safety Zones (Parts 147 and 165)	7/4/2014
USCG–2014–0579	Washington, DC	Security Zones (Part 165)	7/1/2014
USCG–2014–0596	Norwich, CT	Safety Zones (Parts 147 and 165)	7/5/2014
USCG–2014–0558	Rochelle, NY	Safety Zones (Parts 147 and 165)	7/12/2014
USCG–2014–0571	Ogdenburg, NY	Safety Zones (Parts 147 and 165)	7/25/2014
USCG–2014–0585	Nansemond River, VA	Safety Zones (Parts 147 and 165)	7/6/2014
USCG–2014–0344	Evansville, IN	Safety Zones (Parts 147 and 165)	6/13/2014
USCG–2014–0299	Biloxi, MS	Safety Zones (Parts 147 and 165)	6/21/2014
USCG–2013–1090	Louisville, KY	Safety Zones (Parts 147 and 165)	4/10/2014
USCG–2013–0214	Port Duluth Zone	Safety Zones (Parts 147 and 165)	7/4/2014
USCG–2014–0348	Pittsburg, PA	Safety Zones (Parts 147 and 165)	7/3/2014
USCG–2014–0484	Albany, IN	Safety Zones (Parts 147 and 165)	7/3/2014
USCG–2013–1074	Pascagoula, MS	Safety Zones (Parts 147 and 165)	1/16/2014
USCG–2013–0730	Allegheny and Ohio Rivers	Safety Zones (Parts 147 and 165)	9/22/2013
USCG–2013–0824	Pittsburg, PA	Safety Zones (Parts 147 and 165)	9/26/2013

Docket No.	Location	Type	Effective date
USCG–2014–0127	Chattanooga, TN	Special Local Regulations (Part 100)	6/14/2014
USCG–2014–0525	Seattle, WA	Drawbridges (Part 117)	7/18/2014
USCG–2014–0629	Wilmington, DE	Security Zones (Part 165)	7/17/2014
USCG–2014–0617	San Juan Harbor	Special Local Regulations (Part 100)	7/20/2014
USCG–2012–0403	Cleveland, OH	Special Local Regulations (Part 100)	7/12/2014
USCG–2013–0103	St. Clair, MI	Special Local Regulations (Part 100)	7/25/2014
USCG–2013–1085	San Juan, PR	Special Local Regulations (Part 100)	1/31/2014
USCG–2013–1027	San Juan, PR	Special Local Regulations (Part 100)	1/5/2014
USCG–2014–0547	Ponce, Puerto Rico	Special Local Regulations (Part 100)	6/29/2014
USCG–2014–0415	San Juan, PR	Special Local Regulations (Part 100)	5/25/2014
USCG–2014–0252	St. Thomas Virgin Islands	Safety Zones (Parts 147 and 165)	5/3/2014
USCG–2014–0590	Gross Pointe Shore, MI	Safety Zones (Parts 147 and 165)	7/11/2014
USCG–2014–0591	Port Huron, MI	Safety Zones (Parts 147 and 165)	7/10/2014
USCG–2014–0583	Cornucopia, WI	Safety Zones (Parts 147 and 165)	7/5/2014
USCG–2014–0625	Toledo, OH	Safety Zones (Parts 147 and 165)	7/16/2014
USCG–2014–0578	Lorain, OH	Safety Zones (Parts 147 and 165)	7/26/2014
USCG–2014–0532	Eureka, CA	Safety Zones (Parts 147 and 165)	7/3/2014
USCG–2014–0510	Cedar Point, OH	Safety Zones (Parts 147 and 165)	7/4/2014
USCG–2012–0087	Port Zone Puget Sound	Security Zones (Part 165)	7/20/2014
USCG–2013–0458	Seattle, WA	Security Zones (Part 165)	7/22/2014
USCG–2014–0627	Detriot, MI	Security Zones (Part 165)	7/17/2014
USCG–2014–0564	Massachusetts	Safety Zones (Parts 147 and 165)	7/29/2014
USCG–2014–0631	Neptune, NJ	Safety Zones (Parts 147 and 165)	8/2/2014
USCG–2014–0634	Atlantic City, NJ	Safety Zones (Parts 147 and 165)	7/31/2014
USCG–2014–0641	Chicago, IL	Safety Zones (Parts 147 and 165)	7/18/2014
USCG–2014–0623	Chicago, IL	Safety Zones (Parts 147 and 165)	7/15/2014
USCG–2014–0534	Cleveland, OH	Safety Zones (Parts 147 and 165)	7/12/2014
USCG–2014–0527	Outer Apra Harbor	Safety Zones (Parts 147 and 165)	8/29/2014
USCG–2014–0599	Lorain, OH	Safety Zones (Parts 147 and 165)	8/2/2014
USCG–2014–0624	Long Island Sound Zone	Security Zones (Part 165)	7/22/2014
USCG–2014–0613	Manhattan, NY	Security Zones (Part 165)	7/17/2014
USCG–2014–0312	Tampa, FL	Special Local Regulations (Part 100)	7/12/2014
USCG–2014–0676	Walnut Grove, CA	Drawbridges (Part 117)	7/30/2014
USCG–2014–0632	Charles County, MD	Safety Zones (Parts 147 and 165)	7/21/2014
USCG–2014–0601	Washington, DC	Security Zones (Part 165)	8/4/2014
USCG–2014–0507	Pittsburg, PA	Safety Zones (Parts 147 and 165)	8/1/2014
USCG–2014–0618	Ogden Island, NY	Safety Zones (Parts 147 and 165)	8/2/2014
USCG–2014–0677	Pittsburg, PA	Safety Zones (Parts 147 and 165)	8/8/2014
USCG–2014–0194	Falls of Clyde, HI	Safety Zones (Parts 147 and 165)	7/28/2014
USCG–2014–0412	7th Coast Guard District	Special Local Regulations (Part 100)	7/17/2014
USCG–2014–0638	Captiva Island, FL	Security Zones (Part 165)	7/17/2014
USCG–2014–0707	Long Beach, CA	Special Local Regulations (Part 100)	8/9/2014
USCG–2014–0712	Port Huron, MI	Special Local Regulations (Part 100)	8/10/2014
USCG–2014–0711	Port Huron, MI	Safety Zones (Parts 147 and 165)	8/17/2014
USCG–2014–0081	Port Buffalo Zone	Safety Zones (Parts 147 and 165)	8/17/2014
USCG–2014–0725	Grosse Point Shores, MI	Safety Zones (Parts 147 and 165)	8/15/2014
USCG–2013–0996	Fruitland, WA	Safety Zones (Parts 147 and 165)	8/12/2014
USCG–2014–0730	Lake Tahoe, CA	Safety Zones (Parts 147 and 165)	8/5/2014
USCG–2014–0678	Alameda, CA	Safety Zones (Parts 147 and 165)	8/13/2014
USCG–2014–0597	Vallejo, CA	Drawbridges (Part 117)	8/8/2014
USCG–2014–0647	Buffalo, NY	Safety Zones (Parts 147 and 165)	8/10/2014
USCG–2014–0749	Duluth, MN	Safety Zones (Parts 147 and 165)	8/29/2014
USCG–2014–0731	Hawaiian Islands	Safety Zones (Parts 147 and 165)	8/6/2014
USCG–2014–0371	Paducah, KY	Safety Zones (Parts 147 and 165)	6/21/2014
USCG–2012–0375	Milwaukee, WI	Safety Zones (Parts 147 and 165)	7/1/2014
USCG–2014–0379	Paradise, KY	Safety Zones (Parts 147 and 165)	6/27/2014
USCG–2014–0209	Galveston, TX	Safety Zones (Parts 147 and 165)	3/22/2014
USCG–2014–0251	Pittsburg, PA	Safety Zones (Parts 147 and 165)	4/4/2014
USCG–2014–0216	Matagorda Ship Channel, TX	Safety Zones (Parts 147 and 165)	3/26/2014
USCG–2014–0728	Paulsboro, NJ	Safety Zones (Parts 147 and 165)	8/4/2014
USCG–2014–0740	Tampa, FL	Safety Zones (Parts 147 and 165)	8/16/2014
USCG–2014–0766	Newport News, VA	Safety Zones (Parts 147 and 165)	8/13/2014
USCG–2014–0750	Duluth, MN	Safety Zones (Parts 147 and 165)	8/22/2014
USCG–2014–0767	Rio Vista, CA	Drawbridges (Part 117)	8/20/2014
USCG–2014–0768	Rio Vista, CA	Drawbridges (Part 117)	8/20/2014
USCG–2014–0758	Pine Bluff, AR	Drawbridges (Part 117)	8/28/2014
USCG–2014–0206	Kemah, TX	Special Local Regulations (Part 100)	4/27/2014
USCG–2014–0673	Long Island, ME	Special Local Regulations (Part 100)	8/16/2014
USCG–2014–0517	Mobile, AL	Special Local Regulations (Part 100)	8/2/2014
USCG–2014–0674	Lincolnville, ME	Safety Zones (Parts 147 and 165)	8/23/2014
USCG–2014–0742	Dumfries, VA	Safety Zones (Parts 147 and 165)	8/30/2014
USCG–2014–0773	Puget Sound, WA	Safety Zones (Parts 147 and 165)	8/28/2014
USCG–2014–0774	Cleveland, OH	Safety Zones (Parts 147 and 165)	8/28/2014

Docket No.	Location	Type	Effective date
USCG–2014–0699	Camden, ME	Safety Zones (Parts 147 and 165)	8/29/2014
USCG–2014–0621	Carnelian Bay, CA	Safety Zones (Parts 147 and 165)	8/30/2014
USCG–2013–0998	San Francisco, CA	Safety Zones (Parts 147 and 165)	8/27/2014
USCG–2014–0173	South Lake Tahoe, CA	Safety Zones (Parts 147 and 165)	8/30/2014
USCG–2014–0716	Cleveland, OH	Safety Zones (Parts 147 and 165)	8/23/2014
USCG–2014–0756	Madison Township	Safety Zones (Parts 147 and 165)	8/31/2014
USCG–2013–0320	Chicago, IL	Safety Zones (Parts 147 and 165)	9/6/2014
USCG–2014–0808	Chicago, IL	Safety Zones (Parts 147 and 165)	8/28/2014
USCG–2014–0714	Tampa, FL	Security Zones (Part 165)	8/28/2014
USCG–2014–0787	Pittsburg, PA	Security Zones (Part 165)	8/28/2014
USCG–2014–0814	Milwaukee, WI	Security Zones (Part 165)	9/1/2014
USCG–2014–0540	Baltimore, MD	Special Local Regulations (Part 100)	9/11/2014
USCG–2014–0541	Baltimore, MD	Special Local Regulations (Part 100)	9/11/2014
USCG–2014–0760	San Francisco, CA	Drawbridges (Part 117)	9/7/2014
USCG–2014–0587	Ashland City, TN	Special Local Regulations (Part 100)	9/6/2014
USCG–2014–0652	Livermore, KY	Special Local Regulations (Part 100)	8/23/2014
USCG–2014–0648	Tampa, FL	Safety Zones (Parts 147 and 165)	8/31/2014
USCG–2014–0675	Charlotte, VT	Safety Zones (Parts 147 and 165)	9/7/2014
USCG–2014–0741	Tampa, FL	Safety Zones (Parts 147 and 165)	8/31/2014
USCG–2014–0802	Vancouver, WA	Drawbridges (Part 117)	9/14/2014
USCG–2014–0828	San Francisco, CA	Drawbridges (Part 117)	9/17/2014
USCG–2013–0203	Saipan Harbor	Safety Zones (Parts 147 and 165)	9/9/2014
USCG–2014–0460	Miami, FL	Safety Zones (Parts 147 and 165)	9/13/2014
USCG–2014–0785	Kodiak Island, AK	Safety Zones (Parts 147 and 165)	8/24/2014
USCG–2014–0840	Torrance, CA	Special Local Regulations (Part 100)	9/21/2014
USCG–2014–0811	Chicago, IL	Safety Zones (Parts 147 and 165)	9/13/2014
USCG–2014–0778	Newport, Rhode Island	Security Zones (Part 165)	8/29/2014
USCG–2014–0809	Long Island, NY	Drawbridges (Part 117)	9/22/2014
USCG–2014–0869	Chicago, IL	Safety Zones (Parts 147 and 165)	9/22/2014
USCG–2014–0757	Lower Mississippi River	Safety Zones (Parts 147 and 165)	8/19/2014
USCG–2014–0739	Orange Beach, AL	Safety Zones (Parts 147 and 165)	9/8/2014
USCG–2014–0727	Gulfport, MS	Safety Zones (Parts 147 and 165)	8/6/2014
USCG–2014–0827	Port NY zone	Safety Zones (Parts 147 and 165)	9/21/2014
USCG–2014–0823	Port Boston Zone	Safety Zones (Parts 147 and 165)	9/20/2014
USCG–2014–0800	Augusta, GA	Safety Zones (Parts 147 and 165)	9/28/2014
USCG–2014–0860	Sacramento, CA	Drawbridges (Part 117)	9/28/2014
USCG–2014–0833	Sacramento, CA	Drawbridges (Part 117)	9/21/2014
USCG–2014–0841	Washington, DC	Security Zones (Part 165)	9/11/2014
USCG–2014–0771	Newport, Rhode Island	Security Zones (Part 165)	9/15/2014
USCG–2014–0836	Newport, Rhode Island	Security Zones (Part 165)	9/16/2014
USCG–2014–2013	Lake Michigan, Kewaunee, WI	Safety Zones (Part 165)	7/2/2014
USCG–2012–0880	Terrebonne Parish, LA	Safety Zones (Part 165)	1/17/2014

[FR Doc. 2014–27164 Filed 11–14–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0977]

Drawbridge Operation Regulation; Snohomish River, Everett, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Washington State Route 529 (SR 529) twin bridge south bound across the Snohomish River, mile 3.6, at Everett, WA. The deviation is necessary to facilitate adjustment of newly installed bridge joints. This deviation allows the bridges to remain in the closed position during adjustment and maintenance activities.

DATES: This deviation is effective from 8 a.m. on January 10, 2015 to 11 p.m. on February 15, 2015.

ADDRESSES: The docket for this deviation, [USCG–2014–0977] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Steven M. Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Washington State Department of Transportation (WSDOT) has requested a temporary deviation from the operating schedule for the SR 529 Twin Bridges south bound, mile 3.6, crossing the Snohomish River at Everett, WA. The requested deviation is to accommodate adjustments on bridge joints. To facilitate this bridge work, the bridge will be maintained in the closed-to-navigation position, and need not open for vessel traffic for two periods of up to two weeks each. The closed-to-navigation period will begin at 8 a.m. on January 10, 2015 until 11 p.m. on February 15, 2015. During the 5 week

period there will be one week when the bridge will be able to accommodate mariner traffic; the exact dates are to be determined at a later date and will be communicated to the marine community via the local notice to mariners and through direct notification to known waterway users via WDSOT. Vessels that require an opening during this one week period, will need to schedule an opening twenty four hours in advance by marine radio or telephone.

The SR 529 Twin Bridges, mile 3.6, crossing the Snohomish River provides 38 feet of vertical clearance above mean high water elevation while in the closed position. The SR 529 Twin Bridges crossing the Snohomish River normally operate in accordance with 33 CFR 117.1059(c) which requires advance notification of one-hour when a bridge opening is needed. Waterway usage on the Snohomish River ranges from commercial tugs to small pleasure craft. Vessels able to pass through the bridge in the closed positions may do so at anytime. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local Broadcast Notice to Mariners of the change in the operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by this temporary deviation.

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

Dated: October 31, 2014.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2014–27175 Filed 11–14–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0961]

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Chesapeake, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the S168 Bridge (Battlefield Boulevard) across the Atlantic Intracoastal Waterway, Albemarle and Chesapeake Canal, mile 12.0, Chesapeake (Great Bridge), VA. The deviation is necessary to safely accommodate the annual Christmas parade. This deviation allows the bridge to remain in the closed position for the set up of the event and the duration of the Christmas parade.

DATES: This deviation is effective from 4 p.m. to 9 p.m. on December 6, 2014.

ADDRESSES: The docket for this deviation, [USCG–2014–0961] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on the Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this deviation, call or email Mrs. Kashanda L. Booker, Bridge Management Specialist, Fifth District, Coast Guard, telephone 757–398–6227, email *Kashanda.L.Booker@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The City of Chesapeake, who owns and operates the S168 (Battlefield Boulevard) Bridge across the Atlantic Intracoastal Waterway, Albemarle and Chesapeake Canal, mile 12.0 at Chesapeake (Great Bridge), VA has requested a temporary deviation from the current operating regulations to accommodate their annual Christmas parade.

The S168 Bridge operating regulations are set out in 33 CFR 117.997(g). The S168 Bridge opens on signal; except that, from 6 a.m. to 7 p.m., the draw need be opened only on the hour, or if the vessel cannot reach the draw exactly on the hour, the draw tender may delay the hourly opening up to ten minutes past the hour.

In the closed-to-navigation position, this lift-type drawbridge provides a vertical-clearance of 8.5 feet above mean high water.

Under this temporary deviation, the drawbridge will remain in the closed position to vessels requiring an opening from 4 p.m. to 9 p.m. on December 6, 2014 to safely accommodate the Chesapeake annual Christmas parade event.

Vessels able to safely pass under the drawbridge while it is in the closed position may do so at any time. The Atlantic Intracoastal Waterway caters to a variety of vessels from tug and barge traffic to recreational vessels traveling from Florida to Maine. The Atlantic Ocean is the alternate route for vessels and the bridge will be able to open in the event of an emergency. The Coast Guard will also inform the users of the waterways through Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: November 3, 2014.

James L. Rousseau,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2014–27170 Filed 11–14–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0592]

RIN 1625–AA11

Regulated Navigation Area, Lake Michigan; Chicago Harbor Lock, Chicago, IL to Calumet Harbor, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a Regulated Navigation Area (RNA) for the waters of Lake Michigan within 5 nautical miles from shore from the Chicago Harbor Lock, Chicago, Illinois to Calumet Harbor, Chicago, Illinois. This RNA is intended to allow barges to transit on an alternate route on a portion of Lake Michigan due to the temporary closure of the Thomas J. O'Brien Lock on RM 326.5 on the Calumet River. This RNA is necessary to ensure vessel safety and facilitate commerce.

DATES: This rule is effective from November 17, 2014 until March 31, 2015. This rule has been enforced with

actual notice from November 1, 2014 until November 17, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0592. 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 temporary rule, contact or email MST1 John Ng, U.S. Coast Guard Marine Safety Unit Chicago, at 630–986–2155 or *John.H.Ng@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
RNA Regulated Navigation Area
TFR Temporary Final Rule

A. Regulatory History and Information

On September 4, 2014, the Coast Guard published an NPRM in the **Federal Register** entitled ''Regulated Navigation Area; Lake Michigan, Chicago Harbor Lock, Chicago, IL to Calumet Harbor, Chicago, IL'' (79 FR 52591). We received two comments in response to the NRPM. Those comments are addressed below. No public meeting was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. On June 4, 2014, the Coast Guard, industry stakeholders, and the Army Corps of Engineers discussed the closure of the Thomas J. O'Brien Lock and alternatives for affected barge traffic. The need for an RNA arose out of these discussions, and the Coast Guard began the rulemaking process for a temporary RNA. However, there was insufficient time for both notice and comment and delaying the effective date of the rule. Waiting 30 days after publication to make the rule effective would be impracticable and contrary to the public interest because it would not allow the RNA to be enforced starting after November 1, 2014, when it is needed to ensure vessel safety and facilitate commerce.

B. Basis and Purpose

The legal basis for this rule is the Coast Guard's authority to establish RNAs and limited access areas: 33 U.S.C. 1231; 46 U.S.C. Chapter 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

Between November 3, 2014, and March 6, 2015, the United States Army Corps of Engineers anticipates closing the Thomas J. O'Brien Lock for two 47-day periods in order to perform maintenance on the lock. The Thomas J. O'Brien Lock closures present a significant challenge to the barge industry and an alternate route is necessary in order to sustain commerce. Further, safe operating requirements for this temporary alternate route are necessary to ensure safety of transiting barge traffic.

C. Discussion of Comments, Changes and the Final Rule

We received two comments in response to the NPRM. The first comment indicated that the environmental analysis for the proposed rule lacked information about the environmental impact of barge traffic. This comment recommends the inclusion of relevant studies, if any, on the impact of barge traffic on the environment in the proposed rule's environmental analysis.

We have made no change to the final rule in light of this comment. The environmental checklist and categorical exclusion, included in the docket, address the environmental analysis of this rule. In short, we determined after a thorough review, that the application of U.S. Coast Guard categorical exclusion 34(g) is appropriate in this case. Having made this determination, no further environmental analysis and documentation is required. However, as we note later on, we welcome any comments or information that may lead to discovery of a significant environmental impact from this rule.

A second comment voiced support for the temporary RNA as a practical solution for commercial traffic during the closure of the Thomas J. O'Brien Lock. We made no change to the final rule in light of this comment.

Further, we have made editorial changes to the regulatory text of the rule for clarification. As to the first change, we've inserted the phrase ''within the effective period'' under paragraph 2(b) of the regulatory text. This phrase explains that any change in the enforcement period for which we give notice will occur within the effective period of the rule (November 1, 2014 to March 31, 2015). We further deleted the phrase ''In accordance with 46 CFR 45.171'' and added the word ''same'' under paragraph 2(c)(1) to clarify that only certain provisions of 46 CFR 45.171 are adopted for purposes of this rule; these provisions include the ''same'' requirements for voyages between Burns Harbor, Indiana and Calumet Harbor, Chicago, Illinois as reflected in Table 45.171.

D. Discussion of the Final Rule

This RNA is necessary to facilitate commerce and establish safe operating requirements for this temporary alternate route. Thus, this rule establishes an RNA on the waters of Lake Michigan, between Chicago Harbor Lock, Chicago, Illinois and Calumet Harbor, Chicago, Illinois, within 5 nautical miles from shore.

This RNA will be effective and enforced from November 1, 2014, through March 31, 2015. The effective period for this RNA is broader than the anticipated closure dates of the Thomas J. O'Brien Lock and Dam to account for unexpected changes in schedule. In the event of a change in the enforcement dates and times, the Ninth District Commander will provide notice to the public by issuing a Notice of Enforcement for publication in the **Federal Register**, and announcing a Broadcast Notice to Mariners.

Inspected and uninspected river barges transiting this RNA need to operate in accordance with temporary 33 CFR 165.T09–0592 described below:

Uninspected Dry Cargo Barges

Unmanned dry cargo river barges transiting between Chicago Harbor Lock, Chicago, Illinois and Calumet Harbor, Chicago, Illinois must meet the same requirements for voyages between Burns Harbor, Indiana and Calumet Harbor, Chicago, Illinois outlined in Table 45.171 of 46 CFR 45.171, as follows:

- Load line requirement: Conditionally exempted from load line assignment.
- Where to register/apply: Exempted barges must be registered with the USCG Marine Safety Unit Chicago, 555A Plainfield Road, Willowbrook, IL 60527; Fax (630) 986–2120.
- Eligible barges are dry cargo river barges, built and maintained in accordance with ABS River Rules, Length-to-depth ratio is less than 22, and all weathertight and watertight

closures are in proper working condition. There is no age limitation.

- Barges freeboard must be at least 24 inches (610 mm). On open hopper barges, the coaming height + freeboard must be at least 54 inches (1,372 mm).
- Tow limitations: Barges must be unmanned. Barges must transit within 5 nautical miles from shore. There is no limit on the number of barges in tow.
- Cargo limitations: Dry cargoes only. Liquid cargoes, even in drums or tank containers, are prohibited. No hazardous materials. HazMats are defined in 46 CFR part 148 and 49 CFR chapter 1, subchapter C.
- Weather limitations: Voyages will be conducted in ''Fair weather'' only. If worse conditions arise during the transit, the voyage must be discontinued and tow must proceed to shelter.
- Pre-departure preparations: Required; as specified in 46 CFR 45.191.
- Tow requirements:
  - Power: sufficient to handle tow.
  - Communication system: Recommended; 46 CFR 45.195(a).
  - Cutting gear: Recommended; 46 CFR 45.195(b).
  - Operational plan: Recommended; 46 CFR 45.197.

Coast Guard Inspected River Barges

Unmanned inspected river barges operating between Chicago Harbor Lock, Chicago, Illinois and Calumet Harbor, Chicago, Illinois must meet the following requirements:

- Markings: Great Lakes diamond without seasonal marks.
- Stability: Applicable 46 CFR subchapter S requirements.
- Strength: ABS Rules for Rivers and Intracoastal Waterways. Tank barges over 300 feet in length must have loading information per 46 CFR 31.10–32.
- Freeboard: Dry cargo and tank barges are to comply with the freeboard requirements of 46 CFR Part 45. Dry cargo barges will not be assessed penalties for hatch coaming or hatch cover deficiencies.
- Load Line Certificate: Great Lakes certificate with the following notation: ''*This certificate is valid only for unmanned fair weather voyages between Calumet Harbor, Chicago, Illinois and Burns Harbor, Indiana.*''
- Operating restrictions: Voyages will be conducted in ''Fair weather'' only. If worse conditions arise during the transit, the voyage must be discontinued and tow must proceed to shelter. Barges must transit within 5 nautical miles of shore.

E. 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, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

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 RNA is intended to facilitate commerce and will not restrict navigation because it will allow barges to transit an additional route without making any changes to the current barge requirements. Overall, we expect the economic impact of this rule to be minimal and that a full Regulatory Evaluation is unnecessary.

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.

This regulated navigation area will not have a significant economic impact on a substantial number of small entities because it is intended to facilitate commerce and will not restrict navigation because it will allow barges to transit an additional route without making any changes to the current barge requirements. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Heidi Bragalone, Waterways Management Branch, Coast Guard Marine Safety Unit Chicago, Willowbrook, IL at (630) 986–2131. 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 or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. 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 rule is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This 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 regulated navigation area 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 recordkeeping requirements, Security measures, Waterways.

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. 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.T09–0592 to read as follows:

§ 165.T09–0592 Regulated Navigation Area, Lake Michigan; Chicago Harbor Lock, Chicago, IL to Calumet Harbor, Chicago, IL.

(a) *Location.* All waters of Lake Michigan, between Chicago Harbor Lock, Chicago, Illinois, to Calumet Harbor, Chicago, Illinois, extending within 5 nautical miles from shore.

(b) *Effective period and enforcement.* The regulated navigation area described in paragraph (a) of this section will be effective from November 1, 2014, through March 31, 2015. This section is expected to be enforced from November 1, 2014, through March 31, 2015, but the enforcement dates and times for this regulated navigation area are subject to change. In the event of a change within the effective period, the Ninth District Commander will provide notice to the public by issuing a Notice of Enforcement for publication in the **Federal Register**, and announcing a Broadcast Notice to Mariners.

(c) *Regulations.* (1) Unmanned dry cargo river barges transiting between Chicago Harbor Lock, Chicago, Illinois and Calumet Harbor, Chicago, Illinois must meet the same requirements for voyages between Burns Harbor, Indiana and Calumet Harbor, Chicago, Illinois, outlined in Table 45.171 of 46 CFR 45.171, as follows:

(i) Load line requirement: Conditionally exempted from load line assignment.

(ii) Where to register/apply: Exempted barges must be registered with the USCG Marine Safety Unit, 555A Plainfield Road, Willowbrook, IL 60527; Fax (630) 986–2120.

(iii) Eligible barges are dry cargo river barges, built and maintained in accordance with ABS River Rules, Length-to-depth ratio is less than 22, and all weathertight and watertight closures are in proper working condition. There is no age limitation.

(iv) Barges freeboard must be at least 24 inches (610mm). On open hopper barges, the coaming height + freeboard must be at least 54 inches (1,372 mm).

(v) Tow limitations: Barges must be unmanned. Barges must transit within 5 nautical miles from shore. There is no limit on the number of barges in tow.

(vi) Cargo limitations: Dry cargoes only. Liquid cargoes, even in drums or tank containers, are prohibited. No hazardous materials. Hazardous materials are defined in 46 CFR part 148 and 49 CFR chapter 1, subchapter C.

(vii) Weather limitations: Voyages will be conducted in ''Fair weather'' only. If worse conditions arise during the transit, the voyage must be discontinued and tow must proceed to shelter.

(viii) Pre-departure preparations: Required; as specified in 46 CFR 45.191.

(ix) Tow requirements:

(A) Power: Sufficient to handle tow.

(B) Communication system: Recommended; 46 CFR 45.195(a).

(C) Cutting gear: Recommended; 46 CFR 45.195(b).

(D) Operational plan: Recommended; 46 CFR 45.197.

(2) Unmanned inspected river barges operating between Chicago Harbor Lock, Chicago, Illinois and Calumet Harbor, Chicago, Illinois must meet the following requirements:

(i) Markings: Great Lakes diamond without seasonal marks.

(ii) Stability: Applicable 46 CFR subchapter S requirements.

(iii) Strength: ABS Rules for Rivers and Intracoastal Waterways. Tank barges over 300 feet in length must have loading information per 46 CFR 31.10–32.

(iv) Freeboard: Dry cargo and tank barges are to comply with the freeboard requirements of 46 CFR part 45. Dry cargo barges will not be assessed penalties for hatch coaming or hatch cover deficiencies.

(v) Load Line Certificate: Great Lakes certificate with the following notation: *''This certificate is valid only for unmanned fair weather voyages between Calumet Harbor, Chicago, Illinois and Burns Harbor, Indiana.''*

(vi) Operating restrictions: Voyages will be conducted in ''Fair weather'' only. If worse conditions arise during the transit, the voyage must be discontinued and tow must proceed to shelter. Barges must transit within 5 nautical miles from shore.

Dated: October 30, 2014.

F.M. Midgette,

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

[FR Doc. 2014–27168 Filed 11–14–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 24, 30, 70, 90, and 188

[Docket No. USCG–2012–0919]

RIN 1625–AB83

Lifesaving Devices—Uninspected Commercial Barges and Sailing Vessels

AGENCY: Coast Guard, DHS.

ACTION: Correcting amendment.

SUMMARY: The Coast Guard published a final rule in the **Federal Register** on September 10, 2014, requiring the use of wearable personal flotation devices for individuals on board uninspected non-passenger commercial barges and sailing vessels. In the final rule, the Coast Guard amended several tables to reflect this requirement. However, in a subsequent final rule regarding non-substantive changes, the Coast Guard removed the same tables in an effort to consolidate the regulations by referencing to a common table instead. The original final rule's amendatory instructions can no longer be amended as the tables were removed prior to the original final rule's effective date by the subsequent effective final rule. This correction removes the amendatory instructions in the original final rule for the affected tables.

DATES: This correction is effective on November 17, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this correction, call or email Paul Crissy, Office of Standards Evaluation and Development, Coast Guard; telephone 202–372–1093, email *Paul.H.Crissy@uscg.mil.* If you have questions on viewing material on the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: To view the original final rule document, visit *http://www.gpo.gov/fdsys/granule/FR-2014-09-10/2014-21541.*

Background

The Coast Guard published a final rule in the **Federal Register** of September 10, 2014, (79 FR 53621), amending Tables 2.01–7(a), 24.05–1(a), 30.01–5(d), 70.05–1(a), 90.05–1(a), and 188.05–1(a). The Coast Guard published a second final rule in the **Federal Register** of September 29, 2014, (79 FR 58270), removing Tables 24.05–1(a), 30.01–5(d), 70.05–1(a), 90.05–1(a), and 188.05–1(a), making a reference back to Table 2.01–7(a) instead. This correction removes the amendatory instructions for Tables 24.05–1(a), 30.01–5(d), 70.05–1(a), 90.05–1(a), and 188.05–1(a) published on September 10, 2014.

Need for Correction

The Coast Guard published two final rules in the **Federal Register** that created the need for this correction. The Coast Guard amended Tables 2.01–7(a), 24.05–1(a), 30.01–5(d), 70.05–1(a), 90.05–1(a), and 188.05–1(a) on September 10, 2014, (79 FR 53621), which became effective on October 10, 2014. However, subsequently, in the **Federal Register** of September 29, 2014, (79 FR 58270), the Coast Guard removed Tables 24.05–1(a), 30.01–5(d), 70.05–1(a), 90.05–1(a), and 188.05–1(a), making reference instead to Table 2.01–7(a), which became effective on September 29, 2014. As a result of the effective dates, the removal of Tables 24.05–1(a), 30.01–5(d), 70.05–1(a), 90.05–1(a), and 188.05–1(a) occurred prior to the amendment of the same tables. As such, the Office of Federal Register could not make the amendments to the removed tables and instead placed an editorial note in the CFR noting this discrepancy. This correction removes the amendatory instructions published in the final rule of September 10, 2014, (79 FR 53621), so that the editorial note to the CFR can be removed.

In FR Doc. 2014–21541, published on September 10, 2014, (79 FR 53621), make the following corrections:

§ 24.05–1 [Corrected]

1. On page 53630, in the third column, remove amendatory instruction 4. and the amendment to § 24.05–1.

§ 30.01–5 [Corrected]

2. On page 53631, in the second column, remove amendatory instruction 11. and the amendment to § 30.01–5.

§ 70.05–1 [Corrected]

3. On page 53631, in the second column, remove amendatory instruction 13. and the amendment to § 70.05–1.

§ 90.05–1 [Corrected]

4. On page 53631, in the second column, remove amendatory instruction 15. and the amendment to § 90.05–1.

§ 188.05–1 [Corrected]

5. On page 53631, in the third column, remove amendatory instruction 17. and the amendment to § 188.05–1.

Dated: November 12, 2014.

Katia Cervoni,

Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.

[FR Doc. 2014–27154 Filed 11–14–14; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 14–141, RM–11733; DA 14–1577]

Television Broadcasting Services; Rome, Georgia

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: A petition for rulemaking was filed by ION Media Atlanta License, Inc. (''ION Media''), the licensee of WPXA–TV, channel 51, Rome, Georgia, requesting the substitution of channel 31 for channel 51 at Rome. ION Media filed comments reaffirming its interest in the proposed channel substitution and explained that the channel substitution will allow it to serve all viewers currently receiving digital service while eliminating any potential interference with wireless operations in the Lower 700 MHZ A Block located adjacent to channel 51 in Rome. ION Media states that it will file an application for a construction permit for channel 31 and implement the change in accordance with the Commission's rules upon adoption of the channel substitution.

DATES: Effective November 17, 2014.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, *Joyce.Bernstein@fcc.gov,* Media Bureau, (202) 418–1647.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 14–141, adopted October 30, 2014, and released October 31, 2014. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document will also be available via ECFS (*http://fjallfoss.fcc.gov/ecfs/*). This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW.,

Room CY–B402, Washington, DC 20554, telephone 1–800–478–3160 or via the company's Web site, *http://www.bcpiweb.com.* 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 & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

The Commission will send a copy of the *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.622 [Amended]

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Georgia is amended by removing channel 51 and adding channel 31 at Rome.

[FR Doc. 2014–26991 Filed 11–14–14; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 224 and 226

[Docket No. 140930817–4817–01]

RIN 0648–XD533

Endangered and Threatened Wildlife and Plants; Technical Corrections for the Hawaiian Monk Seal

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

ACTION: Direct final rule.

SUMMARY: We, the National Marine Fisheries Service, announce the revised taxonomy of *Monachus schauinslandi* (Hawaiian monk seal) under the Endangered Species Act of 1973, as amended (ESA). We are revising the Enumeration of endangered marine and anadromous species and Critical habitat for Hawaiian monk seals to reflect the scientifically accepted taxonomy and nomenclature of this species. We revise the scientific name of the species as follows: *Neomonachus schauinslandi* (= *M. schauinslandi*).

DATES: This rule is effective January 16, 2015 without further action, unless significant adverse comment is received by December 17, 2014.

ADDRESSES: You may submit comments, information, or data on this document, identified by NOAA–NMFS–2014–0128, by any of the following methods:

- Electronic Submissions: Submit all electronic comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0128,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Regulatory Branch Chief, Protected Resources Division, Pacific Islands Regional Office, NMFS Protected Resources Division, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by us. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous), although submitting comments anonymously will prevent us from contacting you if we have difficulty retrieving your submission. Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Jean Higgins, NMFS, Pacific Islands Regional Office, 808–725–5151; or Marta Nammack, NMFS, Office of Protected Resources (301) 427–8469.

SUPPLEMENTARY INFORMATION:

Purpose of This Rule

The purpose of our direct final rule is to notify the public that we are revising the Enumeration of endangered marine and anadromous species and the Critical habitat for Hawaiian monk seals to reflect the scientifically accepted taxonomy and nomenclature of one mammal species listed under section 4 of the ESA (16 U.S.C. 1531 *et seq.*). The changes to the Enumeration of endangered marine and anadromous species (50 CFR 224.101(h)) and Critical habitat for Hawaiian monk seals (50 CFR 226.201) reflect the most recently accepted scientific name in accordance with 50 CFR 224.101(e).

We are publishing this rule without prior proposal because this is a noncontroversial action that does not change the listing status of the species and, in the best interest of the regulated public, should be undertaken in as timely a manner as possible. This rule will be effective, as published in this document on the effective date specified in **DATES**, unless we receive significant adverse comments on or before the comment due date specified in **DATES**. Significant adverse comments are comments that provide strong justification as to why our rule should not be adopted or why it should be changed.

If we receive significant adverse comments, we will publish a document in the **Federal Register** withdrawing this rule before the effective date, and we will engage in the normal rulemaking process to promulgate these changes to 50 CFR 224.101 and 50 CFR 226.201.

Background

Under section 224.101(e) of title 50 of the Code of Federal Regulations (CFR) we use the most recently accepted scientific name of any species that we have determined to be an endangered or threatened species. Using the best available scientific information, our

direct final rule documents a taxonomic change (scientific name) to the Hawaiian monk seal (50 CFR 224.101(h); 226.201). The basis for the taxonomic change is supported by a published study in a peer-reviewed journal. We revise the scientific name of this species under section 4 of the ESA (16 U.S.C. 1531 *et seq.*) as follows: *Neomonachus schauinslandi* (= *Monachus schauinslandi*). We make this change to the Enumeration of endangered marine and anadromous species (50 CFR 224.101(h)) and to Critical habitat for Hawaiian monk seals (50 CFR 226.201) to reflect the most recently accepted scientific name in accordance with 50 CFR 224.101(e).

Taxonomy Classification

Neomonachus schauinslandi

The scientific name change of *Neomonachus schauinslandi* (Hawaiian monk seal) from *Monachus schauinslandi* is supported by genetic, temporal, and morphological evidence (Scheel *et al.,* 2014), which indicates a closer relationship between the Hawaiian monk seal and *M. tropicalis* (Caribbean monk seal), as well as significant divergence between these two species and the endangered *M. monachus* (Mediterranean monk seal). For the first time, Scheel *et al.* (2014) used molecular data from Caribbean monk seal skins to better describe the relationship of this extinct species to the two living monk seal species (Mediterranean and Hawaiian). Phylogenetic analysis and divergence time estimation revealed that the Caribbean and Hawaiian monk seal species form a monophyletic clade and that the common ancestor of these two species likely diverged from the Mediterranean monk seal lineage over 6 million year ago (Scheel *et al.,* 2014). Morphological examinations of specimens of the three species also indicate distinctions between the Mediterranean monk seal and the Caribbean and Hawaiian species, which indicate variation in body size, pelage, dentition, as well as bone form and structure (Scheel *et al.,* 2014). The morphological distinctions and evolutionary divergence described by Scheel *et al.* (2014) is equivalent to or greater than levels of molecular and morphological divergence between other sister phocid genera, and recognition of the divergence between the two extant species better describes their evolutionary, ecomorphological, and taxonomic uniqueness. Because the Caribbean and Hawaiian monk seal species form a monophyletic clade that has no previously proposed genus-level name, the generic name *Neomonachus* was prescribed by Scheel *et al.* (2014) as a reference to the new genus within the monk seals and its ''New World'' (Western Hemisphere) distribution. Within this newly recognized structure the genus species name of the Hawaiian monk seal and the Caribbean monk seal are *Neomonachus schauinslandi* and *Neomonachus tropicalis,* respectively.

These changes result in technical revisions to provisions related to monk seals in 50 CFR 224.101(h) and 226.201. The taxonomic change for the Hawaiian monk seal is catalogued in ZooBank, the official register for the International Commission on Zoological Nomenclature, and has been recognized by NMFS and will be incorporated into all new NMFS publications pertaining to the species. This species will continue to be listed as endangered and is subject to the same protections as existed prior to these changes, and no other aspect of the entry for this species in 50 CFR 224.101(h) will change as a result of this rule.

Required Determinations

The Assistant Administrator for Fisheries finds that good cause exists to waive the requirement for prior notice and opportunity for public comment, pursuant to 5 U.S.C. 553(b)(B). Such procedures would be unnecessary as the taxonomic changes made in this rule are technical and reflect decisions already taken in the scientific community. This rule does not change the listing status of the Hawaiian monk seal under the ESA, and therefore does not alter the scope of the regulated community, or add any new requirements.

This action is not subject to review under Executive Order 12866. Because a general notice of proposed rulemaking is not required, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* are inapplicable.

This final rule does not contain policies with federalism implications under Executive Order 13132.

This rule does not contain any new collections of information that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

This final rule simply makes taxonomic changes relative to a previous listing determination under the ESA, and does not change the listing status of the Hawaiian monk seal. Per NAO 216–6, section 6.03e, we have concluded that ESA listing determinations are exempt from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

References Cited

Scheel, D.M., *et al.,* 2014. Biogeography and taxonomy of extinct and endangered monk seals illuminated by ancient DNA and skull morphology. ZooKeys, 1.

List of Subjects

50 CFR Part 224

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

50 CFR Part 226

Endangered and threatened species.

Dated: November 12, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, we amend parts 224 and 226, subchapter C of chapter II, title 50 of the Code of Federal Regulations, as set forth below:

PART 224—ENDANGERED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 224 continues to read as follows:

Authority: 16 U.S.C. 1531–1543 and 16 U.S.C. 1361 *et seq.*

■ 2. Revise the Hawaiian monk seal entry under § 224.101(h) to read as follows:

§ 224.101 Enumeration of endangered marine and anadromous species.

* * * * *

(h) The endangered species under the jurisdiction of the Secretary of Commerce are:

Species [1]			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
Marine Mammals					
*	*	*	*	*	*
Seal, Hawaiian monk	*Neomonachus schauinslandi* (= *Monachus schauinslandi.*)	Entire Species	41 FR 51611, Nov 23, 1976.	226.201	NA
*	*	*	*	*	*

[1] Species includes taxonomic species, subspecies, distinct population segments (DPSs) (for a policy statement, see 61 FR 4722, February 7, 1996), and evolutionarily significant units (ESUs) (for a policy statement, see 56 FR 58612, November 20, 1991).

PART 226—DESIGNATED CRITICAL HABITAT

■ 3. The authority citation for part 226 continues to read as follows:

Authority: 16 U.S.C. 1533.

■ 4. Revise the heading of the Hawaiian monk seal entry under § 226.201 to read as follows:

§ 226.201 Critical habitat for Hawaiian monk seals.

HAWAIIAN MONK SEAL

(*Neomonachus schauinslandi* (=*Monachus schauinslandi*))

* * * * *

[FR Doc. 2014–27181 Filed 11–14–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120924488–3671–02]

RIN 0648–XD599

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; 2014 Commercial Accountability Measure and Closure for South Atlantic Gag

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for the commercial sector for gag in the exclusive economic zone (EEZ) of the South Atlantic. Commercial landings for gag, as estimated by the Science Research Director, are projected to reach the commercial annual catch limit (ACL). Therefore, NMFS closes the commercial sector for gag in the South Atlantic EEZ on November 21, 2014, for the remainder of the 2014 fishing year, through December 31, 2014. This action is necessary to protect the South Atlantic gag resource.

DATES: This rule is effective 12:01 a.m., local time, November 21, 2014, until 12:01 a.m., local time, January 1, 2015.

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

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic, which includes gag, is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial ACL or commercial quota (quota) for gag in the South Atlantic is 326,722 lb (148,199 kg), gutted weight, for the current fishing year, as specified in 50 CFR 622.190(a)(7).

In accordance with regulations at 50 CFR 622.193(c)(1), NMFS is required to close the commercial sector for gag when the quota has been reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has projected that the quota for South Atlantic gag will be reached on November 21, 2014. Accordingly, the commercial sector for South Atlantic gag is closed effective 12:01 a.m., local time, November 21, 2014, until 12:01 a.m., local time, January 1, 2015. The recreational sector will continue to remain open through December 31, 2014.

Additionally, a seasonal closure is in place for the recreational and commercial sectors for gag from January through April each year as specified in 50 CFR 622.183(b)(1). During the seasonal closure, no person may fish for, harvest, or possess any gag in or from the South Atlantic EEZ. Therefore, the 2015 commercial gag season will not start until May 1, 2015.

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having gag onboard must have landed and bartered, traded, or sold such gag prior to 12:01 a.m., local time, November 21, 2014. During this commercial closure, the bag limit and possession limits specified in 50 CFR 622.187(b)(2)(i) and (c)(1), respectively, apply to all harvest or possession of gag in or from the South Atlantic EEZ, and the sale or purchase of gag taken from the EEZ is prohibited. The prohibition on sale or purchase does not apply to the sale or purchase of gag that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, November 21, 2014, and were held in cold storage by a dealer or processor. For a person on board a vessel for which NMFS has issued a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper species, the sale and purchase provisions of the commercial closure and the bag and possession limits apply regardless of whether the fish are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1).

Classification

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

This action is taken under 50 CFR 622.193(c)(1) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued

without opportunity for prior notice and comment.

This action responds to the best scientific information available recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to close the commercial sector for gag constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of the closure. Additionally, allowing prior notice and opportunity for public comment is contrary to the public interest because of the need to immediately implement this action to protect gag since the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established quota.

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

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

Dated: November 10, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–27051 Filed 11–12–14; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 131021878–4158–02]

RIN 0648–XD623

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2014 Pacific ocean perch total allowable catch (TAC) in the Bering Sea subarea of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), November 12, 2014, through 2400 hrs, A.l.t., December 31, 2014.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2014 Pacific ocean perch TAC in the Bering Sea subarea of the BSAI is 7,684 metric tons (mt) as established by the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014). In accordance with § 679.20(d)(1)(i) and (ii)(B), the Administrator, Alaska Region, NMFS, has determined that the 2014 Pacific ocean perch TAC in the Bering Sea subarea of the BSAI will be needed as incidental catch to support other groundfish fisheries. Therefore, the Regional Administrator is establishing a directed fishing allowance of 7,184 mt, and is setting aside the remaining 500 mt as incidental catch. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the Bering Sea subarea of the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific ocean perch in the Bering Sea subarea of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 10, 2014.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: November 12, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–27162 Filed 11–12–14; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 131021878–4158–02]

RIN 0648–XD624

Fisheries of the Exclusive Economic Zone Off Alaska; Several Groundfish Species in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; apportionment of reserves; request for comments.

SUMMARY: NMFS apportions amounts of the non-specified reserve to the initial total allowable catch (ITAC) of Bering Sea and Aleutian Islands (BSAI) northern rockfish and BSAI skates, and the total allowable catch (TAC) of Bering Sea (BS) ''other rockfish'' and BSAI octopuses in the BSAI management area. This action is necessary to allow the fisheries to continue operating. It is intended to promote the goals and objectives of the fishery management plan for the BSAI management area.

DATES: Effective November 12, 2014, through 2400 hrs, Alaska local time, December 31, 2014. Comments must be received at the following address no later than 4:30 p.m., Alaska local time, November 28, 2014.

ADDRESSES: You may submit comments on this document, identified by FDMS Docket Number NOAA–NMFS–2013–0152 by any of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0152,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the (BSAI) exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2014 ITAC of BSAI northern rockfish in the BSAI was established as 2,205 metric tons (mt), the 2014 ITAC of BSAI skates was established as 22,100 mt, the 2014 TAC of BS ''other rockfish'' was established as 300 mt, and the 2014 TAC of BSAI octopuses was established as 225 mt by the final 2014 and 2015 harvest specifications for groundfish of the BSAI (79 FR 12108, March 4, 2014). In accordance with § 679.20(a)(3) the Regional Administrator, Alaska Region, NMFS, has reviewed the most current available data and finds that the ITACs for BSAI northern rockfish and BSAI skates, and the TACs of BS ''other rockfish'' and BSAI octopuses need to be supplemented from the non-specified reserve to promote efficiency in the utilization of fishery resources in the BSAI and allow fishing operations to continue.

Therefore, in accordance with § 679.20(b)(3), NMFS apportions from the non-specified reserve of groundfish 200 mt to the BSAI northern rockfish ITAC, 4,500 mt to the BSAI skates ITAC, 100 mt to the BS ''other rockfish'' TAC, and 200 mt to the BSAI octopuses TAC in the BSAI. These apportionments are consistent with § 679.20(b)(1)(i) and do not result in overfishing of any target species because the revised ITACs and TAC are equal to or less than the specifications of the acceptable biological catch in the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014).

The harvest specification for the 2014 ITACs included in the harvest specifications for groundfish in the BSAI are revised as follows: 2,405 mt for BSAI northern rockfish, 26,600 mt for BSAI skates, 400 mt for BS ''other rockfish'', 425 mt for BSAI octopuses.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and § 679.20(b)(3)(iii)(A) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the apportionment of the non-specified reserves of groundfish to the BSAI northern rockfish, BSAI skates, BS ''other rockfish'', and BSAI octopuses fisheries in the BSAI. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet and processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of October 31, 2014.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

Under § 679.20(b)(3)(iii), interested persons are invited to submit written comments on this action (see **ADDRESSES**) until November 28, 2014.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: November 12, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–27167 Filed 11–12–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 221
Monday, November 17, 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.

FARM CREDIT ADMINISTRATION

12 CFR Part 620

RIN 3052–AD02

Disclosure to Shareholders; Pension Benefit Disclosures

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration (FCA, we or our) is proposing to amend our regulations related to Farm Credit System (System) bank and association disclosures to shareholders and investors. The proposed rule would exclude certain employees and their associated compensation amounts from the reporting requirement in our regulations. Under the proposed rule, there would be no reporting requirement for employees that are not senior officers and would not otherwise be considered ''highly compensated employees'' but for payments related to or change(s) in value of the employee's qualified pension plan. Under the proposed rule, such employees' pension plans must have been available to all similarly situated employees on the same basis.

DATES: Submit comments on or before December 17, 2014.

ADDRESSES: We offer a variety of methods for you to submit your comments. For accuracy and efficiency reasons, we encourage commenters 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 no longer accept comments submitted by fax. Regardless of the method you use, please do not submit your comment multiple times via different methods. You may submit comments by any of the following methods:

- Email: Send us an email at *reg-comm@fca.gov.*
- FCA Web site: *http://www.fca.gov.* Select ''Public Commenters,'' 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 from our Web site at *http://www.fca.gov.* Once you are on the Web site, select ''Public Commenters,'' then ''Public Comments,'' and follow the directions for ''Reading Submitted Public Comments.'' We will show your comments as submitted, including any supporting data you provide, 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.

FOR FURTHER INFORMATION CONTACT:
Michael T. Wilson, Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4124, TTY (703) 883–4056, Or
Jeff Pienta, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION:

I. Objective

The objective of this proposed rule is to improve the quality of disclosure information shareholders receive that is related to senior officer and other highly compensated employee compensation.

II. Background

Congress explained in section 514 of the Farm Credit Banks and Associations Safety and Soundness Act of 1992 (1992 Act) [1] that disclosures of financial information and compensation paid to senior officers, among other disclosures, provide System shareholders with information necessary to better manage their institution and make informed decisions regarding the operation of their institution. In addition, the FCA Board declared its commitment to support the cooperative business model and structure by encouraging member-borrowers to participate in the management, control, and ownership of their institutions.[2] Providing member-borrowers with transparent and complete disclosures regarding the compensation of senior officers and certain other highly compensated employees is essential to fostering an environment wherein member-borrowers can do so effectively.

With this as one of our objectives, we issued a final rule on October 3, 2012, that enhanced disclosure of compensation and other related topics.

III. Analysis

Section 620.6(c)(2) requires System banks and associations to disclose the number of senior officers and their compensation for the last 3 completed fiscal years. For the purposes of this reporting requirement only, existing § 620.6(c)(2)(i) essentially extends the regulatory definition of ''senior officers'' to include any employee whose compensation level was among the five highest paid during the reporting period. The intent of this extension was to ensure that System banks and associations provide shareholders with necessary compensation information on highly compensated employees, even though such employees did not necessarily fall within the regulatory definition of ''senior officer'' during the reporting period.

On the other hand, the intent of this extension was not to have System banks and associations provide shareholders with compensation information regarding employees who would only reach the ''highly compensated employee'' threshold solely because of payments related to or change(s) in value of a qualified pension plan that was available to all employees on the same basis at the time they joined the plan. We believe that application of the existing rule could create such an unintended effect and reduce the effectiveness of the disclosure. For instance, the existing requirement could result in a mid-level employee being considered a top five highest paid employees and thus being considered a

[1] Public Law 102–552, 106 Stat. 4131 (1992).

[2] *See* FCA Policy Statement ''Cooperative Operating Philosophy—Serving the Members of Farm Credit System Institutions'' (FCA–PS–80), dated October 14, 2010.

''highly compensated employee'' solely because of a one-time or lump sum pension payment that occurred at the end of their career. Such a result would necessarily cause an otherwise highly compensated employee who is not a ''senior officer'' to fall out of the top five highest compensated employees for that reporting period, and thus, to not be included in the disclosure required under § 620.6(c)(2)(i).

This proposed rule would improve the quality of the disclosure required under existing § 620.6(c)(2)(i) by eliminating the potential for unintended results such as the one outlined above. Therefore, we propose to amend § 620.6(c)(2)(i) to exclude any such employee from the Compensation Table if the employee would be considered highly compensated solely because of payments related to or change(s) in value of the employee's qualified pension plan provided that the plan was available to all similarly situated employees on the same basis at the time the employee joined the plan.

IV. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the FCA hereby certifies that the proposed rule would 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 Regulatory Flexibility Act.

List of Subjects in 12 CFR Part 620

Accounting, Agriculture, Banks, banking, Reporting and recordkeeping requirements, Rural areas.

For the reasons stated in the preamble, part 620 of chapter VI, title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 620—DISCLOSURE TO SHAREHOLDERS

■ 1. The authority citation for part 620 continues to read as follows:

Authority: Secs. 4.3, 4.3A, 4.19, 5.9, 5.19 of the Farm Credit Act (12 U.S.C. 2154, 2154a, 2207, 2243, 2252, 2254); sec. 424 of Pub. L. 100–233, 101 Stat. 1568, 1656, sec. 514 of Pub. L. 102–552, 106 Stat. 4102.

■ 2. Section 620.6(c)(2)(i) is revised to read as follows:

§ 620.6 Disclosures in the annual report to shareholders relating to directors and senior officers.

* * * * *

(c) * * *

(2) * * *

(i) If applicable, when any employee who is not a senior officer has annual compensation at a level that is among the five highest paid by the institution during the reporting period, include the highly compensated employee(s) in the aggregate number and amount of compensation reported in the Compensation Table. However, exclude any such employee from the Compensation Table if the employee would be considered highly compensated solely because of payments related to or change(s) in value of the employee's qualified pension plan provided that the plan was available to all similarly situated employees on the same basis at the time the employee joined the plan.

* * * * *

Dated: November 12, 2014.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2014–27192 Filed 11–14–14; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0227; Directorate Identifier 2013–NM–211–AD]

RIN 2120–AA64

Airworthiness Directives Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposed airworthiness directive (AD) that proposed to supersede AD 95–26–11, for all Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Model L–1011 series airplanes. AD 95–26–11 currently requires repetitive inspections to detect cracking of the fittings that attach the aft pressure bulkhead to the fuselage stringers, repetitive inspections to detect cracking of the fittings and of the splice tab of the aft pressure bulkhead, and corrective actions if necessary. The NPRM proposed to reduce the compliance time; add inspections for cracking of certain aft fuselage skin panels; add a structural modification; and also add a post-modification inspection program. The NPRM was prompted by a determination that the fittings at stringer attachments to the upper region of the aft pressure bulkhead are subject to widespread fatigue damage (WFD), which could result in cracking in the aft pressure bulkhead. This action revises the NPRM by reducing the post-structural modification repetitive inspection interval. We are proposing this supplemental NPRM (SNPRM) to prevent simultaneous failure of multiple stringer end fittings through fatigue cracking at the aft pressure bulkhead, which could lead to rapid decompression of the airplane. Since this action imposes an additional burden over that proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

DATES: We must receive comments on this SNPRM by January 2, 2015.

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

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

For service information identified in this AD, contact Lockheed Martin Corporation/Lockheed Martin Aeronautics Company, L1011 Technical Support Center, Dept. 6A4M, Zone 0579, 86 South Cobb Drive, Marietta, GA 30063–0579; telephone 770–494–5444; fax 770–494–5445; email *L1011.support@lmco.com;* Internet *http://www.lockheedmartin.com/ams/tools/TechPubs.html.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://*

www.regulations.gov by searching for and locating Docket No. FAA–2014–0227; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Carl Gray, Aerospace Engineer, Airframe Branch, ACE–117A, FAA, Atlanta Aircraft Certification Office (ACO), 1701 Columbia Avenue, College Park, GA 30337; phone: 404–474–5554; fax: 404–474–5605; email: *carl.w.gray@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0227; Directorate Identifier 2013–NM–211–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to all Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Model L–1011 series airplanes. The NPRM published in the **Federal Register** on April 14, 2014 (79 FR 20819). The NPRM proposed to supersede Airworthiness Directive AD 95–26–11, Amendment 39–9469 (60 FR 66870, December 27, 1995), for all Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Model L–1011 series airplanes. AD 95–26–11 currently requires repetitive inspections to detect cracking of the fittings that attach the aft pressure bulkhead to the fuselage stringers, repetitive inspections to detect cracking of the fittings and of the splice tab of the aft pressure bulkhead, and corrective actions if necessary. The NPRM proposed to reduce the compliance time; add inspections for cracking of certain aft fuselage skin panels; add a structural modification; and also add a post-modification inspection program.

Actions Since Previous NPRM Was Issued

Since we issued the NPRM, we have determined that the post-structural modification repetitive inspection interval should be revised.

Comments

We gave the public the opportunity to comment on the NPRM (79 FR 20819, April 14, 2014). The following presents the comment received on the NPRM, and the FAA's response to the comment.

Request To Revise Repetitive Inspection Compliance Time

Lockheed requested that we revise the post-structural modification repetitive inspection interval in paragraph (s) of the NPRM (79 FR 20819, April 14, 2014) from 13,875 flight cycles to 1,750 flight cycles. Paragraph (s) of the NPRM is identified as paragraph (r) in this SNPRM. Lockheed explained that the 1,750 flight cycles inspection interval meets the intent of Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013.

We agree to revise the repetitive inspection interval in paragraph (r) of this SNPRM to 1,750 flight cycles. The 13,875 flight cycles interval was a typographical error.

Revised Compliance Time

We have also determined that if any cracking is found during any inspection specified in this SNPRM, it must be repaired before further flight in order to address the identified unsafe condition. We have removed (q) of this SNPRM, which deferred replacement of cracked fittings/splice tabs and certain inspections. We have revised the compliance time inparagraph (m)(1)(ii) of this AD from ''within 1,750 flight cycles after finding the crack'' to ''before further flight.'' In addition, we added ''The deferral specified in paragraphs (m)(1) and (m)(2) of this AD cannot be done as of the effective date of this AD.''

We have also revised paragraphs (n) and (o) of this SNPRM to remove the reference to paragraph (q) of this SNPRM.

FAA's Determination

We are proposing this SNPRM because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design. The change described above expands the scope of the NPRM (79 FR 20819, April 14, 2014). As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed Requirements of This SNPRM

This SNPRM would retain certain requirements of AD 95–26–11, Amendment 39–9469 (60 FR 66870, December 27, 1995). This SNPRM would reduce the compliance time; add inspections for cracking of certain aft fuselage skin panels; add a structural modification; and also add a post-modification inspection program.

Costs of Compliance

We estimate that this proposed AD affects 26 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections [actions retained from AD 95–26–11, Amendment 39–9469 (60 FR 66870, December 27, 1995)].	23 work-hours × $85 per hour = $1,955 per inspection cycle.	$0	$1,955 per inspection cycle ...	$50,830 per inspection cycle.
Inspections and modification [new proposed action].	185 work-hours × $85 per hour = $15,725.	6,750	22,475	584,350.

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of one fitting	16 work-hour × $85 per hour = $1,360	$250	$1,610

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Amend § 39.13 by removing Airworthiness Directive (AD) 95–26–11, Amendment 39–9469 (60 FR 66870, December 27, 1995), and adding the following new AD:

Lockheed Martin Corporation/Lockheed Martin Aeronautics Company: Docket No. FAA–2014–0227; Directorate Identifier 2013–NM–211–AD.

(a) Comments Due Date

We must receive comments by January 2, 2015.

(b) Affected ADs

This AD replaces AD 95–26–11, Amendment 39–9469 (60 FR 66870, December 27, 1995).

(c) Applicability

This AD applies to all Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Model L–1011–385–1, L–1011–385–1–14, L–1011–385–1–15, and L–1011–385–3 airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a determination that the fittings at stringer attachments to the upper region of the aft pressure bulkhead are subject to widespread fatigue damage (WFD). We are issuing this AD to prevent simultaneous failure of multiple stringer end fittings through fatigue cracking at the aft pressure bulkhead, which could lead to rapid decompression of the airplane.

(f) Compliance

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

(g) Retained Detailed Visual Inspection

This paragraph restates the requirements of paragraph (a) of AD 95–26–11, Amendment 39–9469 (60 FR 66870, December 27, 1995), with no changes. Perform a detailed visual inspection to detect cracking of the fittings that attach the aft pressure bulkhead to the fuselage stringers (hereinafter referred to as ''fittings'') at stringers 1 through 10 (right side) and at stringers 56 through 64 (left side), at the later of the times specified in either paragraph (g)(1) or (g)(2) of this AD.

(1) Prior to the accumulation of 20,000 total flight cycles; or

(2) Within the next 25 flight cycles or 10 days after September 28, 1995 (the effective date of AD 95–18–52, Amendment 39–9366 (60 FR 47465, September 13, 1995)), whichever occurs earlier.

(h) Retained Corrective Action for Cracked Fitting

This paragraph restates the requirements of paragraph (c) of AD 95–26–11, Amendment 39–9469 (60 FR 66870, December 27, 1995), with no changes. If any cracked fitting is detected during the inspection required by paragraph (g) of this AD: Before further flight, accomplish the requirements of paragraphs (h)(1) and (h)(2) of this AD.

(1) Replace the cracked fitting with a new fitting, or with a serviceable fitting on which a detailed visual inspection has been performed previously to detect cracking and that has been found to be free of cracks.

(2) Perform a detailed visual inspection to detect cracking in the radius at the lower end of the vertical leg of the bulkhead T-shaped frame between the stringer locations on either side of the stringer having the cracked fitting. If any cracked T-shaped frame is detected: Before further flight, repair in accordance with a method approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA.

(i) Retained Repetitive Fitting Inspections

This paragraph restates the requirements of paragraph (d) of AD 95–26–11, Amendment 39–9469 (60 FR 66870, December 27, 1995), with no changes. Repeat the inspections and other necessary actions required by paragraphs (g) and (h) of this AD at intervals not to exceed 1,800 flight cycles or 3,000 flight hours, whichever occurs earlier, until paragraph (j) of this AD is accomplished.

(j) Retained Eddy Current Surface Scan (ECSS) Inspections, and Related Investigative and Corrective Actions

This paragraph restates the requirements of paragraph (e) of AD 95–26–11, Amendment 39–9469 (60 FR 66870, December 27, 1995), with revised compliance times specified in paragraph (k) of this AD, exclusion of an ECSS inspection for certain airplanes, and new service information. Except as provided by paragraph (l) of this AD: At the applicable time specified in paragraph (k)(1) of this AD, accomplish the requirements of paragraphs (j)(1) and (j)(2) of this AD. Repeat the ECSS inspections thereafter at the compliance time specified in paragraph (k)(2) of this AD. Accomplishment of the ECSS inspection constitutes terminating action for the repetitive inspection requirements of paragraph (i) of this AD.

(1) Perform an ECSS inspection to detect cracking of the fittings at stringers 1 through 14 (right side) and at stringers 52 through 64 (left side), in accordance with the Accomplishment Instructions of Lockheed L–1011 Service Bulletin 093–53–105, Revision 1, dated November 17, 1995; or Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013; except for airplanes with a large (47-inch-wide) aft passenger door, an ECSS inspection of stringers 12, 13, 53, and 54 is not required by this paragraph. Except as provided by paragraph (m) of this AD, if any cracking is detected, prior to further flight, replace the fitting with a new fitting without pilot holes, rework the fitting, and perform various follow-on actions (i.e., bolt hole eddy current (BHEC), ECSS, and borescope inspections; and repair) of the inner and outer tee caps, in accordance with the Accomplishment Instructions of Lockheed L–1011 Service Bulletin 093–53–105, Revision 1, dated November 17, 1995; or Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013, except as required by paragraph (p) of this AD. As of the effective date of this AD, use only Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013, for accomplishing the actions required by this paragraph.

(2) Perform an ECSS inspection to detect cracking of the lower (or inner) surface of the upper bonded splice tab of the bulkhead assembly at stringers 1 through 14 (right side) and at stringers 52 through 64 (left side), in accordance with the Accomplishment Instructions of Lockheed L–1011 Service Bulletin 093–53–105, Revision 1, dated November 17, 1995; or Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013. As of the effective date of this AD, use only Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013, for accomplishing the actions required by this paragraph.

(i) Except as provided by paragraph (m) of this AD, if any cracking is detected at the upper bonded splice tab, repair in accordance with a method approved by the Manager, Atlanta ACO, FAA.

(ii) Except as provided by paragraph (m) of this AD, if any cracking is detected at a fastener, prior to further flight, perform a BHEC inspection to detect cracking of the forward flange of the inner tee cap, in accordance with the Accomplishment Instructions of Lockheed L–1011 Service Bulletin 093–53–105, Revision 1, dated November 17, 1995; or Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013. If any cracking is detected, prior to further flight, repair in accordance with the Accomplishment Instructions of Lockheed L–1011 Service Bulletin 093–53–105, Revision 1, dated November 17, 1995; or Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013, except as required by paragraph (p) of this AD. As of the effective date of this AD, use only Lockheed L–1011 Service Bulletin 093–53–105, Revision 3, dated May 31, 2013, for accomplishing the actions required by this paragraph.

(k) New Revised Compliance Times for Paragraph (j) of This AD

(1) Do the initial inspections required by paragraph (j) of this AD at the earlier of the times specified in paragraphs (k)(1)(i) and (k)(1)(ii) of this AD.

(i) Prior to the accumulation of 20,000 total flight cycles, or within 30 days after January 11, 1996 (the effective date of date of AD 95–26–11, Amendment 39–9469 (60 FR 66870, December 27, 1995)), whichever occurs later.

(ii) At the later of the times specified in paragraphs (k)(1)(ii)(A) and (k)(1)(ii)(B) of this AD.

(A) Before the accumulation of 13,875 total flight cycles.

(B) Within 365 days or 1,000 flight cycles after the effective date of this AD, whichever occurs first.

(2) Repeat the inspections specified in paragraph (j) of this AD within 2,500 flight cycles after accomplishing the most recent inspection required by paragraph (j) of this AD, and repeat the inspection thereafter at intervals not to exceed 1,750 flight cycles.

(l) Retained Inspection Deferral for Paragraph (j) of this AD

This paragraph restates the requirements of paragraph (f) of AD 95–26–11, Amendment 39–9469 (60 FR 66870, December 27, 1995). Accomplishment of the initial ECSS inspections required by paragraph (j) of this AD may be deferred to a date within 120 days after January 11, 1996 (the effective date of AD 95–26–11), provided that, in the interim, a visual inspection as specified in paragraph (g) of this AD is accomplished within 30 days after January 11, 1996 (the effective date of AD 95–26–11), and repeated thereafter at intervals not to exceed 50 flight cycles. Once the ECSS inspections begin, the visual inspections may be terminated.

(m) Retained Inspection Deferral With Revised Compliance Time and New Deferral

This paragraph restates the requirements of paragraph (g) of AD 95–26–11, Amendment 39–9469 (60 FR 66870, December 27, 1995), with a revised compliance time, service information, and a new deferred action. As of the effective date of this AD, the deferral specified in paragraphs (m)(1) and (m)(2) of this AD cannot be done. If cracking was found before the effective date of this AD, the deferrel specified in paragraphs (m)(1) and (m)(2) of this AD may be done.

(1) If two or more adjacent fittings on both sides of the cracked fittings or bonded splice tabs/fasteners are determined to be free of cracks by the ECSS inspection required by paragraphs (j)(1) and (j)(2) of this AD, repeat the ECSS inspection of the adjacent fittings thereafter at intervals not to exceed 600 flight cycles until the cracked fittings or splice tabs/fasteners are replaced or repaired, in accordance with the Accomplishment Instructions of Lockheed L–1011 Service Bulletin 093–53–105, Revision 1, dated November 17, 1995; or Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013. At the applicable time specified in paragraphs (m)(1)(i) and (m)(1)(ii) of this AD: Replace the cracked fitting and/or splice tab/fasteners, in accordance with the Accomplishment Instructions of Lockheed L–1011 Service Bulletin 093–53–105, Revision 1, dated November 17, 1995; or Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013. As of the effective date of this AD, use only Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013, for accomplishing the actions required by this paragraph.

(i) For any crack found before the effective date of this AD: Within 2,500 flight cycles after finding the crack.

(ii) For any crack found on or after the effective date of this AD: Before further flight after finding the crack.

(2) If two or more adjacent fittings on both sides of the cracked fittings or bonded splice tabs/fasteners are determined to be free of cracks by the ECSS inspection required by paragraphs (j)(1) and (j)(2) of this AD, the follow-on inspection (i.e., BHEC, ECSS, and borescope inspections) of the inner and outer tee caps required by paragraph (j)(1) of this AD may also be deferred until the cracked fittings are replaced as required by paragraph (m)(1) of this AD, but no later than before the accumulation of 20,800 total flight cycles.

(n) New Repetitive Borescope Inspections of Certain End Fittings and Corrective Actions

For airplanes with a large (47-inch-wide) aft passenger door: At the later of the times specified in paragraphs (n)(1) and (n)(2) of this AD, do a borescope inspection for cracking of the stringer end fittings at stringer locations 12, 13, 53, and 54; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013, except as specified in paragraph (p) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspection of the stringer end fittings thereafter at intervals not to exceed 1,750 flight cycles until the actions required by paragraph (q) of this AD have been done.

(1) Before the accumulation of 13,875 total flight cycles.

(2) Within 365 days or 1,000 flight cycles after the effective date of this AD, whichever occurs earlier.

(o) New Repetitive Borescope Inspections of Fuselage Skin Panels

For airplanes with a large (47-inch-wide) aft passenger door: At the later of the times specified in paragraphs (o)(1) and (o)(2) of this AD, do an ECSS inspection for cracking

of the left and right aft fuselage skin panels; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013, except as specified in paragraph (p) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspection of the aft fuselage skin panels thereafter at intervals not to exceed 1,750 flight cycles until the modification required by paragraph (q) of this AD is done.

(1) Before the accumulation of 13,875 total flight cycles.

(2) Within 365 days or 1,000 flight cycles after the effective date of this AD, whichever occurs first.

(p) New Service Information Exception

If any cracking is found during any inspection required by this AD, and Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013, specifies contacting Lockheed for appropriate action: Before further flight, repair the cracking in accordance with a method approved by the Manager, Atlanta ACO, FAA. As of the effective date of this AD, for a repair method to be approved by the Manager, Atlanta ACO, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

(q) New Pre-Structural Modification Inspections and Structural Modification

Before the accumulation of 20,800 total flight cycles: Do the applicable actions specified in paragraphs (q)(1) and (q)(2) of this AD.

(1) Perform pre-structural modification inspections by doing the actions required by paragraphs (j), (n), and (o) of this AD.

(2) Perform a structural modification of the aft pressure bulkhead by removing and replacing all stringer end fittings with new or refurbished fittings at stringers 1 through 14, and 52 through 64, in accordance with the Accomplishment Instructions of Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013.

(r) New Post-Structural Modification Repetitive Inspections

Within 13,875 flight cycles after performing the actions required by paragraph (q)(2) of this AD: Do the actions specified in paragraphs (j), (n), and (o) of this AD, and repeat thereafter at intervals not to exceed 1,750 flight cycles.

(s) No Reporting Requirement

Although Lockheed Service Bulletin 093–53–105, Revision 3, dated May 31, 2013, referenced in this AD specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(t) Alternative Methods of Compliance (AMOCs)

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

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

(u) Related Information

(1) For more information about this AD, contact Carl Gray, Aerospace Engineer, Airframe Branch, ACE–117A, FAA, Atlanta Aircraft Certification Office (ACO), 1701 Columbia Avenue, College Park, GA 30337; phone: 404–474–5554; fax: 404–474–5605; email: *carl.w.gray@faa.gov.*

(2) For service information identified in this AD, contact Lockheed Martin Corporation/Lockheed Martin Aeronautics Company, L1011 Technical Support Center, Dept. 6A4M, Zone 0579, 86 South Cobb Drive, Marietta, GA 30063–0579; telephone 770–494–5444; fax 770–494–5445; email *L1011.support@lmco.com;* Internet *http://www.lockheedmartin.com/ams/tools/TechPubs.html.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on November 5, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–27067 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0772; Directorate Identifier 2014–NM–090–AD]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2011–08–51, which applies to certain The Boeing Company Model 737–300, –400, and –500 series airplanes. AD 2011–08–51 currently requires repetitive inspections of the lap joint at certain stringers along the entire length from certain body stations. Since we issued AD 2011–08–51, an evaluation by the design approval holder (DAH) has determined that the lower fastener holes in the lower skin of the fuselage lap splice are subject to widespread fatigue damage (WFD), and as a result the DAH specified revised compliance times, an expanded inspection area, and additional inspections for cracks and open pockets, and corrective actions if necessary. Additionally, this evaluation has also determined that the repetitive inspection interval can be increased for lap splices with certain new fay scratches. This proposed AD would expand the inspection area, require additional inspections for cracks and open pockets, and corrective actions if necessary, and revise the compliance times. We are proposing this AD to detect and correct fatigue cracking of the lower fastener holes in the lower skin of the fuselage lap splice, which could result in reduced structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by January 2, 2015.

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0772; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the

ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6447; fax: 425–917–6590; email: *wayne.lockett@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0772; Directorate Identifier 2014–NM–090–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

Structural fatigue damage is progressive. It begins as minute cracks, and those cracks grow under the action of repeated stresses. This can happen because of normal operational conditions and design attributes, or because of isolated situations or incidents such as material defects, poor fabrication quality, or corrosion pits, dings, or scratches. Fatigue damage can occur locally, in small areas or structural design details, or globally. Global fatigue damage is general degradation of large areas of structure with similar structural details and stress levels. Multiple-site damage is global damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Global damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site-damage and multiple-element-damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane, in a condition known as widespread fatigue damage (WFD). As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

On May 6, 2011, we issued AD 2011–08–51, Amendment 39–16701 (76 FR 28632, May 18, 2011), for certain The Boeing Company Model 737–300, –400, and –500 series airplanes. AD 2011–08–51 requires repetitive external eddy current inspections of the lap joints at stringers S–4R and S–4L, from body station (BS) 360 to BS 908. If a crack indication is found, AD 2011–08–51 requires either confirming the crack by doing internal eddy current inspections, or repairing the crack. As an alternative to the external eddy current inspections, AD 2011–08–51 provides for internal eddy current and detailed inspections for cracks in the lower skin at the lower row of fasteners at stringers S–4L and S–4R. AD 2011–08–51 resulted from a report indicating that a Model 737–300 series airplane experienced a rapid decompression when the lap joint at stringer S–4L between BS 664 and BS 727 cracked and opened up due to cracking in the lower skin at the lower row of fasteners. We issued AD 2011–08–51 to detect and correct such cracking, which could result in an uncontrolled decompression of the airplane.

Actions Since AD 2011–08–51, Amendment 39–16701 (76 FR 28632, May 18, 2011), Was Issued

Since we issued AD 2011–08–51, Amendment 39–16701 (76 FR 28632, May 18, 2011), an evaluation by the DAH has determined that the lower fastener holes in the lower skin of the fuselage lap splice are subject to WFD, and as a result the DAH specified revised compliance times, an expanded inspection area, and additional inspections for cracks and open pockets, and corrective actions if necessary. Additionally, this evaluation has also determined that the repetitive inspection interval can be increased for lap splices with certain new fay scratches.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0772.

FAA's Determination

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

Proposed AD Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2011–08–51, Amendment 39–16701 (76 FR 28632, May 18, 2011), this proposed AD would retain certain requirements of AD 2011–08–51. Those requirements are referenced in the service information identified previously, which, in turn, are referenced in paragraphs (g) and (l) of this proposed AD. This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between the Proposed AD and the Service Information.''

Differences Between This Proposed AD and the Service Information

Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, specifies to contact the manufacturer for instructions on how to inspect and repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

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

Interim Action

We consider this proposed AD interim action. An investigation is ongoing and no terminating action has been developed. Once terminating action is developed, approved, and available, we might consider additional rulemaking.

Costs of Compliance

We estimate that this proposed AD affects 130 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive inspections [actions retained from AD 2011–08–51, Amendment 39–16701 (76 FR 28632, May 18, 2011)].	6 or 4,270 work-hours (depending on inspection method) × $85 per work-hour = $510 or $362,950 per inspection cycle.	None	$510 or $362,950 per inspection cycle.	$66,300 or $47,183,500 per inspection cycle.
Repetitive inspections [new proposed action].	4 or 550 work-hours (depending on inspection method) × $85 per hour = $340 or 46,750 per inspection cycle.	None	$340 or 46,750 per inspection cycle.	$44,200 or $6,077,500 per inspection cycle.
One-time inspections [new proposed action].	5,370 work-hours × $85 per hour = $456,450.	None	$456,450	$59,338,500.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Amend § 39.13 by removing Airworthiness Directive (AD) 2011–08–51, Amendment 39–16701 (76 FR 28632, May 18, 2011), and adding the following new AD:

The Boeing Company: Docket No. FAA–2014–0772; Directorate Identifier 2014–NM–090–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by January 2, 2015.

(b) Affected ADs

This AD replaces AD 2011–08–51, Amendment 39–16701 (76 FR 28632, May 18, 2011).

(c) Applicability

This AD applies to The Boeing Company Model 737–300, –400, and –500 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder (DAH) that has determined that the lower fastener holes in the lower skin of the fuselage lap splice are subject to widespread fatigue damage (WFD). We are issuing this AD to detect and correct fatigue cracking of the lower fastener holes in the lower skin of the fuselage lap splice, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Repetitive Inspections for Crack Indications at Stringers S–4R and S–4L, Body Station (BS) 360 to BS 908

At the applicable time specified in Table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014: Do an external eddy current inspection, or internal eddy current and detailed inspections, for crack indications at stringers S–4R and S–4L, from body station (BS) 360 to BS 908, except as provided by paragraph (h) of this AD, in accordance with Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. Repeat the inspection(s) thereafter at the applicable intervals specified in Table 1 or Table 2, as applicable, of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. Either inspection option may be used at any repetitive inspection cycle.

(h) One-Time Inspections for Cracks at Stringers S–4L and S–4R, BS 360 to BS 908

At the applicable time specified in Table 3 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, except as required by paragraph (m) of this AD: Do one-time internal detailed and eddy current inspections for cracks at stringers S–4R and S–4L, from BS 360 to BS 908, in accordance with Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. Accomplishment of the inspections required by this paragraph does not terminate the repetitive inspections required by paragraph (g) of this AD.

(i) One-Time Inspections for Cracks at Stringer S–4R, BS 908 to BS 1016

For airplanes identified as Group 2, 3, 5, and 7 in Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014: At the applicable time specified in Table 4 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, except as required by paragraph (m) of this AD, do one-time internal detailed and eddy current inspections for cracks at stringer S–4R, from BS 908 to BS 1016, in accordance with Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014.

(j) Repetitive Inspections for Cracks at Stringer S–4R, BS 908 to BS 1016

For airplanes identified as Group 2, 3, 5, and 7 in Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014: At the applicable time specified in Table 5 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, except as required by paragraph (m) of this AD, do external eddy current inspections, or internal eddy current and detailed inspections, for cracks at stringer S–4R, from BS 908 to BS 1016, in accordance with Part 4 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. Repeat the inspection(s) thereafter at the applicable intervals specified in Table 5 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. Either inspection option may be used at any repetitive inspection cycle.

(k) General Visual Inspection for Open Pockets at Stringer S–4R, BS 908 to BS 1016

For airplanes identified as Group 1, 4, and 6 in Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014: At the applicable time specified in Table 6 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, except as required by paragraph (m) of this AD, do a general visual inspection for open pockets of the lower skin panel at stringer S–4R, from BS 908 to BS 1016, in accordance with Part 5 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014. If any open pocket is found, before further flight, inspect and repair using a method approved in accordance with the procedures specified in paragraph (o) of this AD.

(l) Corrective Action

If any crack is found during any inspection required by this AD: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (o) of this AD. Accomplishment of repairs approved in accordance with the procedures specified in paragraph (o) of this AD terminates the repetitive inspections specified in paragraphs (g) and (j) of this AD in the repaired areas only.

(m) Service Information Exception

Where Boeing Alert Service Bulletin 737–53A1319, Revision 2, dated April 4, 2014, specifies a compliance time ''after the Revision 2 date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(n) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–53A1319, dated April 4, 2011; or Boeing Alert Service Bulletin 737–53A1319, Revision 1, dated April 8, 2011. Boeing Alert Service Bulletin 737–53A1319, dated April 4, 2011, is incorporated by reference in AD 2011–08–51, Amendment 39–16701 (76 FR 28632, May 18, 2011). Boeing Alert Service Bulletin 737–53A1319, Revision 1, dated April 8, is not incorporated by reference in this AD.

(o) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved for AD 2011–08–51, Amendment 39–16701 (76 FR 28632, May 18, 2011), are approved as AMOCs for the corresponding provisions of paragraphs (g) and (l) of this AD.

(p) Related Information

(1) For more information about this AD, contact Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6447; fax: 425–917–6590; email: *wayne.lockett@faa.gov.*

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

Issued in Renton, Washington, on November 5, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–27070 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0773; Directorate Identifier 2014–NM–068–AD]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 787–8

airplanes. This proposed AD was prompted by reports of a potential latent failure of the valve actuator circuitry, which was not identified during actuator development. This proposed AD would require replacing certain engine and auxiliary power unit (APU) fuel shutoff valve actuators with new actuators, and would also require revising the maintenance or inspection program to include a new airworthiness limitation into the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness (ICA). We are proposing this AD to prevent latent failures of the fuel shutoff valve actuators, which could result in the inability to shut off fuel to the engine or APU in the case of an engine or APU fire. If the fuel cannot be shut off to a fire, the engine or APU fire could be uncontrollable, which could lead to structural failure.

DATES: We must receive comments on this proposed AD by January 2, 2015.

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0773; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Rebel Nichols, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6509; fax: 425–917–6590; email: *Rebel.Nichols@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0773; Directorate Identifier 2014–NM–068–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

We received reports on Model 787 airplanes of a potential latent failure of the valve actuator circuitry, which was not identified during actuator development. The fuel shutoff valve actuator circuit design provides common input power through micro-switches to both the motor and position indications. The latent failure condition has the potential for a stuck micro-switch, which could lead to a disagreement between the valve command and position indication. If a command is sent to change the valve position and one of the internal micro-switches is stuck in the depressed state, power would immediately provide indication that the valve transitioned to its commanded state, when the motor actually never received power to rotate. This condition, if not corrected, could result in the inability to shut off fuel to the engine or APU in the case of an engine or APU fire. If the fuel cannot be shut off to a fire, the engine or APU fire could be uncontrollable, which could lead to structural failure.

Relevant Service Information

We reviewed Boeing Service Bulletin B787–81205–SB280015–00, Issue 002, dated June 19, 2014. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2014–0773.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require airplanes with certain part number shutoff valves to revise the maintenance or inspection program to add airworthiness limitation number 28–AWL–ACT, ''Engine and APU Shut-Off Valve Actuator Test.'' This proposed AD would also require accomplishing the actions specified in the service information described previously, except as discussed under ''Difference Between this Proposed AD and the Service Information.''

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

Explanation of ''RC'' Steps in Service Information

The FAA worked in conjunction with industry, under the Airworthiness Directives Implementation Aviation Rulemaking Committee, to enhance the AD system. One enhancement was a new process for annotating which steps in the service information are required for compliance with an AD. Differentiating these steps from other tasks in the service information is expected to improve an owner's/operator's understanding of crucial AD

requirements and help provide consistent judgment in AD compliance. The actions specified in the service information described previously include steps that are labeled as RC (required for compliance) because these steps have a direct effect on detecting, preventing, resolving, or eliminating an identified unsafe condition.

As noted in the specified service information, steps labeled as RC and all subordinate steps must be done to comply with the proposed AD. However, steps that are not labeled as RC are recommended. Those steps that are not labeled as RC may be deviated from, done as part of other actions, or done using accepted methods different from those identified in the service information without obtaining approval of an AMOC, provided the steps labeled as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to steps labeled as RC will require approval of an alternative method of compliance.

Differences Between This Proposed AD and the Service Information

Although Boeing Service Bulletin B787–81205–SB280015–00, Issue 002, dated June 19, 2014, describes installing engine fuel shutoff valve and APU fuel shutoff valve actuators having part number (P/N) 53–0037, this proposed AD would prohibit installing valves having P/N 53–0037, and require installing certain other valves. We have coordinated this difference with Boeing.

The applicability of this proposed AD includes all Model 787–8 airplanes, which differs from the effectivity of the service information referenced previously. The parts are rotable, therefore, this proposed AD includes all Model 787–8 airplanes.

Costs of Compliance

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

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Maintenance program revision	1 work-hour × $85 per hour = $85	$0	$85	$510
Engine and APU fuel shutoff valve actuator replacement.	10 work-hours × $85 per hour = $850	0	850	5,100

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2014–0773; Directorate Identifier 2014–NM–068–AD.

(a) Comments Due Date

We must receive comments by January 2, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 787–8 airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report of an error in the valve actuator design. We are issuing this AD to prevent latent failures of the fuel shutoff valve actuators, which could result in the inability to shut off fuel to the engine or APU in the case of an engine or APU fire. If the fuel cannot be shut off to a fire the engine or APU fire could be uncontrollable which could lead to structural failure.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 30 days after the effective date of this AD, revise the maintenance or inspection

program, as applicable, to add airworthiness limitation number 28–AWL–ACT, by incorporating the information specified in figure 1 to paragraph (g) of this AD into the Airworthiness Limitations Section of the Instructions for Continued Airworthiness. This may be accomplished by inserting a copy of airworthiness limitation number 28–AWL–ACT into the maintenance or inspection program, as applicable. For the airplanes identified in the applicability note of airworthiness limitation number 28–AWL–ACT, the initial compliance time for accomplishing the actions specified in figure 1 to paragraph (g) of this AD is within 10 days after accomplishment of the maintenance or inspection program revision required by this paragraph. When the engine and APU fuel shutoff valve actuators have been replaced as required by paragraph (i) of this AD, the airworthiness limitation number 28–AWL–ACT required by this paragraph may be removed from the maintenance or inspection program, as applicable.

FIGURE 1 TO PARAGRAPH (g) OF THIS AD: ENGINE AND APU SHUT-OFF VALVE ACTUATOR TEST

AWL No.	Task	Interval	Applicability	Description
28–AWL–ACT	ALI	10 Days NOTE	ALL NOTE	Engine and APU Shut-Off Valve Actuator Test. Concern: The fuel shutoff valve actuator design can result in airplanes operating with a failed fuel shutoff actuator that is not reported. A latently failed fuel shutoff actuator would prevent fuel shut off to an engine. In the event of certain engine fires, the potential exists for an engine fire to be uncontrollable. Perform the following tests in accordance with Boeing Service Bulletin B787–81205–SB280015–00, Issue 002, dated June 19, 2014. 1. Do PART 1: ENGINE FUEL SHUTOFF VALVE ACTUATOR TEST as described in Boeing Service Bulletin B787–81205–SB280015–00, Issue 002, dated June 19, 2014. a. If the left engine fuel shutoff valve actuator has Part Number 53–0037, perform the left engine fuel shutoff valve actuator test. b. If the right engine fuel shutoff valve actuator has Part Number 53–0037, perform the right engine fuel shutoff valve actuator test. c. If either test fails, repair faults as required (refer to Boeing Airplane Maintenance Manual 28–22–02). 2. Do PART 2: APU FUEL SHUTOFF VALVE ACTUATOR TEST as described in Boeing Service Bulletin B787–81205–SB280015–00, Issue 002, dated June 19, 2014. a. If the APU fuel shutoff valve actuator has part number 53–0037, perform the APU fuel shutoff valve actuator test. b. If the test fails, before further flight requiring APU availability, repair If the test fails, before further flight requiring APU availability, repair faults as required (refer to Boeing Airplane Maintenance Manual 28–25–03). NOTE: Dispatch may be permitted per MMEL 28–25–03 if APU is not required for flight. INTERVAL NOTE: Not required on days when the airplane is not used in revenue service. Must be done before further flight if it has been 10 or more calendar days since last inspection APPLICABILITY NOTE: This AWL applies to airplanes with Eaton Aerospace Ltd fuel shutoff valve actuators having Part Number 53–0037 installed at the engine or APU spar shutoff location.

(h) No Alternative Actions and Intervals

Except as specified in paragraph (i) of this AD: After accomplishment of the maintenance or inspection program revision required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k) of this AD.

(i) Replacement

Within 36 months after the effective date of this AD, replace the engine and APU fuel shutoff valve actuators having part number (P/N) 53–0037 with P/N 53–0049, in accordance with Part 5 or Part 6 of the Accomplishment Instructions of Boeing Service Bulletin B787–81205–SB280015–00, Issue 002, dated June 19, 2014, as applicable. When all the engine and APU fuel shutoff valve actuators have been replaced as required by this paragraph, the airworthiness limitation number 28–AWL–ACT required by paragraph (g) of this AD may be removed from the maintenance or inspection program, as applicable.

(j) Parts Installation Prohibition

As of the effective date of this AD, no person may install a motor operated valve actuator having P/N 53–0037 on any airplane in the following locations: Engine fuel shutoff valve, APU fuel shutoff valve, crossfeed valve, and defuel/isolation valve.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(3) If the service information contains steps that are labeled as RC (Required for Compliance), those steps and all subordinate steps must be done to comply with this AD; any steps that are not labeled as RC are recommended. Those steps that are not labeled as RC may be deviated from, done as part of other actions, or done using accepted methods different from those identified in the specified service information without obtaining approval of an AMOC, provided the steps labeled as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to steps labeled as RC require approval of an AMOC.

(l) Related Information

(1) For more information about this AD, contact Rebel Nichols, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6509; fax: 425–917–6590; email: *Rebel.Nichols@faa.gov.*

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

Issued in Renton, Washington, on November 5, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–27069 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0774; Directorate Identifier 2013–NM–154–AD]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2006–22–15, which applies to all Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes. AD 2006–22–15 currently requires repetitive inspections for cracking of certain panel webs and stiffeners of the nose wheel well (NWW), and corrective actions if necessary. AD 2006–22–15 also requires replacing certain panels with new panels, which terminates the repetitive inspections. Since we issued AD 2006–22–15, we received reports of fatigue cracking in the panel webs and stiffeners of the NWW prior to the inspection threshold of AD 2006–22–15. This proposed AD would reduce a compliance time and add certain inspections and repair if necessary. We are proposing this AD to prevent fatigue cracking of the NWW side and top panels, which could result in a NWW depressurization event severe enough to reduce the structural integrity of the fuselage.

DATES: We must receive comments on this proposed AD by January 2, 2015.

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0774; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *Bill.Ashforth@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0774; Directorate Identifier 2013–NM–154–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On October 25, 2006, we issued AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006), for all Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series

airplanes. AD 2006–22–15 requires repetitive inspections for cracking of the top and side panel webs and panel stiffeners of the NWW, and corrective actions if necessary. AD 2006–22–15 also requires replacing the NWW side and top panels with new panels, which terminates the repetitive inspections. We issued AD 2006–22–15 to prevent fatigue cracks in the top and side panel webs and stiffeners of the NWW, which could compromise the structural integrity of the NWW and lead to the rapid decompression of the airplane.

Widespread Fatigue Damage

Structural fatigue damage is progressive. It begins as minute cracks, and those cracks grow under the action of repeated stresses. This can happen because of normal operational conditions and design attributes, or because of isolated situations or incidents such as material defects, poor fabrication quality, or corrosion pits, dings, or scratches. Fatigue damage can occur locally, in small areas or structural design details, or globally. Global fatigue damage is general degradation of large areas of structure with similar structural details and stress levels. Multiple-site damage is global damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Global damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site-damage and multiple-element-damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane, in a condition known as widespread fatigue damage (WFD). As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that Design Approval Holders (DAHs) establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

Actions Since AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006), Was Issued

Since we issued AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006), we have received multiple reports of cracking in the NWW side panel webs and stiffeners caused by fatigue. An operator reported a crack on the right-hand panel of the NWW at 11,428 total flight cycles, which is below the previous inspection threshold.

The NWW top and side panels have been determined to be structure that is susceptible to develop WFD. WFD analysis showed that post-modification inspections are necessary to address the identified unsafe condition. WFD could result in a NWW depressurization event severe enough to reduce the structural integrity of the fuselage.

Relevant Service Information

We reviewed the following Boeing service bulletins:

- Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012;
- Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013; and
- Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013.

For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2014–0774.

FAA's Determination

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

Proposed AD Requirements

Although this proposed AD does not explicitly restate certain requirements of AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006), this proposed AD would retain all of the requirements of AD 2006–22–15.

The requirements specified in paragraphs (f), (g), (h), (i), (j), and (l) of AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006), are referenced in Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013; which, in turn, is referenced in paragraphs (g) and (h)(3) of this proposed AD.

The requirement specified in paragraph (n) of AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006), is referenced in Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013; which, in turn, is referenced in paragraph (i) of this proposed AD.

For Group 2 airplanes identified in Boeing Service Bulletin 747–53A2562, Revision 1, dated July 28, 2005, and certain airplanes not identified in Boeing Service Bulletin 747–53A2562, Revision 1, dated July 28, 2005, the requirement specified in paragraph (o) of AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006), to accomplish a repair using a method approved by the FAA is now specified in paragraph (i) of this proposed AD. However, for these airplanes, one method of compliance for accomplishing the replacement is Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013. Therefore, we have referred to Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013, in paragraph (i) of this proposed AD. Operators may still request an alternative method of compliance (AMOC) using the procedures provided in paragraph (p) of this AD.

For certain other airplanes not identified in Boeing Service Bulletin 747–53A2562, Revision 1, dated July 28, 2005, the requirement specified in paragraph (o) of AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006), to accomplish a repair method approved by the FAA is now specified in paragraph (l) of this proposed AD. However, for these airplanes, one method of compliance for

accomplishing the replacement is Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012. Therefore, we have referred to Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012, in paragraph (l) of this proposed AD. Operators may still request an AMOC using the procedures provided in paragraph (p) of this AD.

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

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

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

Differences Between the Proposed AD and the Service Information

For airplanes with fewer than 15,000 total flight cycles, Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013, recommends, in part, accomplishing a detailed inspection before the accumulation of 13,000 total flight cycles. But, we have determined that the 13,000-total-flight-cycle compliance time is insufficient to address the identified unsafe condition soon enough to ensure an adequate level of safety for the affected fleet, and instead are proposing 10,000 total flight cycles. In developing an appropriate compliance time for this detailed inspection, we considered the degree of urgency associated with the subject unsafe condition, and the fact that we have received a report of a 13-inch crack adjacent to a 2-inch crack in the NWW right-hand side panel on an airplane with 11,428 total flight cycles. This difference has been coordinated with The Boeing Company.

Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013, specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

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

Explanation of Compliance Time

The compliance time for the modification specified in paragraphs (i) and (l) of this proposed AD for addressing WFD was established to ensure that discrepant structure is modified before WFD develops in airplanes. Standard inspection techniques cannot be relied on to detect WFD before it becomes a hazard to flight. We will not grant any extensions of the compliance time to complete any AD-mandated service bulletin related to WFD without extensive new data that would substantiate and clearly warrant such an extension.

Costs of Compliance

We estimate that this proposed AD affects 255 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections [actions retained from AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006)].	119 work-hours × $85 per hour = $10,115 per inspection cycle.	$0	$10,115 per inspection cycle.	$2,579,325 per inspection cycle.
Modification [actions retained from AD 2006–22-15, Amendment 39–14812 (71 FR 64884, November 6, 2006)].	Up to 1,346 work-hours × $85 per hour = $114,410.	Up to $144,248	Up to $258,658	Up to $65,957,790.
Post-modification Inspections [new proposed action].	119 work-hours × $85 per hour = $10,115 per inspection cycle.	$0	$10,115 per inspection cycle.	$2,579,325 per inspection cycle.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Amend § 39.13 by removing Airworthiness Directive (AD) 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006), and adding the following new AD:

The Boeing Company: Docket No. FAA–2014–0774; Directorate Identifier 2013–NM–154–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by January 2, 2015.

(b) Affected ADs

This AD replaces AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006).

(c) Applicability

This AD applies to all Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes; certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by multiple reports of cracking in the nose wheel well (NWW) top panel and side panel webs and stiffeners caused by fatigue. We are issuing this AD to prevent fatigue cracking of the NWW side and top panels, which could result in a NWW depressurization event severe enough to reduce the structural integrity of the fuselage.

(f) Compliance

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

(g) Repetitive Inspections and Corrective Actions With New Compliance Times

Except as specified in paragraphs (h)(1) and (h)(2) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013, do the actions specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013, except as specified in paragraph (h)(3) of this AD. Do all applicable related investigative and corrective actions before further flight. Repeat the inspections specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013. In table 2 and table 3 in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013, the date ''January 27, 2005,'' is the effective date of AD 2004–25–23, Amendment 39–13911 (69 FR 76839, December 23, 2004); and the date ''May 10, 2005,'' is the effective date of AD 2005–09–02, Amendment 39–14070 (70 FR 21141, April 25, 2005; corrected May 25, 2005 (70 FR 29940)).

(1) Do an external detailed inspection for cracks of the top and sidewall panel webs of the NWW (specified as Area 1 and Area 2 in Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013).

(2) Do internal detailed and surface high frequency eddy current (HFEC) inspections for cracks of the sidewall panel and top panel stiffeners of the NWW (specified as Area 3 in Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013).

(3) Do an external detailed and ultrasonic testing (UT) inspection for cracks of the top and sidewall panel webs.

(h) Exceptions to Boeing Service Bulletin 747–53A2465, Revision 5, Dated July 11, 2013

(1) Table 1 in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013, applies to airplanes with less than 15,000 total flight cycles ''as of the Revision 5 date of this service bulletin.'' For this AD, however, Table 1 applies to airplanes with the specified total flight cycles as of the effective date of this AD.

(2) Where Table 1 in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013, specifies a compliance time of ''13,000 total flight-cycles,'' or ''within 1,000 flights cycles after the Revision 5 date of this service bulletin,'' whichever occurs later, this AD requires compliance before the accumulation of 10,000 total flight cycles or within 1,000 flight cycles after the effective date of this AD, whichever occurs later.

(3) If any cracking or damage is found during any inspection required by paragraph (g) of this AD, and Boeing Service Bulletin 747–53A2465, Revision 5, dated July 11, 2013, specifies to contact Boeing for appropriate action: Before further flight, repair the cracking or damage using a method approved in accordance with the procedures specified in paragraph (p) of this AD.

(i) NWW Modification

For airplanes identified in Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013, replace the left-side, right-side, and top panels of the NWW, as applicable, with new panels, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013. As of the effective date of this AD, concurrently with doing the replacement specified Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013, do a detailed inspection for any cracks or damage (including, but not limited to, dents and corrosion) in all attaching structural elements that were common to the removed top panel and side panels, as applicable, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013. If any crack or damage is found, before further flight, repair the cracking or damage using a method approved in accordance with the procedures specified in paragraph (p) of this AD. In paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013, the date ''December 11, 2006,'' is the effective date of AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006).

(j) Repetitive Post-Modification Inspections

For airplanes on which the replacement specified in paragraph (i) has been done: Except as required by paragraph (k) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013, do the actions specified in paragraphs (j)(1), (j)(2), and (j)(3) of this AD. If any crack is found: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (p) of this AD. Repeat the inspections specified in paragraphs (j)(1), (j)(2), and (j)(3) of this AD thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013.

(1) Do an external detailed inspection for cracks in the side panel webs, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013.

(2) Do an internal detailed inspection and HFEC inspection for cracks in the top and side panel stiffeners, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013.

(3) Do an external detailed inspection for cracks in the top panel web, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013.

(k) Exceptions to Boeing Service Bulletin 747–53A2562, Revision 3, Dated July 11, 2013

Where paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2562, Revision 3, dated July 11, 2013, specifies a compliance time relative to the ''Revision 3

date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(l) NWW Modification for Certain Airplanes

For airplanes identified in Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012, or within 57 months after December 11, 2006 (the effective date of AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006)), whichever occurs later, replace the left side, right side, and top panels of the NWW, as applicable, with new panels; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012. Concurrently with doing the replacement specified in this paragraph, do a detailed inspection for cracks of the attaching structural elements that were common to the removed top, left-side, and right-side panels of the NWW, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012. If any crack is found, before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (p) of this AD.

(m) Repetitive Post-Modification Inspections for Certain Airplanes

For airplanes on which the replacement specified in paragraph (l) has been done: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012, do the actions specified in paragraphs (l)(1), (l)(2), and (l)(3) of this AD. If any crack is found: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (p) of this AD. Repeat the inspections specified in paragraphs (m)(1), (m)(2), and (m)(3) of this AD thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012.

(1) Do an external detailed inspection for cracks in the side panel webs, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012.

(2) Do an internal detailed inspection and HFEC inspection for cracks in the top and side panel stiffeners, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012.

(3) Do an external detailed inspection for cracks in the top panel web, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2808, dated November 30, 2012.

(n) Terminating Action

Replacing the left side, right side, and top panels of the NWW with new panels as specified in paragraph (i) or (l) of this AD terminates the inspections required by paragraph (g) of this AD.

(o) Credit for Previous Actions

(1) This paragraph restates the credit given in paragraph (k) of AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006).

(i) This paragraph provides credit for the actions required by paragraph (g)(1) of this AD, if those actions were performed before January 27, 2005 (the effective date of AD 2005–09–02, Amendment 39–14070 (70 FR 21141, April 25, 2005); corrected on May 25, 2005 (70 FR 29940)), using Boeing Alert Service Bulletin 747–53A2465, dated April 5, 2001, which is not incorporated by reference in this AD.

(ii) This paragraph provides credit for actions required by paragraphs (g)(1) and (g)(2) of this AD, if those inspections were performed before December 11, 2006 (the effective date of AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006)), using a service bulletin identified in paragraph (o)(1)(ii)(A), (o)(1)(ii)(B), or (o)(1)(ii)(C) of this AD, which are not incorporated by reference in this AD.

(A) Boeing Service Bulletin 747–53A2465, Revision 1, dated October 16, 2003.

(B) Boeing Alert Service Bulletin 747–53A2465, Revision 2, dated November 11, 2004.

(C) Boeing Alert Service Bulletin 747–53A2465, Revision 3, dated December 23, 2004.

(2) This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Service Bulletin 747–53A2465, Revision 4, dated February 25, 2004, which is not incorporated by reference in this AD.

(3) This paragraph provides credit for the actions required by paragraphs (i) and (j) of this AD, if those actions were performed before the effective date of this AD, using Boeing Service Bulletin 747–53A2562, Revision 1, dated July 28, 2005; or Boeing Service Bulletin 747–53A2562, Revision 2, dated May 31, 2007; which are not incorporated by reference in this AD.

(p) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved for AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006), are approved as AMOCs for the corresponding provisions of this AD.

(5) AMOCs approved for paragraph (o) of AD 2006–22–15, Amendment 39–14812 (71 FR 64884, November 6, 2006), are approved as AMOCs for the corresponding provisions of paragraph (l) of this AD.

(q) Related Information

(1) For more information about this AD, contact Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *Bill.Ashforth@faa.gov.*

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

Issued in Renton, Washington, on November 6, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–27066 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0657; Directorate Identifier 2014–NM–058–AD]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Dassault Aviation Model FALCON 2000, FALCON 2000EX, MYSTERE–FALCON 900, and FALCON 900EX airplanes. This proposed AD was prompted by reports of a co-pilot sliding aft on his seat during take-off at rotation. This proposed AD would require replacement of certain springs installed on the pilot and co-pilot seats. We are proposing this AD to prevent fatigue

wear, which, if not corrected, could cause the seat to slide and the pilot or co-pilot to lose contact with the controls, leading to an inadvertent input on the flight control commands during take-off or climb, possibly resulting in loss of control of the airplane.

DATES: We must receive comments on this proposed AD by January 2, 2015.

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

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

For service information identified in this proposed AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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–2014–0657; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0657; Directorate Identifier 2014–NM–058–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2014–0061, dated March 11, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Dassault Aviation Model FALCON 2000, FALCON 2000EX, MYSTERE–FALCON 900, and FALCON 900EX airplanes. The MCAI states:

> During take-off at rotation, a co-pilot reported to slide aft on his seat.
>
> The results of the investigations concluded that one spring of the seat locking system was broken and the other was weak. The root cause was determined to be fatigue wear. As springs accumulate cycles in service, they become increasingly exposed to the risk of unnoticed degradation or rupture.
>
> This condition, if not corrected, could cause the pilot or the co-pilot to lose contact with the controls, leading to an inadvertent input on the flight control commands during take-off or climb, possibly resulting in loss of control of the aeroplane.
>
> To address this unsafe condition, it was decided to require replacement of the affected seat springs for older aeroplanes and for newer aeroplanes; this task has been embodied in the aeroplane maintenance manual.
>
> For the reasons described above, this [EASA] AD requires replacement of the springs installed on the pilot and co-pilot seats with serviceable springs.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0657.

Relevant Service Information

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

- Dassault Service Bulletin F900–429, Revision 1, also referred to as 429–R1, dated July 13, 2012.
- Dassault Service Bulletin F900EX–446, Revision 1, also referred to as 446–R1, dated July 13, 2012.
- Dassault Service Bulletin F2000–401, Revision 1, also referred to as 401–R1, dated July 13, 2012.
- Dassault Service Bulletin F2000EX–267, Revision 1, also referred to as 267–R1, dated July 13, 2012.

FAA's Determination and Requirements of This Proposed AD

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

Differences Between This Proposed AD and the MCAI or Service Information

Although the MCAI does not require repetitive replacement of the pilot seat springs, this AD requires repetitive replacement of the pilot seat springs at intervals not to exceed 78 months or 3,750 flight cycles, whichever occurs first. This difference has been coordinated with EASA. Also, we have been advised that EASA plans to revise the MCAI.

Costs of Compliance

We estimate that this proposed AD affects 528 airplanes of U.S. registry.

We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $83 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $133,584, or $253 per product.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Dassault Aviation: Docket No. FAA–2014–0657; Directorate Identifier 2014–NM–058–AD.

(a) Comments Due Date

We must receive comments by January 2, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, certificated in any category, equipped with SICMA 132-series or 142-series pilot and co-pilot seats.

(1) Dassault Aviation Model FALCON 2000 airplanes

(2) Dassault Aviation Model FALCON 2000EX airplanes

(3) Dassault Aviation Model MYSTERE–FALCON 900 airplanes

(4) Dassault Aviation Model FALCON 900EX airplanes

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/Furnishings.

(e) Reason

This AD was prompted by reports of a co-pilot sliding aft on his seat during take-off at rotation. We are issuing this AD to prevent fatigue wear, which, if not corrected, could cause the seat to slide and the pilot or co-pilot to lose contact with the controls, leading to an inadvertent input on the flight control commands during take-off or climb, possibly resulting in loss of control of the airplane.

(f) Compliance

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

(g) Replacement

For airplanes that have accumulated more than 3,750 total flight cycles or have exceeded 74 months since the airplane's first flight as of the effective date of this AD. Within 9 months after the effective date of this AD, replace each spring having part number (P/N) 132100–19 and P/N 147100–19 installed on the pilot and co-pilot seats with a spring as specified in, and in accordance with, the Accomplishment Instructions of the service information identified in paragraph (g)(1), (g)(2), (g)(3), or (g)(4) of this AD, as applicable. Repeat the replacement thereafter at intervals not to exceed 78 months or 3,750 flight cycles, whichever occurs first.

(1) Dassault Service Bulletin F900–429, Revision 1, also referred to as 429–R1, dated July 13, 2012.

(2) Dassault Service Bulletin F900EX–446, Revision 1, also referred to as 446–R1, dated July 13, 2012.

(3) Dassault Service Bulletin F2000–401, Revision 1, also referred to as 401–R1, dated July 13, 2012.

(4) Dassault Service Bulletin F2000EX–267, Revision 1, also referred to as 267–R1, dated July 13, 2012.

(h) Parts Installation Limitation

As of the effective date of this AD, installation of a spring having P/N 147100–19 on any airplane is allowed, provided that the spring is new.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1137; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2014–0061, dated March 11, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0657.

(2) For service information identified in this AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on November 5, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–27068 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 216

[Docket No. FDA–1999–N–0194]

RIN 0910–AH08

Additions and Modifications to the List of Drug Products That Have Been Withdrawn or Removed From the Market for Reasons of Safety or Effectiveness; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; withdrawal of previous proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document entitled ''Additions and Modifications to the List of Drug Products That Have Been Withdrawn or Removed From the Market for Reasons of Safety or Effectiveness'' that appeared in the **Federal Register** of July 2, 2014. The document proposed amending FDA's regulations to revise the list of drug products that may not be compounded under the exemptions provided by the Federal Food, Drug, and Cosmetic Act because the drug products have been withdrawn or removed from the market after the drug products or components of such drug products were found to be unsafe or not effective. The document also withdrew the previous proposed rule regarding additions to this list (see the **Federal Register** of January 4, 2000). The document was published with an incorrect RIN number. This document corrects the error.

DATES: The proposed rule published July 2, 2014 (79 FR 37687) is corrected as of November 17, 2014.

FOR FURTHER INFORMATION CONTACT: Edisa Gozun, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 5199, Silver Spring, MD 20993–0002, 301–796–3110.

SUPPLEMENTARY INFORMATION: In FR Doc. 2014–15371, appearing on page 37687 in the **Federal Register** of July 2, 2014 (79 FR 37687), FDA is making the following correction:

1. On page 37687, in the first column, the RIN number heading is corrected to read ''RIN 0910–AH08''.

2. On page 37687, in the second column, the RIN number under the **ADDRESSES** heading is corrected to read ''RIN 0910–AH08''.

3. On page 37687, in the second column, the RIN number under the *Instructions* sub-heading is corrected to read ''RIN 0910–AH08''.

Dated: November 10, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–27038 Filed 11–14–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 100

[Docket No. MSHA–2014–0009]

RIN 1219–AB72

Criteria and Procedures for Assessment of Civil Penalties

Correction

In proposed rule document 2014–17935 appearing on pages 44493–44518 in the issue of July 31, 2014, make the following correction:

Beginning on page 44497, Part 100 Table III is corrected to read as set forth below:

PART 100 TABLE III—SIZE OF METAL/NONMETAL MINE

Existing rule		Proposed rule	
Annual hours worked at mine (× 1,000)	Penalty points (out of maximum 208 points)	Annual hours worked at mine (× 1,000)	Penalty points (out of maximum 100 points)
0 to 5	0	0 to 5	0
>5 to 10	1	>5 to 200	1
>10 to 20	2		
>20 to 30	3		
>30 to 50	4		
>50 to 100	5		
>100 to 200	6		
>200 to 300	7	>200 to 1,500	2
>300 to 500	8		
>500 to 700	9		
>700 to 1,000	10		
>1,000 to 1,500	11		
>1,500 to 2,000	12	>1,500 to 3,000	3
>2,000 to 3,000	13		
>3,000 to 5,000	14	>3,000	4
>5,000	15		

[FR Doc. C1–2014–17935 Filed 11–14–14; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140507412–4914–01]

RIN 0648–BE22

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Framework Adjustment 52

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

ACTION: Proposed rule; request for comments.

SUMMARY: Framework Adjustment 52 to the Northeast Multispecies Fishery Management Plan proposes two modifications to the windowpane flounder accountability measures. First, the size of the accountability measure gear restricted areas could be reduced if NMFS determines that improvements in windowpane flounder stock health occurred despite the catch limits being exceeded. Second, the duration of the accountability measure could be shortened if NMFS determines that an overage of the catch limit did not occur the previous fishing year. The proposed measures would allow NMFS to implement accountability measures based on more current survey and catch data. This proposed action is intended to increase fishing opportunities for the groundfish fishery while still preventing overfishing.

DATES: Comments must be received by December 2, 2014.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2014–0079, by any of the following methods:

- Electronic submissions: Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0079,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on the Proposed Rule for Groundfish Framework Adjustment 52.''

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Copies of Framework 52, its Regulatory Impact Review (RIR), a draft of the environmental assessment (EA) prepared for this action, and the Initial Regulatory Flexibility Analysis (IRFA) prepared by the New England Fishery Management Council are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The IRFA assesses the impacts of the proposed measures on small entities, and describes steps taken to minimize any significant economic impact on these entities. A summary of the IRFA is included in the Classification section of this proposed rule. The Framework 52 EA, RIR, and IRFA are also accessible via the Internet at *www.nefmc.org/nemulti/index.html* or *www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies/index.html*.

FOR FURTHER INFORMATION CONTACT: William Whitmore, Fishery Policy Analyst, phone: 978–281–9182.

SUPPLEMENTARY INFORMATION:

Background

Current Windowpane Flounder Accountability Measures

Framework 47 to the Northeast (NE) Multispecies Fishery Management Plan (FMP) modified the accountability measures (AMs) for non-allocated stocks to ensure that sector vessels, as well as common pool vessels, were held accountable for catch overages (77 FR 26104; May 2, 2012). The current AMs for windowpane flounder are small and/or large year-round gear-restricted areas (Figure 1). The AMs are triggered when the total catch of windowpane flounder, in either the Northern or Southern stock area, exceeds the allowable limit. When these AMs are in effect, bottom-trawl vessels fishing in these areas are required to use selective trawl gear that reduces flatfish catch. Approved selective trawl gears include the haddock separator trawl, the Ruhle trawl, the rope trawl, and any other gears authorized by the Greater Atlantic Regional Administrator at the request of the New England Fishery Management Council. There are no restrictions on longline or gillnet gear because these gear types rarely catch flatfish.

As currently used, the size of the AM gear-restricted area implemented following an overage depends on the degree to which the catch limit is exceeded (Figure 1). The size of the AM area is adjusted in correlation with the magnitude of the overage or its effects. For larger overages, a larger area is used. The larger area is intended to reduce catch of windowpane flounder to help correct for the overage and thereby also mitigate the effects of the overage on the stock. A smaller correction is required for smaller overages; therefore, a smaller AM area is applied. In specific application, the overage first has to be greater than the management uncertainty buffer (which is currently 5 percent) for a windowpane flounder AM to be triggered. If the overage is greater than 5 and up to 20 percent of the overall annual catch limit, the small AM gear restricted area is triggered. If the overage is more than 20 percent of the overall annual catch limit, the large AM gear restricted area is triggered. The AMs for the groundfish fishery or any other fisheries are triggered only if the total catch limit for the stock is exceeded and the fishery specific catch limit is also exceeded. Because scallop vessels have a separate allocation of southern windowpane flounder, the groundfish southern New England AM gear restricted area is only triggered when both the groundfish-specific and total-stock catch limits are exceeded (Figure 2). Because the AMs are meant to restrict catch by common pool and sector vessels, sectors cannot request an exemption from an AM. More detailed information on Framework 47, including how windowpane flounder AMs are implemented, is available at *http://www.greateratlantic.fisheries.noaa.gov/nero/regs/frdoc/12/12MulFW47FR.pdf*.

The final rule implementing Framework 48 (78 FR 26118, May 3, 2013, see page 26124) included an allocation of southern windowpane flounder to the scallop fishery and some other non-groundfish fisheries starting in fishing year 2013. Allocating this stock to other fisheries will help ensure that other fisheries are held accountable for their catch in the future and that an

overage by one of these fisheries would not negatively impact another.

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Figure 1 – Gear restricted AMs for windowpane flounder

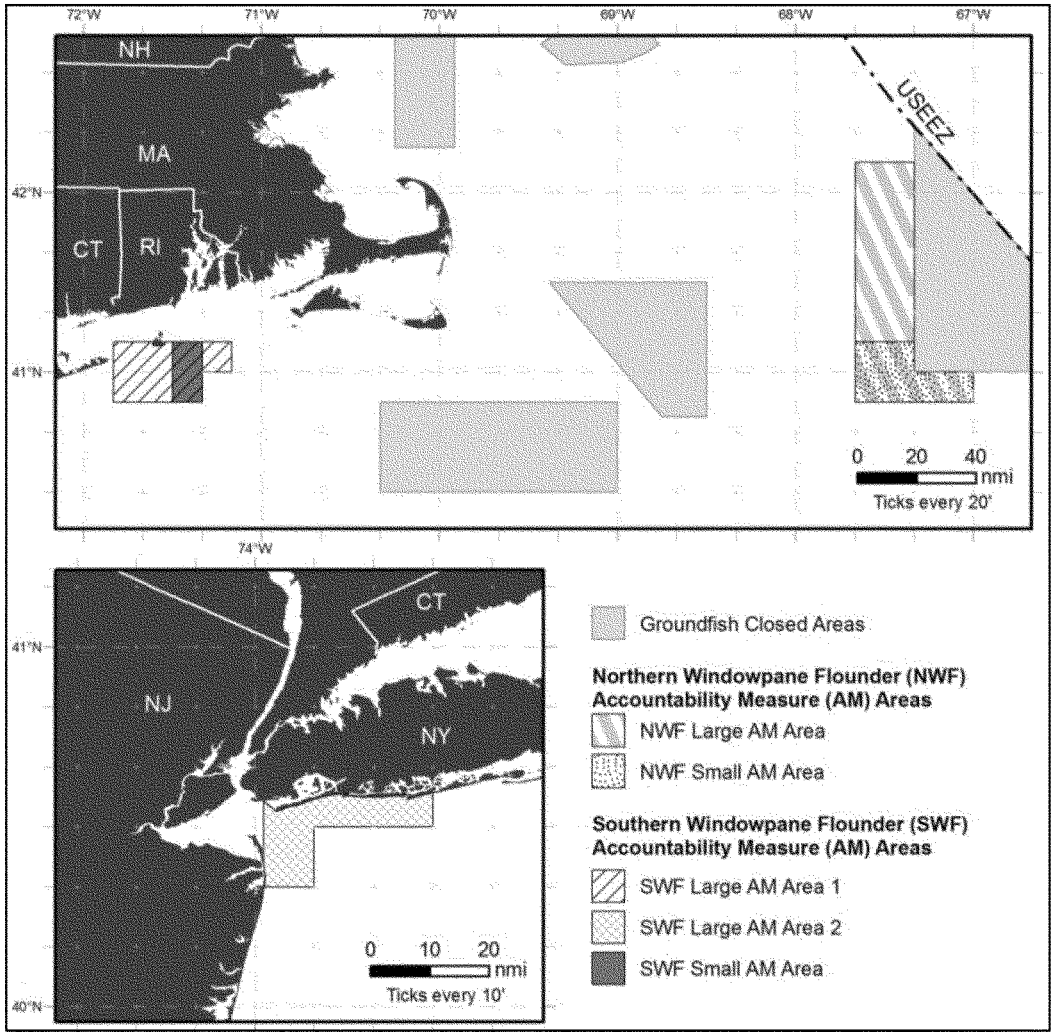
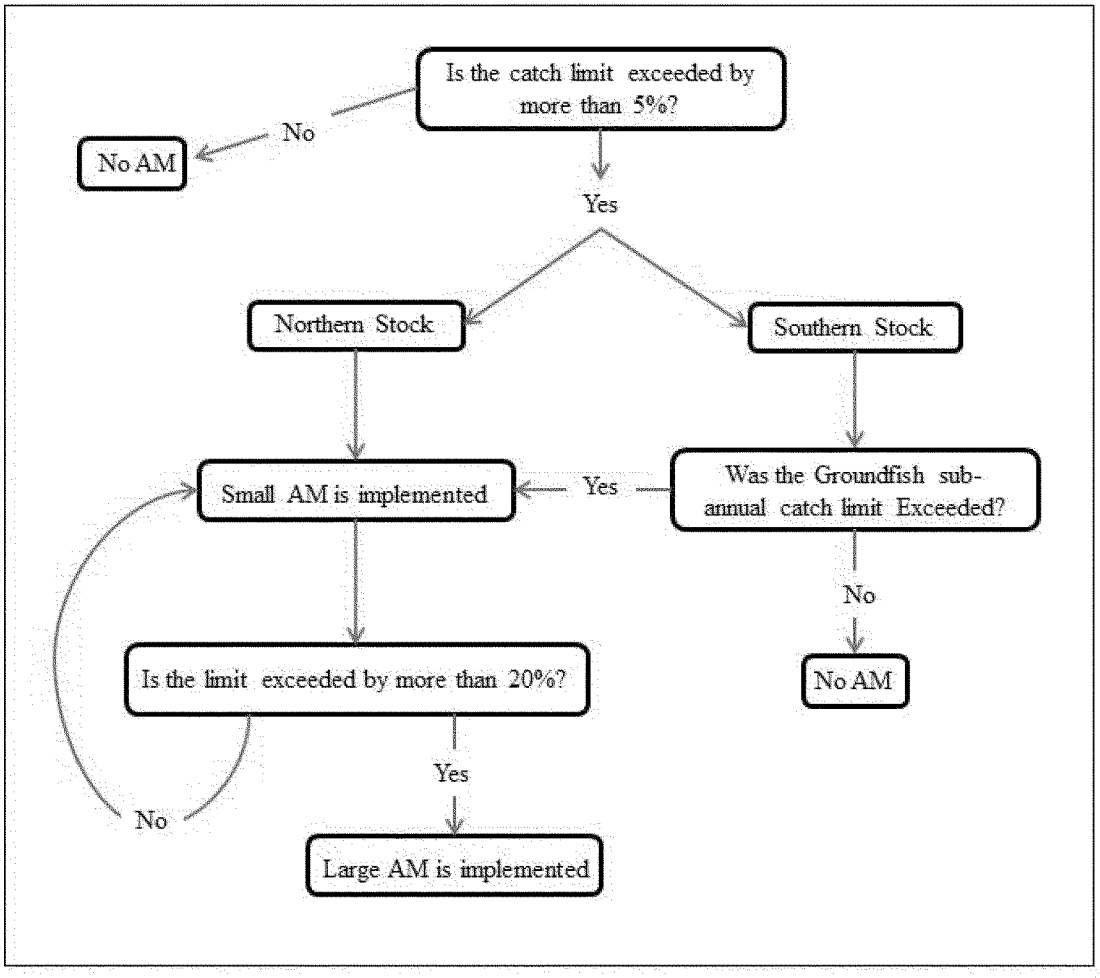


Figure 2 – Flowchart for Windowpane Flounder AMs



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Windowpane Flounder Catch Limits Were Exceeded in Fishing Years 2012 and 2013

Table 1 details final catch information for fishing year 2012. The northern windowpane flounder catch limit was exceeded by 28 percent, while the southern windowpane flounder catch limit was exceeded by 36 percent. The fishing year 2012 final catch report can be found online at: *http://www.nero.noaa.gov/ro/fso/reports/Groundfish_Catch_Accounting.htm*. Although catch from non-groundfish fisheries contributed to the northern windowpane flounder overage, the AM applies solely to the groundfish fishery because none of these other fisheries received a northern windowpane flounder allocation in fishing year 2012. Because the fishing year 2012 overages (in this case, year 1) were not identified until fishing year 2013 (year 2), the large AM gear restricted areas in both Southern New England and on Georges Bank were implemented on May 1, 2014, the beginning of the 2014 fishing year (year 3).

Table 2 presents preliminary 2013 catch estimates from March 19, 2014. Despite not having catch estimates for the sub-components from other non-groundfish fisheries, the commercial northern windowpane flounder catch estimate (227 mt), which we consider to be reliable data, exceeded the allowable biological catch (151 mt) by 50 percent. Thus, in addition to the 2014 triggered AM due to overages that occurred in fishing year 2012, the fishing year 2013 overage also triggered the same 2014 AM. Table 3 presents final fishing year 2013 catch data for windowpane flounder.

In order for the southern groundfish fishery AM gear restricted area to be triggered, the overall catch limit has to be exceeded, as well as groundfish fishery sub-annual catch limit (see Figure 2). Currently, catch data indicate that the groundfish fishery slightly exceeded its southern windowpane flounder catch limit, but it remains unclear if the overall southern windowpane flounder catch limit was exceeded.

AMs From Framework 47 Result in Severe Economic Impacts

Although we approved the windowpane flounder AMs in Framework 47, the accompanying environmental assessment estimated the economic costs from these AMs to be as much as $15 million. The environmental assessment did not foresee the full scope of the costs combined with other developments. Following substantial reductions in the 2013 catch limits for many key groundfish stocks, groundfish vessels have become increasingly more reliant on some flatfish species, particularly winter flounder. When the windowpane flounder AMs were developed, Southern New England/Mid-Atlantic winter flounder was a non-allocated stock, and, therefore, revenue from winter flounder landings was not included in the estimated costs. As a

result, the windowpane flounder AMs we implemented for fishing year 2014 are likely having an even greater economic impact on the fleet than anticipated in Framework 47 due to the loss of the opportunity to fish for winter flounder. At the request of some industry members, the Council agreed to review the windowpane flounder AMs in Framework 52 to see if they could be modified in a way that still corrects the overage and mitigates the effects of the overage but also reduces the economic costs to industry.

Framework 52

Framework 52 would modify the current AMs for southern and northern windowpane flounder by allowing NMFS to update survey and catch information to better determine the most appropriate AM in correlation to the conditions of the stock or whether the applicable catch limits were exceeded. This action proposes two alternatives that would reduce the scope of the northern or southern windowpane flounder AM in size or duration if: (1) The stock is rebuilt and it can be determined that there were improvements in windowpane flounder stock health; or (2) the fishery remains within its catch limits the year following an overage. These alternatives are not mutually exclusive and could be used within the same fishing year. The proposed measures are intended to help prevent overfishing and rebuild overfished stocks while reducing economic impacts, using the best scientific information available.

Reducing the Size of the AM After Analyzing Recent Survey and Catch Data

The first alternative proposes to reduce the scope of the AM gear restricted area from large to small if the stock is rebuilt and we can determine that the windowpane flounder ''biomass criterion'' is greater than the catch from the most recent fishing year. In this case, the biomass criterion is defined as the 3-year average of the three most recent fall scientific surveys multiplied by 75 percent of the F_{msy} from the most recent stock assessment. Meeting or exceeding the biomass criterion indicates that overfishing was likely not occurring and that large AM areas could be reduced (i.e., the small AM is sufficient to correct and mitigate the effects of the overage because the consequences of the overage on the stock are likely less than previously assumed). Additional information on the biomass criterion can be found in Appendix 1 to the Framework 52 environmental assessment.

This change would incorporate a review of recent survey catch data and a comparison of the trends in survey catch to the actual commercial catch to ensure that the correct AM gear restricted area is implemented. Reviewing additional survey data would allow managers to better account for uncertainties in the index-based stock assessment model that is used because it relates any potential overage in catch back to the biomass and catch trends used in the stock assessment. This action does not change the actual gear restricted area AMs developed under Framework 47.

Reducing the Duration of an AM In-Season If a Subsequent Overage Does Not Occur

As explained above, AMs must be implemented as soon as possible after an overage is identified to correct the operational issue causing, or mitigate any biological consequences from, the overage. Because stock allocations are divided among several different fisheries, as well as other fishery sub-components that do not actually receive an allocation (e.g., state-waters fisheries), we need to include catch by all groups prior to verifying where the catch limit was exceeded. We do not receive year-end data from the other sub-component fisheries until late summer.

Once we receive complete catch information in late August/early September, an AM implemented in year 3 (following an overage in year 1 and an underage in year 2) could be shortened by removing it in season, consistent with the Administrative Procedure Act. This alternative would provide an incentive for industry to modify its fishing behavior in an effort to reduce the duration of an AM in year 3, and remove the need for continuing an AM. Furthermore, because this option does not require a pound for pound payback, and because the underage could be due to a reduction in stock size, the reduced catch expected to result from the delay in removing an implemented AM in year 3 would provide an additional buffer against any such remaining management uncertainty.

This alternative is not applicable if, utilizing reliable catch data (such as observed discards), we determine that the current season's windowpane flounder catch limit has been exceeded because it would be inconsistent for us to remove an AM in-season while planning for an AM the following year.

Changes to Fishing Year 2014 AMs

For northern windowpane flounder, neither of the alternatives would apply to the fishing year 2014 Georges Bank gear restricted area AM. This is because the northern windowpane flounder stock is considered overfished, subject to overfishing, and because catch limits for this stock were exceeded in fishing years 2012 and 2013 (Tables 1 and 3). However, the southern windowpane flounder stock is not overfished or subject to overfishing, is rebuilt, and an initial review shows that the biomass criterion is greater than the fishing year 2013 catch. This information indicates that we would be able to reduce the size of the Southern New England/Mid-Atlantic gear restricted area AM from large to small. The southern windowpane flounder catch limit was exceeded in fishing year 2013, so the second alternative criterion is not met and we would be unable to remove the small AM restricted gear area mid-season (Table 3).

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Table 1 Fishing Year 2012 Windowpane Flounder Catch (in mt)

Stock	Overfishing Limit	Acceptable Biological Catch	Groundfish sub-ACL	Total Allocation	Catch			
					Total	Groundfish Fishery	State Waters Fishery	Non-Groundfish Fisheries
Northern Windowpane Flounder	230	173	129	**163**	**209**	130	2	77
Southern Windowpane Flounder	515	386	72	**381**	**521**	107	34	380

Table 2 Preliminary Fishing Year 2013 Windowpane Flounder Catch (in mt, as of March 19, 2014)

Stock		Groundfish	Scallop	State Waters[1]	Other Sub-component[1]	Total
Northern Windowpane Flounder	Catch Limit	**98**		2	44	**144**
	Preliminary FY 2013 Catch	**227**		NA	NA	**227**
Southern Windowpane Flounder	Catch Limit	**102**	183	55	186	**527**
	Preliminary FY 2013 Catch	**106**	104	NA	NA	**210**

[1] Inseason catch estimates are not available for state waters or the other sub-component

Table 3 Final Fishing Year 2013 Windowpane Flounder Catch (in mt)

Stock		Groundfish	Scallop	State Waters	Other Sub-component	Total	% of Catch Limit Caught
Northern Windowpane Flounder	Catch Limit	**98**		2	44	**144**	
	FY 2013 Catch	**237**		1	42	**280**	195
Southern Windowpane Flounder	Catch Limit	**102**	183	55	186	**527**	
	FY 2013 Catch	**116**	129	37	272	**555**	105

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Regulatory Correction Under Regional Administrator Authority

To clarify the intent of Framework 47, this rule would change the regulatory text at 50 CFR 648.90(a)(5)(i)(D)(*1*), 648.90(a)(5)(i)(D)(*2*), and 648.90(a)(5)(i)(D)(*3*) to explain that a large AM area is implemented if the overage is greater than 20 percent of the overall annual catch limit. While reviewing the regulations for windowpane flounder AMs, we discovered that the regulations detailing the large and small AMs for windowpane flounder, ocean pout, Atlantic halibut, and Atlantic wolffish were different than approved in Framework 47. The current regulations incorrectly state that a small AM is implemented if an overage is between 5 and 20 percent of the overall annual catch limit and a large AM is implemented if the overage is 21 percent or more. This mistakenly leaves a void between 20 and 21 percent. The Council also stipulated in Framework 48 that any overage greater than 20 percent would require a review of the AM for Atlantic halibut and Atlantic wolffish. This provision was not part of Framework 47 when AMs were established for windowpane flounder and ocean pout and is being removed from § 648.90(a)(5)(i)(D)(*1*). Lastly, the regulations currently state that a large AM area is implemented for both Atlantic halibut and Atlantic wolffish if the overall ACL is exceeded by more than 20 percent. This is incorrect; there are no large or small AM areas for Atlantic halibut and Atlantic wolffish, only specific trawl and fixed gear AMs that are applied when there is an overage greater than the management uncertainty buffer.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has made a preliminary determination that this proposed rule is consistent with Framework 52, other provisions of the Magnuson-Stevens Act, and other applicable law. In making the final determination, NMFS will consider the data, views, and comments received during the public comment period.

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

This proposed rule does not contain policies with Federalism or ''takings'' implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

An Initial Regulatory Flexibility Analysis (IRFA) was prepared for this proposed rule, as required by section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603. The IRFA includes this section of the preamble to this rule and analyses contained in Framework 52 and its accompanying EA/RIR/IRFA. The IRFA describes the economic impact that this proposed rule would have on small entities, if adopted. A description of the action, why it is being considered, and the legal basis for this action are contained in Framework 52, the beginning of this section (**SUPPLEMENTARY INFORMATION**) in the preamble, and in the **SUMMARY** section of the preamble. A copy of the full analysis is available from the Council (see **ADDRESSES**). A summary of the IRFA follows.

Description and Estimate of the Number of Small Entities To Which the Proposed Rule Would Apply

A detailed description of the small entities that may be affected by this action can be found in the Framework 52 Environmental Assessment in section 8.11.2.4. Small entities include ''small businesses,'' ''small organizations,'' and ''small governmental jurisdictions.'' The U.S. Small Business Administration (SBA) has established size standards for all major industry sectors in the U.S. including commercial finfish harvesters, commercial shellfish harvesters, other commercial marine harvesters, for-hire businesses, marinas, seafood dealers/wholesalers, and seafood processors.

A small business is defined by the SBA as one that is:

- Independently owned and operated;
- not dominant in its field of operation (including its affiliates);
- has combined annual receipts not in excess of
  - $20.5 million for all its affiliated operations worldwide for commercial finfish harvesting;
  - $5.5 million for all its affiliated operations worldwide for commercial shellfish harvesting; or
  - $7.5 million for other marine harvesters, for-hire businesses, and other related entities; and
- has fewer than
  - 500 employees in the case of seafood processors; or
  - 100 employees in the case of seafood dealers.

A small organization is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field. Small governmental jurisdictions are governments of cities, boroughs, counties, towns, townships, villages, school districts, or special districts, with population of fewer than 50,000.

This proposed action impacts commercial fish harvesting entities engaged in the Northeast multispecies limited access fishery. A description of the specific permits that are likely to be impacted is included below for informational purposes, followed by a discussion of the impacted businesses (ownership entities), which can include multiple vessels and/or permit types. For the purposes of the RFA analysis, the ownership entities (not the individual vessels) are considered to be the regulated entities.

Limited Access Groundfish Fishery

The limited access groundfish fisheries are further sub-classified as those enrolled in the sector allocation program and those in the common pool. Sector vessels are subject to sector-level stock-specific allocations that limit catch of allocated groundfish stocks. AMs include a prohibition on fishing inside designated areas once 100 percent of available sector allocation has been caught, as well as area-based gear and effort restrictions that are triggered when catch of non-allocated groundfish stocks exceeds the catch limits. Common pool vessels are subject to various days-at-sea and trip limits designed to keep catches below the limits set for vessels enrolled in this program. In general, sector-enrolled businesses rely more heavily on sales of groundfish species than common pool-enrolled vessels. All limited access multispecies permit holders are eligible to participate in the sector allocation program; however, many permit holders select to remain in the common pool fishery.

As of May 1, 2014 (beginning of fishing year 2014) there were 1,046 individual limited access multispecies permits. A total of 613 of these permits were enrolled in the sector program and 433 were enrolled in the common pool. Of these 1,046 limited access multispecies permits, 767 had landings of any species and 414 had groundfish landings in fishing year 2013.

Ownership Entities

Individually-permitted vessels may hold permits for several fisheries, harvesting species of fish that are regulated by several different fishery management plans, even beyond those impacted by the proposed action. Furthermore, multiple permitted vessels and/or permits may be owned by entities affiliated by stock ownership, common management, identity of interest, contractual relationships or economic dependency. For the purposes

of this analysis, ownership entities are defined as those entities with common ownership personnel as listed on permit application documentation. Only permits with identical ownership personnel are categorized as an ownership entity. For example, if five permits have the same seven personnel listed as co-owners on their application paperwork, those seven personnel form one ownership entity, covering those five permits. If one or several of the seven owners also own additional vessels, with sub-sets of the original seven personnel or with new co-owners, those ownership arrangements are deemed to be separate ownership entities for the purpose of this analysis.

Ownership entities are identified on June 1st of each year based on the list of all permit numbers, for the most recent complete calendar year, that have applied for any type of Northeast Federal fishing permit. The current ownership data set is based on calendar year 2013 permits and contains average gross sales associated with those permits for calendar years 2011 through 2013.

Matching the potentially impacted permits described above (fishing year 2014) to the calendar year 2013 ownership data results in 868 distinct ownership entities. Of these, 855 are categorized as small and 13 are categorized as large entities per the SBA guidelines.

These totals may mask some diversity among the entities. Many, if not most, of these ownership entities maintain diversified harvest portfolios, obtaining gross sales from many fisheries and not dependent on any one. However, not all are equally diversified. Those that depend most heavily on sales from harvesting species impacted directly by the proposed action are most likely to be affected. By defining dependence as deriving greater than 50 percent of gross sales from sales of regulated species associated with a specific fishery, we are able to identify those ownership groups most likely to be impacted by the proposed regulations. Using this threshold, we find that 114 entities are groundfish-dependent, all of which are small and all of which are finfish commercial harvesting businesses. Of the 114 groundfish-dependent entities, 102 have some level of participation in the sector program and 12 operate exclusively in the common pool.

Economic Impacts of the Proposed Measures and Alternatives

The proposed action is expected to have generally positive economic impacts, and we do not expect the action to put small entities at a competitive disadvantage relative to large entities. Impacts on profitability from the proposed action are likely to positively affect both small and large entities in a broadly similar manner.

This IRFA analysis is intended to analyze the impacts of the alternatives described in section 4.1 of Framework 52 on small entities. The proposed action alters the criteria for triggering AMs for windowpane flounder, and may result in either smaller AM gear restricted areas (i.e., duration or size) in the Southern New England or Georges Bank gear restricted areas or an increased likelihood that a triggered AM in either/both areas could be removed in-season once catch information from the previous year is made available. These provisions are expected to positively impact profitability of small entities regulated by this action.

The proposed action is expected to result in either a lower probability of an AM remaining in place for a given year or a smaller gear restricted area (i.e., duration or time). In all cases, the proposed action is expected to have positive economic impacts to small groundfish-dependent entities relative to the no action alternative. A more detailed discussion of the expected economic and social impacts can be found in sections 7.4 and 7.5 of the Framework 52 environmental assessment.

Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule

The Framework 52 proposed rule is not expected to create any additional reporting, recordkeeping or other compliance requirements.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: November 6, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ a. In § 648.90, revise paragraphs (a)(5)(i)(D)(*1*), (a)(5)(i)(D)*(2)* and (a)(5)(i)(D)(*3*), add paragraphs (a)(5)(i)(D)(*1*)(*i*) and (a)(5)(i)(D)(*1*)(*ii*), to read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

* * * * *

(a) * * *

(5) * * *

(i) * * *

(D) * * *

(*1*) *Windowpane flounder and ocean pout*—Unless otherwise specified in paragraphs (a)(5)(i)(D)(*1*)(*i*) and (*ii*) of this section, if NMFS determines the total catch exceeds the overall ACL for either stock of windowpane flounder or ocean pout, as described in this paragraph (a)(5)(i)(D)(*1*), by any amount greater than the management uncertainty buffer up to 20 percent greater than the overall ACL, the applicable small AM area for the stock shall be implemented, as specified in paragraph (a)(5)(i)(D) of this section consistent with the Administrative Procedure Act. If the overall ACL is exceeded by more than 20 percent, the applicable large AM area(s) for the stock shall be implemented, as specified in paragraph (a)(5)(i)(D) of this section consistent with the Administrative Procedure Act. The AM areas defined below are bounded by the following coordinates, connected in the order listed by rhumb lines, unless otherwise noted. Vessels fishing with trawl gear in these areas may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6). If an overage of the overall ACL for southern windowpane flounder is as a result of an overage of the sub-ACL allocated to exempted fisheries pursuant to paragraph (a)(4)(iii)(F) of this section, the applicable AM area(s) shall be in effect for any trawl vessel fishing with a codend mesh size of greater than or equal to 5 inches (12.7 cm) in other, non-specified sub-components of the fishery, including, but not limited to, exempted fisheries that occur in Federal waters and fisheries harvesting exempted species specified in § 648.80(b)(3). If an overage of the overall ACL for southern windowpane flounder is as a result of an overage of the sub-ACL allocated to the groundfish fishery pursuant to paragraph (a)(4)(iii)(H)(*2*) of this section, the applicable AM area(s) shall be in effect for any limited access NE multispecies permitted vessel fishing on a NE multispecies DAS or sector trip. If an overage of the overall ACL for southern windowpane flounder is as a result of overages of both the groundfish fishery

and exempted fishery sub-ACLs, the applicable AM area(s) shall be in effect for both the groundfish fishery and exempted fisheries. If a sub-ACL for either stock of windowpane flounder or ocean pout is allocated to another fishery, consistent with the process specified at § 648.90(a)(4), and there are AMs for that fishery, the groundfish fishery AM shall only be implemented if the sub-ACL allocated to the groundfish fishery is exceeded (i.e., the sector and common pool catch for a particular stock, including the common pool's share of any overage of the overall ACL caused by excessive catch by other sub-components of the fishery pursuant to § 648.90(a)(5) exceeds the common pool sub-ACL) and the overall ACL is also exceeded.

NORTHERN WINDOWPANE FLOUNDER AND OCEAN POUT SMALL AM AREA

Point	N. Latitude	W. Longitude
1	41°10′	67°40′
2	41°10′	67°20′
3	41°00′	67°20′
4	41°00′	67°00′
5	40°50′	67°00′
6	40°50′	67°40′
1	41°10′	67°40′

NORTHERN WINDOWPANE FLOUNDER AND OCEAN POUT LARGE AM AREA

Point	N. Latitude	W. Longitude
1	42°10′	67°40′
2	42°10′	67°20′
3	41°00′	67°20′
4	41°00′	67°00′
5	40°50′	67°00′
6	40°50′	67°40′
1	42°10′	67°40′

SOUTHERN WINDOWPANE FLOUNDER AND OCEAN POUT SMALL AM AREA

Point	N. Latitude	W. Longitude
1	41°10′	71°30′
2	41°10′	71°20′
3	40°50′	71°20′
4	40°50′	71°30′
1	41°10′	71°30′

SOUTHERN WINDOWPANE FLOUNDER AND OCEAN POUT SMALL AM AREA 1

Point	N. Latitude	W. Longitude
1	41°10′	71°50′
2	41°10′	71°10′
3	41°00′	71°10′
4	41°00′	71°20′
5	40°50′	71°20′
6	40°50′	71°50′

SOUTHERN WINDOWPANE FLOUNDER AND OCEAN POUT SMALL AM AREA 1—Continued

Point	N. Latitude	W. Longitude
1	41°10′	71°50′

SOUTHERN WINDOWPANE FLOUNDER AND OCEAN POUT LARGE AM AREA 2

Point	N. Latitude	W. Longitude
1	(1)	73°30′
2	40°30′	73°30′
3	40°30′	73°50′
4	40°20′	73°50′
5	40°20′	(2)
6	(3)	73°58.5′
7	(4)	73°58.5′
8	40°32.6′ [5]	73°56.4′ [5]
1	(1)	73°30′

[1] The southernmost coastline of Long Island, NY, at 73°30′ W. longitude.

[2] The easternmost coastline of NJ at 40°20′ N. latitude, then northward along the NJ coastline to Point 6.

[3] The northernmost coastline of NJ at 73°58.5′ W. longitude.

[4] The southernmost coastline of Long Island, NY at 73°58.5′ W. longitude.

[5] The approximate location of the southwest corner of the Rockaway Peninsula, Queens, NY, then eastward along the southernmost coastline of Long Island, NY (excluding South Oyster Bay), back to Point 1.

(i) *Reducing the size of an AM.* If the overall northern or southern windowpane flounder ACL is exceeded by more than 20 percent and NMFS determines that: The stock is rebuilt, and the biomass criterion, as defined by the Council, is greater than the most recent fishing year's catch, then only the respective small AM may be implemented as described in paragraph (a)(5)(i)(D)(*1*) of this section consistent with the Administrative Procedure Act.

(*ii*) *Reducing the duration of an AM.* If the northern or southern windowpane flounder AM is implemented in the third fishing year following the year of an overage, as described in paragraph (a)(5)(i)(D) of this section, and NMFS subsequently determines that the applicable windowpane flounder ACL was not exceeded by any amount the year immediately after which the overage occurred (i.e., the second year), on or after September 1, the AM can be removed once year-end data are complete. This reduced duration does not apply if NMFS determines during year 3 that a year 3 overage of the applicable windowpane flounder ACL has occurred.

(*2*) *Atlantic halibut.* If NMFS determines the overall ACL for Atlantic halibut is exceeded, as described in this paragraph (a)(5)(i)(D)(*2*), by any amount greater than the management uncertainty buffer, the applicable AM areas shall be implemented and any vessel issued a NE multispecies permit or a limited access monkfish permit and fishing under the monkfish Category C or D permit provisions, may not fish for, possess, or land Atlantic halibut for the fishing year in which the AM is implemented, as specified in paragraph (a)(5)(i)(D) of this section. If the overall ACL is exceeded by more than 20 percent, the applicable AM area(s) for the stock shall be implemented, as specified in paragraph (a)(5)(i)(D) of this section, and the Council shall revisit the AM in a future action. The AM areas defined below are bounded by the following coordinates, connected in the order listed by rhumb lines, unless otherwise noted. Any vessel issued a limited access NE multispecies permit and fishing with trawl gear in the Atlantic Halibut Trawl Gear AM Area may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6). When in effect, a limited access NE multispecies permitted vessel with gillnet or longline gear may not fish or be in the Atlantic Halibut Fixed Gear AM Areas, unless transiting with its gear stowed in accordance with § 648.23(b), or such gear was approved consistent with the process defined in § 648.85(b)(6). If a sub-ACL for Atlantic halibut is allocated to another fishery, consistent with the process specified at § 648.90(a)(4), and there are AMs for that fishery, the groundfish fishery AM shall only be implemented if the sub-ACL allocated to the groundfish fishery is exceeded (i.e., the sector and common pool catch for a particular stock, including the common pool's share of any overage of the overall ACL caused by excessive catch by other sub-components of the fishery pursuant to § 648.90(a)(5) exceeds the common pool sub-ACL) and the overall ACL is also exceeded.

ATLANTIC HALIBUT TRAWL GEAR AM AREA

Point	N. Latitude	W. Longitude
1	42°00′	69°20′
2	42°00′	68°20′
3	41°30′	68°20′
4	41°30′	69°20′

ATLANTIC HALIBUT FIXED GEAR AM AREA 1

Point	N. Latitude	W. Longitude
1	42°30′	70°20′
2	42°30′	70°15′
3	42°20′	70°15′
4	42°20′	70°20′

ATLANTIC HALIBUT FIXED GEAR AM AREA 2

Point	N. Latitude	W. Longitude
1	43°10′	69°40′
2	43°10′	69°30′
3	43°00′	69°30′
4	43°00′	69°40′

(*3*) *Atlantic wolffish.* If NMFS determines the overall ACL for Atlantic wolffish is exceeded, as described in this paragraph (a)(5)(i)(D)(*3*), by any amount greater than the management uncertainty buffer, the applicable AM areas shall be implemented, as specified in paragraph (a)(5)(i)(D) of this section. If the overall ACL is exceeded by more than 20 percent, the applicable AM area(s) for the stock shall be implemented, as specified in paragraph (a)(5)(i)(D) of this section, and the Council shall revisit the AM in a future action. The AM areas defined below are bounded by the following coordinates, connected in the order listed by rhumb lines, unless otherwise noted. Any vessel issued a limited access NE multispecies permit and fishing with trawl gear in the Atlantic Wolffish Trawl Gear AM Area may only use a haddock separator trawl, as specified in § 648.85(a)(3)(iii)(A); a Ruhle trawl, as specified in § 648.85(b)(6)(iv)(J)(*3*); a rope separator trawl, as specified in § 648.84(e); or any other gear approved consistent with the process defined in § 648.85(b)(6). When in effect, a limited access NE multispecies permitted vessel with gillnet or longline gear may not fish or be in the Atlantic Wolffish Fixed Gear AM Areas, unless transiting with its gear stowed in accordance with § 648.23(b), or such gear was approved consistent with the process defined in § 648.85(b)(6). If a sub-ACL for Atlantic wolffish is allocated to another fishery, consistent with the process specified at § 648.90(a)(4), and AMs are developed for that fishery, the groundfish fishery AM shall only be implemented if the sub-ACL allocated to the groundfish fishery is exceeded (i.e., the sector and common pool catch for a particular stock, including the common pool's share of any overage of the overall ACL caused by excessive catch by other sub-components of the fishery pursuant to § 648.90(a)(5) exceeds the common pool sub-ACL) and the overall ACL is also exceeded.

ATLANTIC WOLFFISH TRAWL GEAR AM AREA

Point	N. Latitude	W. Longitude
1	42°30′	70°30′
2	42°30′	70°15′
3	42°15′	70°15′
4	42°15′	70°10′
5	42°10′	70°10′
6	42°10′	70°20′
7	42°20′	70°20′
8	42°20′	70°30′

ATLANTIC WOLFFISH FIXED GEAR AM AREA 1

Point	N. Latitude	W. Longitude
1	41°40′	69°40′
2	41°40′	69°30′
3	41°30′	69°30′
4	41°30′	69°40′

ATLANTIC WOLFFISH FIXED GEAR AM AREA 2

Point	N. Latitude	W. Longitude
1	42°30′	70°20′
2	42°30′	70°15′
3	42°20′	70°15′
4	42°20′	70°20′

* * * * *

[FR Doc. 2014–27084 Filed 11–14–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 79, No. 221

Monday, November 17, 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

National Agricultural Statistics Service

Notice of Intent To Request Revision and Extension of a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to request revision and extension of a currently approved information collection, the Field Crops Objective Yield Surveys. Revision to burden hours may be needed due to changes in the size of the target population, sampling design, and/or questionnaire length.

DATES: Comments on this notice must be received by January 16, 2015 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0088, by any of the following methods:

- *Email: ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *eFax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Renee Picanso, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–2707. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS Clearance Officer, at (202) 690–2388.

SUPPLEMENTARY INFORMATION:

Title: Field Crops Objective Yield.

OMB Control Number: 0535–0088.

Expiration Date of Approval: April 30, 2015.

Type of Request: To revise and extend a currently approved information collection for a period of three years.

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to collect, prepare and issue State and national estimates of crop and livestock production, prices and disposition as well as economic statistics, farm numbers, land values, on-farm pesticide usage, pest crop management practices, as well as the Census of Agriculture. The Field Crops Objective Yield Surveys objectively predicts yields for corn, cotton, potatoes, soybeans, and wheat. Sample fields are randomly selected for these crops, plots are laid out, and periodic counts and measurements are taken and then used to forecast production during the growing season. Production forecasts are published in USDA Crop Production reports.

Authority: These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3501, et seq.) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average between 20 and 30 minutes per respondent.

Respondents: Farmers, ranchers, or farm managers.

Estimated Number of Respondents: 8,000.

Estimated Total Annual Burden on Respondents: 2,900 hours.

Copies of this information collection and related instructions can be obtained without charge from NASS Clearance Officer, at (202) 720–2248 or at *ombofficer@nass.usda.gov.*

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 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, through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

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

Signed at Washington, DC, October 29, 2014.

R. Renee Picanso,

Associate Administrator.

[FR Doc. 2014–27119 Filed 11–14–14; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Comparing Health Insurance Measurement Error (CHIME)

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before January 16, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Joanne Pascale, 301–763–4920, *joanne.pascale@census.gov.*

SUPPLEMENTARY INFORMATION

I. Abstract

This study is designed to assess reporting accuracy in surveys that measure health insurance. Several federal, state and private surveys measure health insurance coverage, but have different origins and methodological approaches, and serve different purposes. They also produce different estimates of coverage, and few studies have assessed reporting accuracy across surveys. Previous research indicates that much of the variation in the estimates is rooted in subtle differences in the questionnaires. A common strategy for assessing the validity of a self-reported measure from a survey is a reverse ''record check'' study in which administrative records are assumed to contain the correct status on a given measure (e.g., health insurance coverage). Contact information from the records is used as sample to conduct a survey in which the same information, in this case health insurance, is asked about. Data from the records is then compared to the answers from the survey to assess reporting accuracy.

The proposed study will survey a sample of people enrolled in Medica Health Plans (a Minnesota based health insurance plan) whose coverage type is known from the records to be Medicaid, MinnesotaCare, employer-sponsored insurance, non-group coverage within the marketplace (called MNSure) or non-group coverage outside the marketplace. The sample will be randomly assigned to one of two questionnaire modules on health insurance—the newly-redesigned Current Population Survey Annual Social and Economic Supplement (CPS) or the American Community Survey (ACS)—in order to contrast reporting error across different questionnaire versions. For analysis, the level of agreement between the data from the records and the survey report is referred to as ''absolute accuracy,'' and the comparison of absolute accuracy for any given survey to the absolute accuracy for a different survey is referred to as ''relative accuracy.''

In order to minimize respondent burden but still mimic actual survey conditions of the CPS and ACS to an extent, the survey includes a short subset of questions from those surveys in order to set the context for the health insurance modules. Thus typical questions on demographics (e.g.: age, race, education), employment status, government program participation will precede the health insurance questions.

II. Method of Collection

The study will consist of a computer-assisted telephone interview (CATI) conducted by Census Bureau interviewers from the Hagerstown, Md., call center. Sample is being provided by Medica Research Institute (MRI), an affiliate of Medica Health Plans, based in Minnesota. Medica will mail an advance letter to enrollees from among five different markets: Medicaid, MinnesotaCare (a state-specific program for low income), employer-sponsored insurance, direct purchase through the marketplace, and direct purchase outside the marketplace. The letter will explain that Medica has partnered with the Census Bureau on a study, and it will invite enrollees who do not wish to participate to opt-out by calling in to the Medica call center. Medica will then draw a sample from among enrollees who did not opt out for transfer to the Census Bureau. Data collection is to take place from late February through early April, 2015, in order to mimic the actual time frame of the CPS ASEC.

III. Data

OMB Control Number: 0607–XXXX.

Form Number(s): Not yet assigned.

Type of Review: Regular submission.

Affected Public: Medica enrollees and their household members.

Estimated Number of Respondents: 5,000 household respondents.

Estimated Time per Response: 13 minutes.

Estimated Total Annual Burden Hours: Interviewing: 5,000 household cases * 13 minutes/case = 1,083 hours; Contact attempts not resulting in completed interviews = 11,667 cases * 10 seconds/case = 1,945 hours; Total = 3,028 hours.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Section 182.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 12, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–27085 Filed 11–14–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Establishment of Commerce Data Advisory Council; Solicitation of Nominations for Membership

AGENCY: Economics and Statistics Administration (ESA), Department of Commerce.

ACTION: Notice of establishment of the Commerce Data Advisory Council (CDAC) and solicitation of nominations for membership.

SUMMARY: Pursuant to 15 U.S.C. 1512 and the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2, hereinafter the Act), the Under Secretary for Economic Affairs, Economics and Statistics Administration, announces the establishment of the Commerce Data Advisory Council (CDAC) by the Secretary, Department of Commerce. The CDAC will provide advice and recommendations to the Secretary on ways to make Commerce data easier to find, access, use, combine, and disseminate, and on other such matters as the Secretary determines. The Council will continue for two years unless renewed by the Secretary, Department of Commerce. With the exception of the limitations set out in 41 CFR part 102–3, the Under Secretary for

Economic Affairs, on behalf of the Secretary, Department of Commerce, will execute the functions and implement the provisions of the Federal Advisory Committee Act and its implementing regulation. This notice also requests nominations for membership on the Council.

DATES: The Economics and Statistics Administration must receive nominations for members by midnight December 3, 2014.

ADDRESSES: Submit nominations to the email account *DataAdvisoryCouncil@doc.gov,* this account is specifically set up to receive Data Advisory Council applications.

FOR FURTHER INFORMATION CONTACT: Burton Reist, Director of External Affairs, Economics and Statistics Administration, Department of Commerce, at (202) 482–3331 or email *BReist@doc.gov,* also at 1401 Constitution Avenue NW., Washington D.C. 20230.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Commerce (Department) collects, compiles, analyzes, and disseminates a treasure trove of data, including data on the Nation's economy, population, and environment. This data is fundamental to the Department's mission and is used for the protection of life and property, for scientific purposes, and to enhance economic growth. However, the Department's capacity to disseminate the increasing amount of data held and to disseminate it in formats most useful to its customers is significantly constrained.

In order to realize the potential value of the data the Department collects, stores, and disseminates, the Department must minimize barriers to accessing and using the data. Consistent with privacy and security considerations, the Department is firmly committed to unleashing its untapped data resources in ways that best support downstream information access, processing, analysis, and dissemination.

The CDAC will provide advice and recommendations, to include process and infrastructure improvements, to the Secretary on ways to make Commerce data easier to find, access, use, combine and disseminate. The aim of this advice shall be to maximize the value of Commerce data to all users including governments, businesses, communities, academia, and individuals.

The Secretary will draw CDAC membership from the data industry with a focus on recognized expertise in collection, compilation, analysis, and dissemination. As privacy concerns span the entire data lifecycle, expertise in privacy protection also will be represented on the Council. The Secretary will select members that represent the entire spectrum of Commerce data including demographic, economic, scientific, environmental, patent, and geospatial data. The Secretary will select members from the information technology, business, non-profit, and academic communities, and state and local governments. Collectively, their knowledge will include all types of data Commerce distributes and the full lifecycle of data collection, compilation, analysis, and dissemination. The membership balance plan is not static and may change, depending on the needs of the Secretary and the work of the Council.

II. Description of Duties

The Council shall advise the Secretary on ways to make Commerce data easier to find, access, use, combine, and disseminate. Such advice may include recommended process and infrastructure improvements. The aim of this advice shall be to maximize the value of Commerce data to governments, businesses, communities, and individuals.

In carrying out its duties, the Council may consider the following:

- Data management practices that make it easier to track and disseminate integrated, interoperable data for diverse users;
- Best practices that can be deployed across Commerce to achieve common, open standards related to taxonomy, vocabulary, application programming interfaces (APIs), metadata, and other key data characteristics;
- Policy issues that arise from expanding access to data, including issues related to privacy, confidentiality, latency, and consistency;
- Opportunities and risks related to the combination of public and private data sources and the development of joint data products and services resulting from public-private partnerships;
- External uses of Commerce data and similar federal, state, and private data sets by businesses; and,
- Methods to enhance communication and collaboration between stakeholders and subject-matter experts at Commerce on data access and use.

Federal Advisory Committee Act (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees, is the governing instrument for the CDAC.

III. Structure

The Council shall consist of up to 15 members. The Secretary shall appoint members and they shall serve at the pleasure of the Secretary. Members shall represent a cross-section of business, academic, non-profit, and non-governmental organizations. The Secretary will choose members of the Commerce Data Advisory Council who ensure objectivity and balance, a diversity of perspectives, and guard against potential for conflicts of interest. Members shall be prominent experts in their fields, recognized for their professional and other relevant achievements and their objectivity. In order to ensure the continuity of the Commerce Data Advisory Council, the Council shall be appointed so that each year the terms expire of approximately one-third of the members of the Council. Committee members serve for terms of two years and may be reappointed to any number of additional terms. Initial appointments may be for 12-, 18-and 24-month increments to provide staggered terms.

The Secretary shall select the members and chair. The Secretary may also appoint non-voting ex officio members, or designees of such officials, as the Secretary deems necessary for the Commerce Data Advisory Council to effectively carry out its functions. As necessary, the Secretary may approve the establishment of subcommittees composed of members of the parent Council to perform specific functions within the Council's jurisdiction. The Designated Federal Officer shall notify the Department Committee Management Officer upon establishment of each subcommittee, and shall provide information on its name, membership, function, and estimated frequency of meetings.

When vacancies occur, the Secretary will select replacements who can best either replicate the expertise of the departing member or provide the CDAC with a new, identified needed area of expertise. An individual chosen to fill a vacancy shall be appointed for the remainder of the term of the member replaced. A vacancy shall not affect the exercise of any power of the remaining members to execute the duties of the Council.

All members of the Commerce Data Advisory Council shall adhere to the conflict of interest rules applicable to Special Government Employees as such employees are defined in 18 U.S.C. section 202(a). These rules include relevant provisions in 18 U.S.C. related to criminal activity, Standards of Ethical Conduct for Employees of the Executive

Branch (5 CFR part 2635), and Executive Order 12674 (as modified by Executive Order 12731). Management and support services shall be provided by the Economics and Statistics Administration.

IV. Compensation

Membership is under voluntary circumstances and therefore members do not receive compensation for service on the Commerce Data Advisory Council. Members shall receive per diem and travel expenses as authorized by 5 U.S.C. 5703, as amended, for persons employed intermittently in the Government service. Members who are officers or employees of the United States Government shall not receive compensation for service on the Council.

V. Nominations

The Secretary will consider nominations of all qualified individuals to ensure that the CDAC includes the areas of subject matter expertise noted above (see ''Structure''). Individuals may nominate themselves or other individuals, and professional associations and organizations may nominate one or more qualified persons for membership on the CDAC. Nominations shall state that the nominee is willing to serve as a member of the Council.

A nomination package should include the following information for each nominee: (1) A letter of nomination stating the name, affiliation, and contact information for the nominee, the basis for the nomination (i.e., what specific attributes recommend him/her for service in this capacity), and the nominee's field(s) of expertise; (2) a biographical sketch of the nominee and a copy of his/her curriculum vitae; and (3) the name, return address, email address, and daytime telephone number at which the nominator can be contacted.

The Department of Commerce has special interest in assuring that women, minority groups, and the physically disabled are adequately represented on advisory committees; and therefore, extends particular encouragement to nominations for appropriately qualified female, minority, or disabled candidates. The Department of Commerce also encourages geographic diversity in the composition of the Council. All nomination information should be provided in a single, complete package within 30 days of the publication of this notice. Interested applicants should send their nomination package to the email or postal address provided above.

Potential candidates will be asked to provide detailed information concerning financial interests, consultancies, research grants, and/or contracts that might be affected by recommendations of the Council to permit evaluation of possible sources of conflicts of interest. Finally, nominees will be required to certify that they are not subject to the Foreign Agents Registration Act (22 U.S.C. 611) or the Lobbying Disclosure Act (2 U.S.C. 1601 et seq.).

Dated: November 3, 2014.

Austin Durrer,

Chief of Staff for Under Secretary for Economic Affairs.

[FR Doc. 2014–26778 Filed 11–14–14; 8:45 am]

BILLING CODE 3510–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–138–2014]

Foreign-Trade Zone 245—Decatur, Illinois; Application for Subzone; Schumacher Electric Corporation; Hoopeston, Illinois

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Economic Development Corporation of Decatur and Macon County, grantee of FTZ 245, requesting subzone status for the facility of Schumacher Electric Corporation (Schumacher), located in Hoopeston, Illinois. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on November 12, 2014.

The proposed subzone (4.8 acres) is located at 1025 E. Thompson Avenue, Hoopeston, Vermilion County. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 245.

In accordance with the Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is December 29, 2014. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to January 12, 2015.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

FOR FURTHER INFORMATION CONTACT: Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: November 12, 2014.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2014–27196 Filed 11–14–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–850]

Certain Large Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe From Japan: Final Results of Antidumping Duty Administrative Review; 2012–2013

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

SUMMARY: On July 23, 2014, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain large diameter carbon and alloy seamless standard, line, and pressure pipe (over 4 ½ inches) from Japan for the period of review (POR) of June 1, 2012 through May 31, 2013. For these final results, we continue to find that Sumitomo Metal Industries, Ltd. (SMI) failed to cooperate to the best of its ability and, accordingly, the Department is applying AFA to SMI. In addition, we find that no shipments were made by JFE Steel Corporation (JFE), Nippon Steel Corporation (Nippon), and NKK Tubes (NKK) during the POR.

DATES: *Effective Date:* November 17, 2014.

FOR FURTHER INFORMATION CONTACT: Jennifer Meek, AD/CVD Operations, Office 1, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2778.

Background

On July 23, 2014, the Department published the preliminary results of the

administrative review of the antidumping duty order on certain large diameter carbon and alloy seamless standard, line, and pressure pipe from Japan.[1] We invited interested parties to comment on the *Preliminary Results.* We received no comments. The Department has conducted this administrative review in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The products covered by the order are large diameter seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes produced, or equivalent, to the American Society for Testing and Materials (ASTM) A–53, ASTM A–106, ASTM A–333, ASTM A- 334, ASTM A–589, ASTM A–795, and the American Petroleum Institute (API) 5L specifications and meeting the physical parameters described below, regardless of application. The scope of the order also includes all other products used in standard, line, or pressure pipe applications and meeting the physical parameters described below, regardless of specification, with the exception of the exclusions discussed below. Specifically included within the scope of the order are seamless pipes greater than 4.5 inches (114.3 mm) up to and including 16 inches (406.4 mm) in outside diameter, regardless of wall-thickness, manufacturing process (hot finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish.

The seamless pipes subject to the order are currently classifiable under the subheadings 7304.10.10.30, 7304.10.10.45, 7304.10.10.60, 7304.10.50.50, 7304.19.10.30, 7304.19.10.45, 7304.19.10.60, 7304.19.50.50, 7304.31.60.10, 7304.31.60.50, 7304.39.00.04, 7304.39.00.06, 7304.39.00.08, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.51.50.15, 7304.51.50.45, 7304.51.50.60, 7304.59.20.30, 7304.59.20.55, 7304.59.20.60, 7304.59.20.70, 7304.59.60.00, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, and 7304.59.80.70 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the merchandise subject to the scope is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*.

Final Determination of No Shipments

We have made no changes to our findings announced in the *Preliminary Results.* Consistent with our findings in the *Preliminary Results,*[2] we find that JFE, Nippon, and NKK had no shipments during the POR.

Methodology

Also consistent with the *Preliminary Results,*[3] and in accordance with sections 776(a) and (b) of the Act, we relied on facts available with an adverse inference with respect to SMI. Thus, we assign a rate of 107.80 percent as the weighted-average dumping margin for SMI with respect to one of its entries, while we continue to find that SMI had no other shipments during the POR. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Final Results of Review

We determine that, for the period June 1, 2012, through May 31, 2013, the following dumping margin exists for a certain entry for SMI:

Company	Rate (percent)
Sumitomo Metal Industries, Ltd.	107.80

Cash-Deposit Requirements

The following deposit requirements are effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided in section 751(a)(1) of the Act: (1) Cash-deposit rate for SMI will be that established in the final results of this review; (2) for previously reviewed or investigated companies not covered in this review, the cash-deposit rate will continue to be the rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than fair-value (LTFV) investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous segment of the proceeding, the cash deposit rate will continue to be the all-others rate established in the LTFV investigation, which is 68.88 percent.[4] These cash-deposit requirements, when imposed, shall remain in effect until further notice.

Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, in accordance with 19 CFR 351.212. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of this review.

These final results of this review are the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.[5] Where assessments are based upon total facts available, including total AFA, we instruct CBP to assess duties at the AFA margin rate. The Department intends to instruct CBP to assess antidumping duties on the single POR entry of the subject merchandise produced or exported by SMI at the rate of 107.80 percent of the entered value.[6]

The Department clarified its ''automatic assessment'' regulation on May 6, 2003.[7] This clarification will apply to all POR entries entered under the case numbers for JFE, Nippon, and

[1] *See Certain Large Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (Over 4½ Inches) from Japan: Preliminary Results of the Antidumping Duty Administrative Review; 2012–2013,* 79 FR 42762 (July 23, 2014) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

[2] *See* Preliminary Decision Memorandum at 5–10.

[3] *Id.* at 7–10.

[4] *See Notice of Antidumping Duty Orders: Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe from Japan; and Certain Small Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe From Japan and the Republic of South Africa,* 65 FR 39360 (June 26, 2000) (*LTFV Investigation).*

[5] *See* section 751(a)(2)(C) of the Act.

[6] *See* 19 CFR 351.212(b)(1).

[7] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*).

NKK, and certain entries entered under the case number for SMI for which we determined SMI demonstrated its certification of no POR shipments. We will instruct CBP to liquidate these entries at the all-others rate established in the LTFV investigation, 68.88 percent,[8] if there is no rate for the intermediary involved in the transaction. *See Assessment Policy Notice* for a full discussion of this clarification.

Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: November 7, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–27165 Filed 11–14–14; 8:45 am]

BILLING CODE 3510–DS–P

[8] *See LTFV Investigation.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review Pursuant to Court Decision

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

SUMMARY: On October 28, 2014, the United States Court of International Trade (''CIT'') sustained the Department of Commerce's (''the Department'') results of redetermination, pursuant to the CIT's remand order, in *Lifestyle Enterprise, Inc., et al.,* v. *United States,* Consol. Ct. No. 09–00378.[1] Consistent with the decision of the United States Court of Appeals for the Federal Circuit (''CAFC'') in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (''*Diamond Sawblades*''), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's *AR 3 Final Results*[2] and is amending the final results with respect to the margins assigned to Guandong Yihua Timber Industry Co., Ltd. (''Yihua Timber'') for the period of review (''POR'') January 1, 2007 through December 31, 2007.

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

FOR FURTHER INFORMATION CONTACT: Paul Stolz, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4474.

SUPPLEMENTARY INFORMATION: Subsequent to the publication of the *AR 3 Final Results,* various plaintiffs filed complaints with the CIT to challenge certain aspects of the *AR 3 Final Results* of the Department's third administrative review of the antidumping duty order on wooden bedroom furniture from the People's Republic of China.

In *Lifestyle Enterprise, Inc.* v. *United States,* 768 F. Supp. 2d 1286 (Ct. Int'l Trade 2011), the CIT remanded the case to the Department to ''explain or otherwise resolve'' Orient International Holding Shanghai Foreign Trade Co. Ltd.'s (''Orient'') separate rate, the data set for wood inputs, the tariff heading for medium density fiberboard, whether Global Classic Designs, Inc, and Diretso Design Furnitures, Inc. produce comparable merchandise through a comparable production process, surrogate labor value, and negative export pricing.

In *Lifestyle Enterprise, Inc.* v. *United States,* 844 F. Supp. 2d 1283 (Ct. Int'l Trade 2012), the CIT remanded the case to the Department to re-determine Orient's AFA rate and to re-open the record to gather more evidence with respect to wood inputs, or to use the volume-based data set to value wood inputs.

In *Lifestyle Enterprise, Inc.* v. *United States,* 865 F. Supp. 2d 1284 (Ct. Int'l Trade 2012), the CIT remanded the issue of Orient's AFA rate to the Department for reconsideration for a second time.

In *Lifestyle Enterprise, Inc.* v. *United States,* 751 F.3d 1371 (Fed. Cir. 2014), the CAFC reversed the CIT's decision to require the use of volume-based data in valuing the lumber inputs, and remanded the issue to the Department for further proceedings consistent with its opinion.

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the ''Act''), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's October 28, 2014, judgment sustaining the WBF Final Remand constitutes a final decision of that court that is not in harmony with the *AR 3 Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.*

Amended Final Results

Because there is now a final court decision with respect to the *AR 3 Final Results,* the revised weighted-average dumping margin for the period January 1, 2007 through December 31, 2007, for Yihua Timber is 21.53 percent. The

[1] *See* Final Results of Redetermination Pursuant to Fourth Remand, Court No. 09–00378, dated October 16, 2014, available at: *http://enforcement.trade.gov/remands/index.html* (''WBF Final Remand'').

[2] *See Final Results of Antidumping Duty Administrative Review and New Shipper Reviews: Wooden Bedroom Furniture From the People's Republic of China,* 74 FR 41374 (August 17, 2009), as amended by *Amended Final Results of Antidumping Duty Administrative Review and New Shipper Reviews: Wooden Bedroom Furniture From the People's Republic of China,* 74 FR 55810 (October 29, 2009) (collectively, ''*AR 3 Final Results*'').

revised AFA rate assigned to Orient for the period January 1, 2007 through December 31, 2007, is 83.55 percent. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise exported by Yihua Timber pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the Court's ruling is not appealed, or if appealed and upheld by the Supreme Court, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries during the POR of the subject merchandise exported by the Yihua Timber using the revised assessment rates calculated by the Department in the WBF Final Remand.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: November 7, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–27157 Filed 11–14–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD572

Availability of Report: California Eelgrass Mitigation Policy (CEMP) and Implementing Guidelines; Correction

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

ACTION: Notice of availability; correction.

SUMMARY: This action corrects a web address provided for availability of the CEMP and Implementing Guidelines, responses to comments received on the draft CEMP, and other supporting documents in a notice that published on November 7, 2014.

FOR FURTHER INFORMATION CONTACT: Korie Schaeffer, NMFS West Coast Region, 707–575–6087.

SUPPLEMENTARY INFORMATION: NMFS developed the CEMP and Implementing Guidelines to establish and support a goal of protecting eelgrass habitat and its functions, including spatial coverage and density of eelgrass habitats. The CEMP includes NMFS' policy to recommend no net loss of eelgrass habitat function in California.

NMFS provided a web address to access the CEMP and Implementing Guidelines, responses to comments received on the draft CEMP, and other supporting documents. However, the web address provided is incorrect.

Correction

Accordingly, in the notice published on November 7, 2014 (79 FR 66360), on page 66360, second column, in the **SUMMARY** section, the web address is corrected to read as follows: *http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/seagrass_1.html.*

Dated: November 10, 2014.

Sean Corson,

Acting Deputy Director Office of Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 2014–27193 Filed 11–14–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD620

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

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a meeting of its Ad Hoc Red Snapper For-Hire Advisory Panel.

DATES: The meeting will convene at 9 a.m. on Tuesday, December 2 until 12 noon on Wednesday, December 3, 2014.

ADDRESSES:

Meeting address: The meeting will be held at the DoubleTree Tampa Airport Westshore hotel, located at 4500 West Cypress Street, Tampa, FL 33607.

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

FOR FURTHER INFORMATION CONTACT: Dr. Assane Diagne, Economist, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *assane.diagne@gulfcouncil.org.*

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

Ad Hoc Red Snapper For-Hire Advisory Panel Agenda, Tuesday, December 2, 2014, 9 a.m. Until Wednesday, December 3, 2014, 12 Noon

1. Adoption of Agenda
2. Elections (Chair and Vice-Chair)
3. Charge to the AP
4. Overview of the For-Hire Component
5. For-Hire Data Collection
6. Overview of Management Techniques in Fisheries
7. Management Experiment in the Gulf: The Headboat Collaborative
8. Short and Long Term Potential Management Measures
9. Recommendations to the Council
10. Other Business
11. Next Steps

This agenda may be modified as necessary to facilitate the discussion of pertinent materials up to and during the scheduled meeting.

For meeting materials, visit the Council's Web site (*http://www.gulfcouncil.org*) and click on the FTP link in the lower left corner of the Web site. The username and password are both ''gulfguest''. See folder ''Ad Hoc Red Snapper For-Hire Advisory Panel meeting—2014—12'' on Gulf Council file server. The meeting will be webcast over the internet. A link to the webcast will be available on the Council's Web site under ''meetings''.

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

Special Accommodations

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

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

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

Dated: November 12, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–27122 Filed 11–14–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD619

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Research Steering Committee on December 3, 2014.

DATES: This meeting will be held on Wednesday, December 3, 2014 at 9:30 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Hotel Providence, 139 Mathewson Street, Providence, RI 02048; telephone: (401) 861–8000; fax: (401) 454–4306.

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

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

SUPPLEMENTARY INFORMATION: The Research Steering Committee will: (a) Review the final report for the cooperative research project ''Large Mesh [Belly] Panel in Small Mesh Fisheries as a Method to Reduce Yellowtail Flounder Bycatch in Southeast Georges Bank''; (b) review the draft report on the use of Large Mesh Belly Panel to Reduce Yellowtail Flounder and Windowpane Flounder Bycatch in the small mesh fishery on Cultivator Shoal and (c) discuss possible improvements to the research set-aside process. The Committee also may receive an update on the Council-funded collaborative groundfish research project managed by the Northeast Consortium. Other agenda items may also be discussed.

Special Accommodations

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

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

Dated: November 12, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–27121 Filed 11–14–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD617

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Western Pacific Regional Fishery Management Council's (Council) will hold public meetings to solicit public input on the management of bottomfish and yellowfin tuna in the Main Hawaiian Islands.

DATES: The meetings will be held December 2 through December 13, 2014. See **SUPPLEMENTARY INFORMATION** for specific times, dates, and agenda items.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for specific locations of the meetings.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808)–522–8220.

SUPPLEMENTARY INFORMATION: The Lihue, Kauai public meeting will be held on December 2, 2014, from 6 p.m.–9 p.m.; The Kaunakakai, Molokai public meeting will be held on December 3, 2014, from 6 p.m.–9 p.m.; The Aiea, Oahu public meetings will be held on December 4, 2014, from 6 p.m.–9 p.m.; The Paia, Maui public meetings will be held on December 9, 2014, from 6 p.m.–9 p.m.; The Honolulu, Oahu public meetings will be held on December 10, 2014, from 6 p.m.–9 p.m.; The Hilo, Hawaii public meetings will be held on December 12, 2014, from 6 p.m.–9 p.m.; and the Kailua-Kona, Hawaii public meetings will be held on December 13, 2014, from 10 a.m.–1 p.m.

The Lihue, Kauai public meeting will be held at the Chiefess Kamakahelei Middle School Cafeteria, 4431 Nuhou St., Lihue, Kauai, HI 96766; The Kaunakakai, Molokai public meeting will be held at the Kaunakakai Elementary School Cafeteria, 30 Ailoa St., Kaunakakai, Molokai, HI 96748; The Aiea, Oahu public meeting will be held at the Waimalu Elementary School Cafeteria, 98–825 Moanalua Rd., Aiea, HI 96701; The Paia, Maui public meeting will be held at the Paia Community Center, Social Hall, Hana Hwy., Paia, Maui, HI 96799; The Honolulu, Oahu public meeting will be held at Washington Middle School Cafeteria, 1633 S. King St., Honolulu, HI 96826; The Hilo, Hawaii public meeting will be held at the Hilo High School Cafeteria, 556 Waianuenue Ave., Hilo, HI 96720; and the Kailua-Kona, Hawaii public meeting will be held at the Courtyard King Kamehameha's Kona Beach Hotel, 75–5660 Palani Rd., Kailua-Kona, HI 96740.

Agenda for Public Meetings

I. Open House Session
- A. Welcome and Sign-in
- B. Informational Booths
- 1. State of Hawaii Bottomfish Reporting Requirements
- a. Standardizing and Improving Catch and Effort Reporting
- b. Volunteer Non-Commercial Reporting
- 2. Federal Non-Commercial Bottomfish Permit and Reporting
- 3. Yellowfin Tuna (Ahi) Science and Minimum Size Considerations

II. Presentation and Discussion Session
- A. Yellowfin Tuna Management Issues
- 1. Report on the Status of Yellowfin Tuna Science
- 2. Modification to the Minimum Size Limit for the Sale of Yellowfin Tuna
- 3. Open Discussion
- B. Main Hawaiian Islands Deep-7 Bottomfish Management Issues
- 1. Non-Commercial Bag Limits
- 2. Creating a Market Grace Period for the Sale of Deep-7 Bottomfish after a Fishery Closure
- 3. Bottomfish Restricted Fishing Areas (BRFAs)
- a. Proposed Changes to the Number of BRFAs
- b. Modifications to the State Reporting Grids to Improve Reporting if BRFAs are Removed
- 4. Open Discussion
- C. Summary and Closing

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: November 12, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–27120 Filed 11–14–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD608

Endangered Species; File No. 19255

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the Delaware Department of Natural Resources and Environmental Control (DENREC) [Michael Stangl, Responsible Party], 3002 Bayside Dr., Dover, Delaware 19977, has applied in due form for a permit to take shortnose sturgeon (*Acipenser brevirostrum*) in the Delaware River for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before December 17, 2014.

ADDRESSES: The application 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 File No. 19255 from the list of available applications.

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 either application 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 File No. 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 the application(s) would be appropriate.

FOR FURTHER INFORMATION CONTACT: Malcolm Mohead or Rosa L. González, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permits are requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant is requesting authorization for a scientific research permit for takes of shortnose sturgeon in the Delaware River. The research objectives would be to document nursery areas, individual movement patterns, seasonal movements, home ranges, and habitats of juvenile shortnose sturgeon through the use of telemetry. Annually, up to 50 adult to juvenile shortnose sturgeon would be captured, weighed, measured, examined for tags, marked with Passive Integrated Transponder (PIT) tags and Floy tags, and released. Up to 15 juvenile shortnose sturgeon would also be anesthetized and implanted with acoustic transmitters and tracked. One unintentional mortality of a shortnose sturgeon is requested annually during the five year permit.

Dated: November 10, 2014.

Perry Gayaldo,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–27180 Filed 11–14–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patent and Trademark Resource Centers Metrics

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 this 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 January 16, 2015.

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

- Email: *InformationCollection@uspto.gov.* Include ''Patent and Trademark Resource Centers Metrics 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 the attention of Chris Kitchens, Manager, Patent and Trademark Resource Center Program, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313–1451, by telephone at 571–272–5750, or by email to *Christine.Kitchens@uspto.gov.* Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Patent and Trademark Resource Centers (PTRCs) are a nationwide network of public, state and academic libraries that are designated by the USPTO to disseminate patent and trademark information and to support the diverse intellectual property needs of the public. Accessing the patent and trademark information at a PTRC with the help of a trained specialist, allows the public to determine if someone else has already patented an invention or obtained a federal registration for a trademark on goods or services.

Recognition as a PTRC is authorized under the provisions of 35 U.S.C. 2(a)(2), which provides that the USPTO shall be responsible for disseminating to the public information with respect to patents and trademarks. In order to be designated as a PTRC, libraries must fulfill the following requirements: (1) Assist the public in the efficient use of patent and trademark information resources; (2) provide free access to patent and trademark resources provided by the USPTO; (3) provide metrics on the use of patent and trademark services provided by the member library as stipulated by the USPTO; (4) provide metrics on outreach efforts conducted by the member library as stipulated by the USPTO; and (5) send representatives to attend the USPTO-hosted PTRC training seminars.

Since the PTRC requirements stipulate that the participating libraries must submit metrics in order to be designated as a PTRC, the USPTO is submitting this information collection for review under the PRA. The information collected enables the USPTO to more effectively train the

PTRC staff who, in turn, provide assistance and training to public customers in the areas of patent and trademarks. As the PTRCs continue to move away from the physical distribution of hard copy information, the USPTO is interested in what types of electronic services the PTRC of the future should offer its customers. Collection of this information enables the USPTO to more effectively service its current customers while planning for the future.

The USPTO has developed a worksheet to collect the metrics concerning the use of the patent and trademark services and the public outreach efforts from the libraries. On the USPTO's behalf, the metrics are collected on a quarterly basis through a third-party vendor. The information is only collected electronically. The PTRCs are given a password to input their information.

II. Method of Collection

The metrics are submitted electronically to the USPTO.

III. Data

OMB Number: 0651–0068.

Form Number(s): N/A.

Type of Review: Revision of a currently approved collection.

Affected Public: Non-profit organizations.

Estimated Number of Respondents: 84 libraries, for 336 responses per year. The USPTO estimates that there will be 84 libraries reporting their metrics once per quarter, for a total of 336 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the responding organizations approximately 30 minutes (0.50 hours) to gather the necessary information, prepare the worksheet, and submit it to the USPTO.

Estimated Total Annual Respondent Burden Hours: 168 hours.

Estimated Total Annual Respondent Cost Burden: $5,008.08. The USPTO expects that the information in this collection will be prepared by librarians, at an estimated hourly rate of $29.81. This is the mean hourly wage for librarians for colleges, universities, and professional schools as reported in the 2013 Bureau of Labor Statistics. Therefore, the USPTO estimates that the respondent cost burden for this collection will be approximately $5,008.08 per year.

Item	Estimated time for response (minutes)	Estimated annual responses	Estimated annual burden hours
PTRC Metric Worksheet	30	336	168
Totals		336	168

Estimated Total Annual Non-hour Respondent Cost Burden: $0. There are no fees or capital start-up, maintenance, operation, or postage costs for this collection.

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: November 7, 2014.

Marcie Lovett,

Records Management Division Director, USPTO, Office of the Chief Information Officer.

[FR Doc. 2014–27139 Filed 11–14–14; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Public User ID Badging

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 revision of 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 January 16, 2015.

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

- *Email: InformationCollection@uspto.gov.* Include ''0651–0041 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 regarding online access cards or user training should be directed to Terry Howard, Manager, Public Search Facility, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–3258; or by email to *Terry.Howard@uspto.gov.*

Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 41(i)(1) to maintain a Public Search Facility to provide patent and trademark collections for searching and retrieval of information. The Public Search Facility is maintained for public use with paper and electronic search files and trained staff to assist searchers. The USPTO also offers training courses to assist the public with using the advanced electronic search systems available at the facility.

In order to manage the patent and trademark collections that are available to the public, the USPTO issues online access accounts to customers who wish to use the electronic search systems at the Public Search Facility. Customers may obtain an online access accounts by

completing the application at the Public Search Facility reference desk and providing proper identification. The paper online access accounts include a bar-coded user number and an expiration date. Users may renew their accounts by validating and updating the required information and may obtain a replacement for a lost account by providing proper identification.

Under the authority provided in 41 CFR Part 102–81, the USPTO issues security identification badges to members of the public who wish to use the facilities at the USPTO. Public users may apply for a security badge in person at the USPTO Office of Security by providing the necessary information and presenting a valid form of identification with photograph. The security badges include a color photograph of the user and must be worn at all times while at the USPTO facilities.

II. Method of Collection

The applications for online access accounts and security identification badges are completed on site and handed to a USPTO staff member for issuance. User training registration forms may be mailed, faxed, emailed or hand delivered to the USPTO.

III. Data

OMB Number: 0651–0041.

Form Number(s): PTO–2030 and PTO–2224.

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: 8,058 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public approximately five to ten minutes (0.08 to 0.17 hours) to complete the information in this collection, including gathering the necessary information, preparing the appropriate form, and submitting the completed request.

Estimated Total Annual Respondent Burden Hours: 791 hours.

Estimated Total Annual Respondent Cost Burden: $168,483. The USPTO estimates that approximately 1/3 of the users responding to this collection are attorneys and 2/3 are paraprofessionals. Using 1/3 of the professional rate of $389 per hour for attorneys in private firms and 2/3 of the paraprofessional rate of $125 per hour, the estimated rate for respondents to this collection is approximately $213 per hour. Using this estimated rate of $213 per hour, the USPTO estimates that the respondent cost burden for submitting the information in this collection will be approximately $168,483 per year.

Item	Estimated time for response (minutes)	Estimated annual responses	Estimated annual burden hours
Application for Public User ID (Online Access Card) (PTO–2030)	5	1,500	125
Issue Online Access Card	10	1,438	240
Renew Online Access Card	5	700	58
Replace Online Access Card	5	50	4
User Training Registration Forms	5	70	6
Security Identification Badges for Public Users (PTO–2224)	5	1,000	83
Renew Security Identification Badges for Public Users	5	3,200	267
Replace Security Identification Badge	5	100	8
Totals		8,058	791

Estimated Total Annual Non-hour Respondent Cost Burden: $1,502. This collection has annual (non-hour) costs in the form of fees and postage costs.

There are no application or renewal fees for online access cards or security identification badges. However, there is a $15 fee for issuing a replacement security identification badge. The USPTO estimates that it will reissue approximately 100 security badges annually that have been lost, stolen, or need to be replaced, for a total of $1,500 per year in replacement fees.

Users may incur postage costs when submitting a user training registration form to the USPTO by mail. The USPTO expects that approximately 4 training forms received per year will be submitted by mail. The USPTO estimates that the average first-class postage cost for a mailed training form will be 49 cents, for a total postage cost of approximately $2 per year for this collection.

The total annual (non-hour) respondent cost burden for this collection in the form of fees and postage costs is estimated to be $1,502 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: November 7, 2014.

Marcie Lovett,

Records Management Division Director, USPTO Office of the Chief Information Officer.

[FR Doc. 2014–27114 Filed 11–14–14; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 14–52]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 14–52 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: November 12, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

NOV 05 2014

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 14-52, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost $1.405 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 14–52

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Republic of Korea

(ii) *Total Estimated Value:*

Major Defense Equipment ..	$ .905 billion
Other	$ .500 billion
Total	$1.405 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* 136 Patriot Advanced Capability (PAC–3) Missiles with containers and 2 Flight Test Targets (Patriot-As-A-Target (PAAT) modified short-range tactical ballistic missiles). Also included are 2 PAC–3 Telemetry Kits, 10 Fire Solution Computers, 18 Launcher Stations Modification Kits, 8 Missile Round Trainers, 8 PAC–3 Slings, 10 Patriot Automated Logistics System Kits, 13 Installation Kits for TPX–58 Identification Friend or Foe with KIV–77, PAC–3 Ground Support Equipment (GSE), 10 Shorting Plugs, 77 Defense Advanced Global Positioning Receivers (DAGRs) and Installation Kits, Patriot Fiber Optic Modem, 8 Guided Missile Transporters, 4 AN/VRC–90E Radios with Installation Kits, spare and repair parts, support equipment, communication equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor logistics and technical support services, Quality Assurance Teams' support, and other related elements of logistics and program support.

(iv) *Military Department:* Army (ZDR)

(v) *Prior Related Cases, if any:*
FMS case BCR–$64M–18Mar10
FMS case ZAA–$474M–30Oct07
FMS case ZAH–$5M–2Jan08

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* 5 Nov 14

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Republic of Korea—Patriot Advanced Capability (PAC–3) Missiles

The Republic of Korea (ROK) has requested a possible sale of 136 Patriot Advanced Capability (PAC–3) Missiles with containers and 2 Flight Test Targets (Patriot-As-A-Target (PAAT) modified short-range tactical ballistic missiles). Also included are 2 PAC–3 Telemetry Kits, 10 Fire Solution Computers, 18 Launcher Stations Modification Kits, 8 Missile Round Trainers, 8 PAC–3 Slings, 10 Patriot Automated Logistics System Kits, 13 Installation Kits for TPX–58 Identification Friend or Foe with KIV–77, PAC–3 Ground Support Equipment (GSE), 10 Shorting Plugs, 77 Defense Advanced Global Positioning Receivers (DAGRs) and Installation Kits, Patriot Fiber Optic Modem, 8 Guided Missile Transporters, 4 AN/VRC–90E Radios with Installation Kits, spare and repair parts, support equipment, communication equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor logistics and technical support services, Quality Assurance Teams' support, and other related elements of logistics and program support. The estimated cost is $1.405 billion.

This proposed sale will contribute to the foreign policy and national security objectives of the United States by meeting the legitimate security and defense needs of an ally and partner nation. The ROK is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring peace and stability in that region. It is vital to U.S. national interests to assist our Korean ally in developing and maintaining a strong and ready self-defense capability.

The ROK requires the PAC–3 missiles to effectively conduct and sustain BMD operations, as well as serve as a core component to the ROK's future Korea Air Missile Defense (KAMD). This sale will increase interoperability between the ROK's ground and sea-based (Aegis) BMD forces and U.S. Forces Korea (USFK), which not only affects ROK national security but also the security of the U.S. personnel assigned in the ROK. This sale will provide the ROK with the capability to defeat lower tier Ballistic Missile Defense (BMD) threats, and will decrease the ROK's reliance on the deployment of U.S. combat forces to maintain stability in the region.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Raytheon Corporation in Andover, Massachusetts; and Lockheed Martin Missiles and Fire Control in Dallas, Texas. There are no known offset requirements in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor personnel to Korea. However, U.S. Government or contractor personnel will be required, on a temporary basis, to conduct in-country visits in conjunction with program technical and management oversight and support requirements.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 14–52

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Patriot Air Defense System contains classified Confidential hardware components and critical/sensitive technology. The Patriot Advanced Capability-3 (PAC–3) Missile Four-Pack is classified Confidential and the improved PAC–3 launcher hardware is Unclassified. The missiles requested represent significant technological advances for the existing Republic of Korea Patriot system capabilities. With the incorporation of the PAC–3 missile, the Patriot System will continue to hold a significant technology lead over other surface-to-air missiles systems in the world.

2. The PAC–3 sensitive/critical technology is primarily in the area of design and production know-how and primarily inherent in the design, development and/or manufacturing data related to certain components. The list of components is classified Confidential.

3. Information on system performance capabilities, effectiveness, survivability, PAC–3 Missile seeker capabilities, select software/software documentation and test data are classified up to and including Secret.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar advanced capabilities.

5. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the US foreign policy and national security objectives outlined in the Policy Justification.

6. All defense articles and services listed in this transmittal have been authorized for release and export to the Republic of Korea.

[FR Doc. 2014–27158 Filed 11–14–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Defense Advisory Committee on Women in the Services (DACOWITS)

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will take place. This meeting is open to the public.

DATES: Thursday, December 4, 2014, from 8:00 a.m. to 12:30 p.m.; Friday, December 5, 2014, from 8:00 a.m. to 1:00 p.m.

ADDRESSES: The Westin—Crystal City, 1800 Jefferson Davis Hwy, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Bowling or DACOWITS Staff at 4000 Defense Pentagon, Room 5A734, Washington, DC 20301–4000. *Robert.d.bowling1.civ@mail.mil.* Telephone (703) 697–2122. Fax (703) 614–6233. Any updates to the agenda or any additional information can be found at *http://dacowits.defense.gov/.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), and Section 10(a), Public Law 92–463, as amended, notice is hereby given of a forthcoming meeting of the Defense Advisory Committee on Women in the Services (DACOWITS).

The purpose of the meeting is for the Committee to receive briefings and updates relating to their current work and to present and vote on the 2014 Annual Report. The Designated Federal Officer will give a status update on the Committee's requests for information. The Committee will receive briefings on the Military Health System Review, an update on the Women in the Services Review, and briefings from the Services on female attrition rates. Additionally, there will be a public comment period. The Committee will also present and vote on the 2014 Annual Report. Lastly, the Committee will present their 2015 study topics.

Pursuant to 41 CFR 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, interested persons may submit a written statement for consideration by the Defense Advisory Committee on Women in the Services. Individuals submitting a written statement must submit their statement to the point of contact listed at the address in **FOR FURTHER INFORMATION CONTACT** no later than 5:00 p.m., Tuesday, December 2, 2014. If a written statement is not received by Tuesday, December 2, 2014, prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the Defense Advisory Committee on Women in the Services until its next open meeting. The Designated Federal Officer will review all timely submissions with the Defense Advisory Committee on Women in the Services Chair and ensure they are provided to the members of the Defense Advisory Committee on Women in the Services. If members of the public are interested in making an oral statement, a written statement should be submitted. After reviewing the written comments, the Chair and the Designated Federal Officer will determine who of the requesting persons will be able to make an oral presentation of their issue during an open portion of this meeting or at a future meeting. Pursuant to 41 CFR 102–3.140(d), determination of who will be making an oral presentation is at the sole discretion of the Committee Chair and the Designated Federal Officer and will depend on time available and if the topics are relevant to the Committee's activities. Two minutes will be allotted to persons desiring to make an oral presentation. Oral presentations by members of the public will be permitted only on Thursday, December 4, 2014 from 12:00 p.m. to 12:30 p.m. in front of the full Committee. The number of oral presentations to be made will depend on the number of requests received from members of the public.

Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, this meeting is open to the public, subject to the availability of space.

Meeting Agenda

Thursday, December 4, 2014, From 8:00 a.m. to 12:30 p.m.

—Welcome, Introductions, Announcements
—Briefing—Request for Information Update
—Briefing—Military Health System Review
—Briefing—Women in the Services Review Update
—Briefings—Female Attrition Rates
—Public Comment Period

Friday, December 5, 2014, From 8:00 a.m. to 1:00 p.m.

—Welcome and Announcements
—Committee Presents and Votes on Annual Report
—Committee Presents 2015 Study Topics

Dated: November 10, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–27047 Filed 11–14–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0150]

Privacy Act of 1974; System of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Defense Finance and Accounting Service proposes to alter a system of records, T–7340d, entitled ''Defense Military Pay Office Input and Reporting System'' in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system provides a user-friendly computer application that provides input and reporting capabilities for the Defense Joint Military Pay Account Systems, Active, and Reserve Component. DFAS and the military Finance Offices use this system to input transactions into, and pull report data from the Master Military Pay Account (MMPA) record that is maintained for each military member.

DATES: Comments will be accepted on or before December 17, 2014. This proposed action will be effective on 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: Mr. Gregory L. Outlaw, Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–HKC/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150 or at (317) 212–4591.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service 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 from the Defense Privacy and Civil Liberties Office Web site 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 November 12, 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: November 12, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T–7340d

SYSTEM NAME:

Defense Military Pay Office Input and Reporting System (May 19, 2008, 73 FR 28800).

CHANGES:

SYSTEM ID:

Delete entry and replace with ''T7340d''

SYSTEM NAME:

Delete entry and replace with ''Defense MilPay Office (DMO)/Defense MilPay Repository (DMR)''.

SYSTEM LOCATION:

Delete entry and replace with ''Defense Finance and Accounting Service, Civilian Pay Payroll Office, 1240 East 9th Street, Cleveland, OH 44199–2055.

Defense Finance and Accounting Service, Civilian Pay Payroll Office, 8899 E. 56th St., Indianapolis, IN 46249–0001.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''All active duty and reserve military members, National Guard members, and military service academy students.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Individual's full name, Social Security Number (SSN), wages, tax summaries, leave and earnings statements.''

* * * * *

PURPOSE(S):

Delete entry and replace with ''Provides a user-friendly computer application that provides input and reporting capabilities for the Defense Joint Military Pay Account Systems, Active, and Reserve Component. DFAS and the military Finance Offices use this system to input transactions into, and pull report data from the Master Military Pay Account (MMPA) record that is maintained for each military member.''

* * * * *

STORAGE:

Delete entry and replace with ''Electronic storage media''.

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in the performance of their official duties and who are properly screened and cleared for need-to-know. Access to computerized data is limited to CAC enabled users and restricted by passwords, which are changed according to agency security policy.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Military Pay Input Transaction records may be temporary in nature and destroyed when actions are completed, they are superseded, obsolete, or no longer needed. Source data records may be cut off at the end of the payroll year and destroyed 6 years and 3 months after cutoff.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Defense Finance and Accounting Service—Cleveland, Defense Military Pay Office (DMO) System Manager, 1240 East 9th Street, Cleveland, OH 44199–2005.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, SSN for verification, current address for reply, and provide a reasonable description of what they are seeking.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this record system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, SSN for verification, current address for reply, and telephone number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Defense Finance and Accounting Service (DFAS) rules for accessing records, for contesting contents and appealing initial agency determinations are published in Defense Finance and Accounting Service Regulation 5400.11–R, 32 CFR 324; or may be obtained from the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.''

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''From the individual, Army, Navy, Air Force, Reserve and National Guard military pay finance offices and military academies.''

* * * * *

[FR Doc. 2014–27166 Filed 11–14–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–HA–0149]

Privacy Act of 1974; System of Records

AGENCY: Defense Health Agency, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Defense Health Agency proposes to alter an existing system of records, EDTMA 01, entitled ''Health Benefits Authorization Files'' in its inventory of record systems subject to the Privacy Act of 1974, as amended.

This system maintains and controls records pertaining to requests for authorization or pre-authorization of health and dental care under TRICARE and the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA). The system is used to determine eligibility of an individual, authorize payment, control and review health care management plans and health care demonstration programs, control accomplishment of reviews, and coordinate subject matter clearance for internal and external audits and reviews of the program.

DATES: Comments will be accepted on or before December 17, 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. Linda S. Thomas, Chief, Defense Health Agency Privacy and Civil Liberties Office, Defense Health Agency, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101, or by phone at (703) 681–7500.

SUPPLEMENTARY INFORMATION: The Defense Health Agency 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 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on November 10, 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: November 12, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

EDTMA 01

SYSTEM NAME:

Health Benefits Authorization Files (November 18, 2013, 78 FR 69076)

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Records Management, Administration and Management Directorate, 16401 East Centretech Parkway, Aurora, CO 80011–9066, and contractors under contract to the Defense Health Agency.

A listing of Managed Care Support contractors maintaining these records is available from the system manager.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''All individuals who seek authorization or pre-authorization for medical and dental health care under TRICARE/CHAMPUS and the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA).''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Original correspondence to and from individuals; medical/dental statements; the name, Social Security Number (SSN) and/or DoD Identification Number (DoD ID Number) of the sponsor and/or beneficiary; beneficiary's relationship to sponsor; medical/dental histories; Health Care Advice Nurse records; Congressional inquiries; medical/dental diagnosis and treatment records including web-based behavioral health assistance encounters; authorization and pre-authorization requests for care; case status sheets; memoranda for the record; follow-up reports justifying extended care; correspondence with contractors; and work-up sheets maintained by case workers.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. Chapter 55, Medical and Dental Care; 38 U.S.C. Chapter 17, Hospital, Nursing Home, Domiciliary, and Medical Care; 32 CFR Part 199, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); and E.O. 9397 (SSN), as amended.''

PURPOSE(S):

Delete entry and replace with ''To maintain and control records pertaining to requests for authorization or pre-authorization of health and dental care under TRICARE.

The system is used to determine eligibility of an individual, authorize payment, control and review health care management plans, and health care demonstration programs, control accomplishment of reviews, and coordinate subject matter clearance for internal and external audits and reviews of the program.''

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, these records may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Departments of Health and Human Services and Veterans Affairs consistent with their statutory administrative responsibilities under TRICARE and CHAMPVA pursuant to 10 U.S.C. Chapter 55 and 38 U.S.C. Chapter 17.

Referral to Federal, state, local, or foreign governmental agencies, and to private business entities, including individual providers of care (participating and non-participating), on matters relating to eligibility, claims pricing and payment, fraud, program abuse, utilization review, quality assurance, peer review, program integrity, third-party liability, coordination of benefits, and civil or criminal litigation related to the operation of TRICARE.

Disclosure to the Department of Justice and the United States Attorneys in situations where the matter directly or indirectly involves the TRICARE program.

Disclosure to third-party contacts in situations where the party to be contacted has, or is expected to have, information necessary to establish the validity of evidence or to verify the accuracy of information presented by the individual concerning his or her entitlement, the amount of benefit payments, any review of suspected abuse or fraud, or any concern for program integrity or quality appraisal.

The DoD Blanket Routine Uses may apply to this system of records.

Note 1: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18–R) or any successor DoD issuances implementing the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and 45 CFR Parts 160 and 164, Health and Human Services, General Administrative Requirements and Security & Privacy, respectively, applies to most such health information. DoD 6025.18–R or a successor issuance may place additional procedural requirements on uses and disclosures of such information beyond those found in the Privacy Act of 1974, as amended or mentioned in this system of records notice.

Note 2: Except as provided under 42 U.S.C. 290dd–2, records of identity, diagnosis, prognosis or treatment information of any patient maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by a department or agency of the United States will be treated as confidential and disclosed only for the purposes and under the circumstances expressly authorized under 42 U.S.C. 290dd–2.''

STORAGE:

Delete entry and replace with ''Paper records and/or electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''Information is retrieved by the name, SSN and/or DoD ID Number of the sponsor or beneficiary.''

SAFEGUARDS:

Delete entry and replace with ''Electronic media, data and/or electronic records are maintained in a controlled area. Records are maintained in a secure, limited access, or monitored area. The computer system is accessible only to authorized personnel. Entry into these areas is restricted to those personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of locks, passwords which are changed periodically, and administrative procedures.

The system provides two-factor authentication through user IDs/passwords. Access to personal information is restricted to those who require the data in the performance of their official duties. All personnel whose official duties require access to the information are trained in the proper safeguarding and use of the information.

All of the records must be properly secured for the duration of their life cycle. The safeguards in place for the paper records include placing the documents in locked file cabinets and storage rooms with limited access and electronic security measures. In addition, some of the records are housed in secure facilities monitored by security guards and video surveillance.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Close out at end of the calendar year in which received. Destroy 10 years after cutoff. Records are currently frozen under DHA litigation holds.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Manager, Records Management, Administration and Management Directorate, 16401 East Centretech Parkway, Aurora, CO 80011–9066.''

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, Freedom of Information Act (FOIA) Service Center, Defense Health Agency Privacy and Civil Liberties Office, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101.

Requests should contain the full name and signature of the sponsor or beneficiary.

If requesting information about a minor or legally incompetent person, the request must be made by the custodial parent, legal guardian, or party acting in loco parentis of such individual. Written proof of that status may be required before the existence of any information will be confirmed.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Chief, FOIA Service Center, Defense Health Agency Privacy and Civil Liberties Office, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101.

Written requests for information should include the full name and signature of the sponsor or beneficiary.

If requesting records about a minor or legally incompetent person, the request must be made by the custodial parent, legal guardian, or party acting in loco parentis of such individual. Written proof of that status may be required before any records will be provided.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Office of the Secretary of Defense (OSD) rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81, 32 CFR Part 311, or may be obtained from the system manager.''

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''Contractor submissions on behalf of beneficiaries, Health Benefits Advisors, all branches of the Uniformed Services, Congressional offices, providers of care, consultants, sponsor and/or beneficiary.''

* * * * *

[FR Doc. 2014–27102 Filed 11–14–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0148]

Privacy Act of 1974; System of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Defense Finance and Accounting Service proposes to alter a system of records notice, T7335d, entitled ''Civilian Pay Accounting Interface Records'' in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system maintains and processes civilian payroll accounting and finance data that originates in the Defense Civilian Payroll System (DCPS). The Civilian Pay Accounting Interface System (CPAIS) receives bi-weekly files that are used to generate civilian payroll costs, manpower data and reports; and detailed management reports for the U.S. Air Force. The system will also contain information on other than U.S. Air Force civilian employees. However, the CPAIS system will not use the non-

Air Force data other than to transmit it directly to the General Accounting and Finance System (GAFS).

DATES: Comments will be accepted on or before December 17, 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: Mr. Gregory L. Outlaw, Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–HKC/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150 or at (317) 212–4591.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service 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 from the Defense Privacy and Civil Liberties Office Web site 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 November 10, 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: November 10, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T7335d

SYSTEM NAME:

Civilian Pay Accounting Interface Records (April 24, 2009, 74 FR 18701).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with ''Civilian Pay Accounting Interface System (CPAIS).''

SYSTEM LOCATION:

Delete entry and replace with ''Defense Information Systems Agency, Defense Enterprise Computing Center, 8705 Industrial Blvd., Building 3900, Tinker Air Force Base, OK 73145–2713.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Defense Finance and Accounting Service civilian employees, United States Air Force civilian employees, civilian employees for the Defense Security Service and the National Geospatial-Intelligence Agency.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Name, Social Security Number (SSN), manpower and payroll cost data elements: Federal Insurance Contribution Act (FICA), Federal Employees Retirement System (FERS), Medicare Payroll Deductions (MEDI), Federal Employees Group Life Insurance (FEGLI) and Night Differential Pay.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''5 U.S.C. 301, Departmental Regulations; DoD Directive 5118.05, Defense Finance and Accounting Service; DoDD 7000.14–R, Department of Defense Financial Management Regulation (DoDFMR), Vol. 4, Accounting Policies; 31 U.S.C. Sections 3512, Executive agency accounting and other financial management reports and plans; 31 U.S.C. 3513, Financial reporting and accounting system; and E.O. 9397 (SSN), as amended.''

* * * * *

STORAGE:

Delete entry and replace with ''Electronic storage media and paper copies.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in the performance of their official duties and who are properly screened and cleared for need-to-know. Access to computerized data is limited to CAC enabled users and restricted by passwords, which are changed according to agency security policy.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Records are cut off at the end of the payroll year and destroyed after being maintained for 6 years and 3 months. Records are destroyed by degaussing the electronic media and hardcopies are destroyed by shredding, burning, or pulping.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Defense Finance and Accounting Service-Columbus, I&T, System Manager, Cash, General Funds and Miscellaneous Division, 3990 E. Broad Street, Columbus, OH 43213–1152.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, SSN for verification, current address, and provide a reasonable description of what they are seeking.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this record system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Request should contain individual's full name, SSN for verification, current address, and telephone number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Defense Finance and Accounting Service (DFAS) rules for accessing

records, for contesting contents and appealing initial agency determinations are published in Defense Finance and Accounting Service Regulation 5400.11–R; 32 CFR part 324; or may be obtained from the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.''

* * * * *

[FR Doc. 2014–27029 Filed 11–14–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Extension of Public Scoping Period and Additional Public Scoping Meetings in Lopez Island and Port Townsend, Washington, for the Environmental Impact Statement for EA–18G Growler Airfield Operations at Naval Air Station Whidbey Island, Washington

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy (DoN) is extending the public scoping period for the Revised Notice of Intent to prepare an Environmental Impact Statement (EIS) for EA–18G Growler airfield operations at Naval Air Station (NAS) Whidbey Island, Washington and announcing two additional public scoping meetings. The public scoping period will be extended an additional 45-days to January 9, 2015 and two additional public scoping meetings have been scheduled, one in Lopez Island, Washington and the other in Port Townsend, Washington.

Dates and Addresses: Two open house information sessions will be held between 3:00 p.m. and 6:00 p.m. on:

1. Wednesday, December 3, 2014, Lopez Island Center for Community and Arts, 204 Village Road, Lopez Island, Washington 98261.

2. Thursday, December 4, 2014, Fort Worden Commons, Building 210, 200 Battery Way, Port Townsend, Washington 98368.

Each of the open house information sessions will be informal and consist of information stations staffed by DoN representatives.

The DoN invites comments on the proposed scope and content of the EIS from all interested parties, including Federal agencies, state agencies, local agencies, American Indian Tribes and Nations, and interested persons. Comments on the scope of the EIS may be provided via the U.S. Postal Service or the EIS Web site at: *www.whidbeyeis.com.* All comments provided orally or in writing at the scoping meetings, through the project Web site or by mail during the scoping period will receive the same consideration during EIS preparation. All comments must be postmarked no later than January 9, 2015.

The DoN will not release the names, street addresses, email addresses and screen names, telephone numbers, or other personally identifiable information of individuals who provide comments during scoping unless required by law. However, the DoN may release the city, state, and 5-digit zip code of individuals who provide comments. Each commenter making oral comments at the public scoping meetings will be asked by the stenographer if he/she otherwise elects to authorize the release of their personally identifiable information prior to providing their comments. Commenters submitting written comments, either using comment forms or via the project Web site, may elect to authorize release of personally identifiable information by checking a ''release'' box on the comment form.

To be included on the DoN's mailing list for the EIS (or to receive a copy of the Draft EIS, when released), electronic requests can be made on the project Web site at *www.whidbeyeis.com.* Requests via the U.S. Postal Service should be submitted to: EA–18G EIS Project Manager (Code EV21/SS); Naval Facilities Engineering Command (NAVFAC) Atlantic, 6506 Hampton Blvd., Norfolk, VA 23508. The same policy for release of personally identifiable information as identified above for scoping comments will be maintained by DoN for individuals requesting to be included on the EIS mailing list.

FOR FURTHER INFORMATION CONTACT: EA–18G EIS Project Manager (Code EV21/SS); Naval Facilities Engineering Command (NAVFAC) Atlantic, 6506 Hampton Boulevard, Norfolk, Virginia 23508.

Dated: November 7, 2014.

N. A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2014–27156 Filed 11–14–14; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on a proposed collection of information that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before January 16, 2015. If you anticipate difficulty in submitting comments within that period, contact Chris O'Gwin, as listed below, as soon as possible.

ADDRESSES: Written comments may be sent to Chris O'Gwin or by fax at (301) 903–5488, or by email at *chris.ogwin@science.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Chris O'Gwin or by fax at (301) 903–5488, or by email at *chris.ogwin@science.doe.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.:* 1910–5166; (2) *Information Collection Request Title:* Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Commercialization Survey; (3) *Type of Request:* New; (4) *Purpose:* The DOE needs this information to satisfy the program requirements of the Small Business Act, including requirements established in the SBIR program reauthorization legislation, Public Law 106–554 and Public Law 107–50. This data will be collected by the DOE and provided to

the Small Business Administration (SBA) to maintain information about SBIR/STTR awards issued through the two programs. This data will be provided by DOE based on information collected from SBIR/STTR awardees. This data will be used by DOE, SBA, and Congress to assess the commercial impact of these two programs; (5) *Annual Estimated Number of Respondents:* 2,500; (6) *Annual Estimated Number of Total Responses:* 2,500; (7) *Annual Estimated Number of Burden Hours:* 2,500; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $120,000.

Statutory Authority: Section 9 of the Small Business Act, as amended, codified at 15 U.S.C. 638(g).

Issued in Washington, DC, on November 10, 2014.

Manny Oliver,

SBIR/STTR Programs Director, Office of Science, U.S. Department of Energy.

[FR Doc. 2014–27134 Filed 11–14–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC15–1–000]

Commission Information Collection Activities (FERC–598, FERC–716); Consolidated Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collections and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 USC 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the requirements and burden [1] of the information collections described below.

DATES: Comments on the collections of information are due January 16, 2015.

ADDRESSES: You may submit comments (identified by Docket No. IC15–1–000) by either of the following methods:

- eFiling at Commission's Web site: *http://www.ferc.gov/docs-filing/efiling.asp*
- Mail/Hand Delivery/Courier: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Please reference the specific collection number and/or title in your comments.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Type of Request: Three-year extension of the information collection requirements for all collections described below with no changes to the current reporting requirements. Please note that each collection is distinct from the next.

Comments: Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FERC–598, Self-Certification for Entities Seeking Exempt Wholesale Generator Status or Foreign Utility Company Status

OMB Control No.: 1902–0166.

Abstract: The Commission uses the data in the FERC–598 information collection to implement the statutory provisions of Title XII, subchapter F of the Energy Policy Act of 2005 (EPAct 2005).[2]

EPAct 2005 repealed the Public Utility Holding Company Act of 1935 (PUHCA 1935) in its entirety, and adopted in its place the Public Utility Holding Company Act of 2005 (PUHCA 2005). This change enabled the Commission to exempt from the requirements of PUHCA 2005 the holding companies that hold responsibility over wholesale generators from PUHCA 2005 on a case-by-case basis. The Commission amended its regulations (in Order No. 667 [3]) to add procedures for self-certification by entities seeking exempt wholesale generator (EWG) and Foreign Utility Company (FUCO) status. This self-certification is similar to the process available to entities that seek qualifying facility status.

An EWG is a ''person engaged directly, or indirectly through one or more affiliates . . . and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale.'' [4] A FUCO is a company that ''owns or operates facilities that are not located in any state and that are used for the generation, transmission, or distribution of electric energy for sale or the distribution at retail of natural or manufactured gas for heat, light, or power, if such company: (1) Derives no part of its income, directly or indirectly, from the generation, transmission, or distribution of electric energy for sale or the distribution at retail of natural or manufactured gas for heat, light, or power, within the United States; and (2) neither the company nor any of its subsidiary companies is a public-utility company operating in the United States.''

An EWG, FUCO, or its representative seeking to self-certify its status must file with the Commission a notice of self-certification demonstrating that it satisfies the definition of EWG or FUCO. In the case of EWGs, the person filing a notice of self-certification must also file a copy of the notice of self-certification with the state regulatory authority of the state in which the facility is located and that person must also represent to the Commission in its submission that it has filed a copy of the notice with the appropriate state regulatory authority.[5]

[1] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[2] Energy Policy Act of 2005, Public Law 109–58, 119 Stat. 594 (2005)

[3] *Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2005,* 70 FR 75592 (2005), order on rehearing, Order 667–A, 71 FR 28446 (2006), order on rehearing, Order 667–B, 71 FR 42750 (2006), order on rehearing, Order 667–C, 118 FERC 61133 (2007).

[4] 18 CFR 366.1.

[5] 18 CFR 366.7.

Submission of the information collected by FERC–598 is necessary for the Commission to carry out its responsibilities under EPAct 2005.[6] The Commission implements its responsibilities through the Code of Federal Regulations (CFR) Title 18 Part 366. These filing requirements are mandatory for entities seeking to self-certify their EWG or FUCO status.

Type of Respondent: EWGs and FUCOs.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden for the information collection as:

FERC–598 (SELF-CERTIFICATION FOR ENTITIES SEEKING EXEMPT WHOLESALE GENERATOR STATUS OR FOREIGN UTILITY COMPANY STATUS)

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response[7]	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
EWGs/FUCOs	102	1	102	6 $423	612 $43,146	$423

FERC–716, Good Faith Requests for Transmission Service and Good Faith Responses by Transmitting Utilities Under Sections 211(a) and 213(a) of the Federal Power Act (FPA)[8]

OMB Control No.: 1902–0170.

Abstract: The Commission uses the information collected under the requirements of FERC–716 to implement the statutory provisions of Sections 211 and Section 213 of the Federal Power Act as amended and added by the Energy Policy Act 1992. FERC–716 also includes the requirement to file a Section 211 request if the negotiations between the transmission requestor and the transmitting utility are unsuccessful. For the initial process, the information is not filed with the Commission. However, the request and response may be analyzed as a part of a Section 211 action. The Commission may order transmission services under the authority of FPA 211.

The Commission's regulations in the Code of Federal Regulations (CFR), 18 CFR 2.20, provide standards by which the Commission determines if and when a valid good faith request for transmission has been made under section 211 of the FPA. By developing the standards, the Commission sought to encourage an open exchange of data with a reasonable degree of specificity and completeness between the party requesting transmission services and the transmitting utility. As a result, 18 CFR 2.20 identifies 12 components of a good faith estimate and 5 components of a reply to a good faith request.

Type of Respondent: Transmission Requestors and Transmitting Utilities

Estimate of Annual Burden: The Commission estimates the annual public reporting burden for the information collection as:

FERC–716 (GOOD FAITH REQUESTS FOR TRANSMISSION SERVICE AND GOOD FAITH RESPONSES BY TRANSMITTING UTILITIES UNDER SECTIONS 211(a) AND 213(a) OF THE FEDERAL POWER ACT (FPA))

	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden & cost per response[9]	Total annual burden hours & total annual cost	Cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Information exchange between parties	3	1	3	100 $7050	300 $21,150	$7050
Application submitted to FERC if parties' negotiations are unsuccessful	3	1	3	2.5 $176.25	7.5 $528.75	$176.25
Total			6		307.5 $21,678.75	$7,226.25

[6] 42 U.S.C. 16451 *et seq.*

[7] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $70.50 per Hour = Average Cost per Response. The cost per hour figure is the FERC average salary plus benefits. Subject matter experts found that industry employment costs closely resemble FERC's regarding the FERC–598 information collection.

[8] Previously titled ''Transmission Services (Good Faith Request, Response by Transmitting Utility, and Application) under Sections 211 and 213a of the Federal Power Act''.

[9] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $70.50 per Hour = Average Cost per Response. The cost per hour figure is the FERC average salary plus benefits. Subject matter experts found that industry employment costs closely resemble FERC's regarding the FERC–716 information collection.

Dated: November 7, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–27056 Filed 11–14–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD14–12–000]

Proposed Agency Information Collection

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) invites public comment in Docket No. RD14–12–000 on a proposed change to a collection of information that the Commission is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before January 16, 2015.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

- Electronic Filing through *http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- Mail/Hand Delivery: Those unable to file electronically may mail or hand-deliver an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION: The proposed information collection changes in Docket No. RD14–12–000 relate to the proposed Reliability Standards FAC–001–2 (Facility Interconnection Requirements) and FAC–002–2 (Facility Interconnection Studies), developed by the North American Electric Reliability Corporation (NERC), and submitted to the Commission for approval. The Commission received NERC's petition to approve the proposed Reliability Standards on August 22, 2014.

NERC summarizes the FAC group of standards as follows:

> The Facility Design, Connections, and Maintenance (''FAC'') Reliability Standards address topics such as facility interconnection requirements, facility ratings, system operating limits, and transfer capabilities.[1]

In its petition, NERC also summarizes the proposed Reliability Standards' applicability and requirements:

> Proposed Reliability Standard FAC–001–2 requires that Transmission Owners and applicable Generator Owners document and make Facility interconnection requirements available so that entities seeking to interconnect have the necessary information. Proposed Reliability Standard FAC–002–2 ensures that the reliability impact of interconnecting new or materially modified Facilities is studied. Collectively, proposed Reliability Standards FAC–001–2 and FAC–002–2 ensure that there is appropriate coordination and communication regarding the interconnection of Facilities, which improves the reliability of the Bulk-Power System.[2]

Finally, NERC also states that the proposed Reliability Standards improve reliability, clarify requirement language and eliminate redundant or unnecessary requirements.[3]

Burden Statement: Commission staff analyzed the proposed and currently enforced Reliability Standards and has concluded that proposed Reliability Standards merely clarify or eliminate redundancies and thus, the information collection requirements have not changed. Accordingly, the net overall burden and respondent universe[4] remain unchanged, when compared to the burden of the existing standards being replaced.[5]

The Commission intends to submit a request for approval to OMB under the Paperwork Reduction Act (PRA) related to the proposed Reliability Standards. For PRA purposes, the information collection requirements in proposed Reliability Standards FAC–001–2 and FAC–002–2 are identified as FERC–725D and OMB Control Number 1902–0247.

The annual reporting burden for the implementation of Reliability Standards FAC–001–2 and FAC–002–2 is estimated as follows.

[1] NERC Petition at 3.

[2] *Id.* at 3.

[3] *Id.* at 4.

[4] The affected entities for FAC–001–2 are Transmission Owners (TO) and applicable Generator Owners (GO). The affected entities for FAC–002–2 are Transmission Planners (TP), Planning Coordinators (PC), Generator Owners (GO), Transmission Owners (TO), Distribution Providers (DP), and Load-Serving Entities (LSE). Note that Planning Coordinator (PC) is the new name for Planning Authority—a term still used in NERC's Compliance Registry.

[5] The burden for the preceding versions of the standards being replaced was included in: (a) FERC–725M (OMB Control No. 1902–0263) for FAC–001–1, and (b) FERC–725A (OMB Control No. 1902–0244) for FAC–002–1.

[6] The number of respondents is based on the NERC Compliance Registry as of September 24, 2014. Although 2,163 entities are registered as TO, DP, LSE, or GO, we expect at the most 216 entities (ten percent) will seek to interconnect and go through the study phase that may require coordination in any given year.

[7] The estimates for cost per hour are derived as follows:

- $72.92/hour, the average of the salary plus benefits for a manager ($84.96/hour) and an electrical engineer ($60.87/hour), from Bureau of Labor and Statistics at *http://bls.gov/oes/current/naics3_221000.htm,* as of 9/4/2014
- $29.01/hour, based on a Commission staff study of record retention burden cost.

FERC–725D, MODIFICATIONS IN RD14–12

	Number and type of respondent [6] (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2) = (3)	Average burden per response (hours) (4)	Total annual burden (hours) (3)*(4) = (5)	Total annual cost [7] ($)
FAC–001–2						
Documentation & updates	GO 5	1	5	16	80	$5,833.60
	TO 332	1	332	16	5312	387,351.04
Record Retention	GO 5	1	5	1	5	145.05
	TO 332	1	332	1	332	9,631.32
FAC–002–2						
Study	PC, TP 183	1	183	32	5856	427,019. 52
Record Retention	PC, TP 183	1	183	1	183	5,308.83
Coordination	TO, DP, LSE, GO 216	1	216	16	3456	252,011.52
Record Retention	TO, DP, LSE, GO 216	1	216	1	216	6,266.16
Total						1,093,567.04

The total estimated annual burden cost to respondents is: $1,093,567.04.

Dated: November 7, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–27055 Filed 11–14–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12636–002]

Mohawk Hydro Corporation; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License

b. *Project No.:* 12636–002

c. *Date filed:* October 24, 2014

d. *Applicant:* Mohawk Hydro Corporation

e. *Name of Project:* Middle Mohawk Hydroelectric Project

f. *Location:* The project would be located on the Mohawk River, in Schenectady and Montgomery Counties, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Wendy Jo Carey, Mohawk Hydro Corporation, 5 Washington Square, Albany, NY 12205; or at (518) 456–7712.

i. *FERC Contact:* Monir Chowdhury, (202) 502–6736 or *monir.chowdhury@ferc.gov*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: December 23, 2014.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–12636–002.

m. The application is not ready for environmental analysis at this time.

n. The proposed project would be located at eight existing lock and dam facilities (Lock Numbers: E8 through E15) that are owned by the New York State Canal Corporation. The proposed run-of-river project would consist of the following eight developments:

Lock E8 Scotia Development would consist of: (1) An existing 530-foot-long, 14-foot-high bridge type dam; (2) an existing 336-acre impoundment at an elevation of 223.44 feet North Atlantic Vertical Datum of 1988 (NAVD 88); (3) two new identical modular steel transportable barges, with each barge resting on a foundation consisting of four steel reinforced concrete pylons and consisting of: (a) A steel intake structure approximately 130 feet long by 40 feet wide by 15 feet high and (b) an approximately 130-foot-long by 40-foot-wide by 10-foot-high steel powerhouse containing nine turbine-generator units having a capacity of 220 kilowatts (kW) each; (4) a new short transmission line connecting a new transportable 40-foot-long by 8-foot-wide by 8-foot-high grid interface unit to an existing 34.5-kilovolt (kV) or lower voltage grid distribution or sub-transmission line; and (5) appurtenant facilities. The development would have an annual generation of 15,473 megawatt-hours (MWh).

Lock E9 Rotterdam Junction Development would consist of: (1) An existing 530-foot-long, 15-foot-high bridge type dam; (2) an existing 428-acre impoundment at an elevation of 238.78 feet NAVD 88; (3) two new identical modular steel transportable barges, with

each barge resting on a foundation consisting of four steel reinforced concrete pylons and consisting of: (a) A steel intake structure approximately 130 feet long by 40 feet wide by 15 feet high and (b) an approximately 130-foot-long by 40-foot-wide by 10-foot-high steel powerhouse containing nine turbine-generator units having a capacity of 220 kW each; (4) a new short transmission line connecting a new transportable 40-foot-long by 8-foot-wide by 8-foot-high grid interface unit to an existing 34.5-kV or lower voltage grid distribution or sub-transmission line; and (5) appurtenant facilities. The development would have an annual generation of 16,440 MWh.

Lock E10 Cranesville Development would consist of: (1) An existing 500-foot-long, 15-foot-high bridge type dam; (2) an existing 414-acre impoundment at an elevation of 253.37 feet NAVD 88; (3) two new identical modular steel transportable barges, with each barge resting on a foundation consisting of four steel reinforced concrete pylons and consisting of: (a) A steel intake structure approximately 130 feet long by 40 feet wide by 15 feet high and (b) an approximately 130-foot-long by 40-foot-wide by 10-foot-high steel powerhouse containing nine turbine-generator units having a capacity of 220 kilowatts each; (4) a new short transmission line connecting a new transportable 40-foot-long by 8-foot-wide by 8-foot-high grid interface unit to an existing 34.5-kV or lower voltage grid distribution or sub-transmission line; and (5) appurtenant facilities. The development would have an annual generation of 16,296 MWh.

Lock E11 Amsterdam Development would consist of: (1) An existing 588-foot-long, 12-foot-high bridge type dam; (2) an existing 414-acre impoundment at an elevation of 265.44 feet NAVD 88; (3) two new identical modular steel transportable barges, with each barge resting on a foundation consisting of four steel reinforced concrete pylons and consisting of: (a) A steel intake structure approximately 130 feet long by 40 feet wide by 15 feet high and (b) an approximately 130-foot-long by 40-foot-wide by 10-foot-high steel powerhouse containing nine turbine-generator units having a capacity of 220 kilowatts each; (4) a new short transmission line connecting a new transportable 40-foot-long by 8-foot-wide by 8-foot-high grid interface unit to an existing 34.5-kV or lower voltage grid distribution or sub-transmission line; and (5) appurtenant facilities. The development would have an annual generation of 12,461 MWh.

Lock E12 Tribes Hill Development would consist of: (1) An existing 460-foot-long, 11-foot-high bridge type dam; (2) an existing 737-acre impoundment at an elevation of 276.52 feet NAVD 88; (3) two new identical modular steel transportable barges, with each barge resting on a foundation consisting of four steel reinforced concrete pylons and consisting of: (a) A steel intake structure approximately 130 feet long by 40 feet wide by 15 feet high and (b) an approximately 130-foot-long by 40-foot-wide by 10-foot-high steel powerhouse containing nine turbine-generator units having a capacity of 220 kilowatts each; (4) a new short transmission line connecting a new transportable 40-foot-long by 8-foot-wide by 8-foot-high grid interface unit to an existing 34.5-kV or lower voltage grid distribution or sub-transmission line; and (5) appurtenant facilities. The development would have an annual generation of 11,266 MWh.

Lock E13 Randall Development would consist of: (1) An existing 370-foot-long, 8-foot-high bridge type dam; (2) an existing 464-acre impoundment at an elevation of 284.52 feet NAVD 88; (3) two new identical modular steel transportable barges, with each barge resting on a foundation consisting of four steel reinforced concrete pylons and consisting of: (a) A steel intake structure approximately 130 feet long by 40 feet wide by 15 feet high and (b) an approximately 130-foot-long by 40-foot-wide by 10-foot-high steel powerhouse containing nine turbine-generator units having a capacity of 220 kilowatts each; (4) a new short transmission line connecting a new transportable 40-foot-long by 8-foot-wide by 8-foot-high grid interface unit to an existing 34.5-kV or lower voltage grid distribution or sub-transmission line; and (5) appurtenant facilities. The development would have an annual generation of 7,734 MWh.

Lock E14 Canajoharie Development would consist of: (1) An existing 430-foot-long, 8-foot-high bridge type dam; (2) an existing 219-acre impoundment at an elevation of 292.38 feet NAVD 88; (3) two new identical modular steel transportable barges, with each barge resting on a foundation consisting of four steel reinforced concrete pylons and consisting of: (a) A steel intake structure approximately 130 feet long by 40 feet wide by 15 feet high and (b) an approximately 130-foot-long by 40-foot-wide by 10-foot-high steel powerhouse containing nine turbine-generator units having a capacity of 220 kilowatts each; (4) a new short transmission line connecting a new transportable 40-foot-long by 8-foot-wide by 8-foot-high grid interface unit to an existing 34.5-kV or lower voltage grid distribution or sub-transmission line; and (5) appurtenant facilities. The development would have an annual generation of 7,133 MWh.

Lock E15 Fort Plain Development would consist of: (1) An existing 430-foot-long, 8-foot-high bridge type dam; (2) an existing 578-acre impoundment at an elevation of 300.31 feet NAVD 88; (3) two new identical modular steel transportable barges, with each barge resting on a foundation consisting of four steel reinforced concrete pylons and consisting of: (a) A steel intake structure approximately 130 feet long by 40 feet wide by 15 feet high and (b) an approximately 130-foot-long by 40-foot-wide by 10-foot-high steel powerhouse containing nine turbine-generator units having a capacity of 220 kilowatts each; (4) a new short transmission line connecting a new transportable 40-foot-long by 8-foot-wide by 8-foot-high grid interface unit to an existing 34.5-kV or lower voltage grid distribution or sub-transmission line; and (5) appurtenant facilities. The development would have an annual generation of 6,879 MWh.

Each development would be operated during the navigation season (May through November) only. The proposed transportable barges would be deployed at the beginning of each navigation season and removed at the close of the navigation season.

o. A copy of the application is 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, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. Procedural schedule: The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Milestone	Date
Issue Acceptance or Deficiency Letter	January 2015.

Milestone	Date
Request Additional Information	January 2015.
Issue Notice of Acceptance	April 2015.
Issue Scoping Document 1 for Comments	May 2015.
Hold Scoping Meeting	June 2015.
Comments Due on Scoping Document 1	July 2015.
Issue Scoping Document 2	August 2015.
Issue Notice of Ready for Environmental Analysis	August 2015.
Commission Issues EA	February 2016.

Dated: November 7, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–27054 Filed 11–14–14; 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: RP15–148–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: § 4(d) rate filing per 154.204: GT&C Section 39 Shipper Consent Timeline to be effective 12/6/2014.
Filed Date: 11/5/14.
Accession Number: 20141105–5001.
Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: RP15–149–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 11/05/14 Negotiated Rates—Trafigura AG (RTS) 7445–04 to be effective 11/6/2014.
Filed Date: 11/5/14.
Accession Number: 20141105–5053.
Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: RP15–150–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 11/05/14 Negotiated Rates—Trafigura AG (HUB) 7445–89 to be effective 11/6/2014.
Filed Date: 11/5/14.
Accession Number: 20141105–5071.
Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: RP15–151–000.
Applicants: Enable Gas Transmission, LLC.
Description: § 4(d) rate filing per 154.204: Negotiated Rate Filing—November 2014—LER 1010222 Att A to be effective 11/5/2014.
Filed Date: 11/5/14.
Accession Number: 20141105–5163.
Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: RP15–152–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) rate filing per 154.204: Removal of Expiring Agreement to be effective 12/6/2014.
Filed Date: 11/5/14.
Accession Number: 20141105–5232.
Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: RP15–153–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: § 4(d) rate filing per 154.204: Removing Expired Agreements to be effective 12/6/2014.
Filed Date: 11/5/14.
Accession Number: 20141105–5233.
Comments Due: 5 p.m. ET 11/17/14.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP14–877–001.
Applicants: Northwest Pipeline LLC.
Description: Compliance filing per 154.203: Supplement to Order to Show Cause Filing to be effective 11/1/2014.
Filed Date: 11/5/14.
Accession Number: 20141105–5002.
Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: RP14–934–001.
Applicants: Questar Southern Trails Pipeline Company.
Description: Compliance filing per 154.203: Order to Show Cause Compliance Filing to be effective 6/16/2014.
Filed Date: 11/5/14.
Accession Number: 20141105–5193.
Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: RP14–935–002.
Applicants: Questar Overthrust Pipeline Company.
Description: Compliance filing per 154.203: Show Cause Order Compliance Filing to be effective 11/30/2014.
Filed Date: 11/5/14.
Accession Number: 20141105–5194.
Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: RP14–936–001.
Applicants: White River Hub, LLC.
Description: Compliance filing per 154.203: Order to Show Cause Compliance Filing to be effective 6/16/2014.
Filed Date: 11/5/14.
Accession Number: 20141105–5192.
Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: RP14–946–001.
Applicants: Southern Natural Gas Company, L.L.C.
Description: Compliance filing per 154.203: Show Cause Order—Compliance Filing 2 to be effective 10/16/2014.
Filed Date: 11/5/14.
Accession Number: 20141105–5084.
Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: RP14–948–001.
Applicants: Southern LNG Company, L.L.C.
Description: Compliance filing per 154.203: Show Cause Order—Compliance Filing 2 to be effective 10/16/2014.
Filed Date: 11/5/14.
Accession Number: 20141105–5085.
Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: RP14–949–001.
Applicants: Elba Express Company, L.L.C.
Description: Compliance filing per 154.203: Show Cause Order—Compliance Filing 2 to be effective 10/16/2014.
Filed Date: 11/5/14.
Accession Number: 20141105–5086.
Comments Due: 5 p.m. ET 11/17/14.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings

can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 6, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–27116 Filed 11–14–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–25–000.

Applicants: Constellation Power Source Generation, LLC, Exelon Generation Company, LLC, Chief Keystone Power, LLC, Chief Conemaugh Power, LLC.

Description: Joint Application for Authorization for Disposition and Consolidation of Jurisdictional Facilities and Acquisition of Existing Generation Facilities and Request for Expedited Action of Constellation Power Source Generation, LLC, et. al.

Filed Date: 11/6/14.

Accession Number: 20141106–5079.

Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: EC15–26–000.

Applicants: Freeport-McMoRan Copper & Gold Energy Services, LLC, Samchully Power & Utilities 1 LLC.

Description: Joint Application for Authorization for Disposition of Jurisdictional Facilities and Request for Expedited Action and Abbreviated Comment Period of Freeport-McMoRan Copper & Gold Energy Services, LLC, et. al.

Filed Date: 11/6/14.

Accession Number: 20141106–5116.

Comments Due: 5 p.m. ET 11/28/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–353–000.

Applicants: PacifiCorp.

Description: Notices of Cancellation and Termination for inactive and or expired service agreements of PacifiCorp under ER15–353.

Filed Date: 11/6/14.

Accession Number: 20141106–5067.

Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: ER15–354–000.

Applicants: PacifiCorp.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): BPA General Transfer Agreement (West) Rev 4 to be effective 1/6/2015.

Filed Date: 11/6/14.

Accession Number: 20141106–5068.

Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: ER15–355–000.

Applicants: Chevron U.S.A. Inc.

Description: Initial rate filing per 35.12 Baseline new to be effective 11/7/2014.

Filed Date: 11/6/14.

Accession Number: 20141106–5072.

Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: ER15–356–000.

Applicants: Chief Conemaugh Power, LLC.

Description: Baseline eTariff Filing per 35.1: MBR Application to be effective 12/22/2014.

Filed Date: 11/6/14.

Accession Number: 20141106–5097.

Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: ER15–357–000.

Applicants: Chief Keystone Power, LLC.

Description: Baseline eTariff Filing per 35.1: MBR Application to be effective 12/22/2014.

Filed Date: 11/6/14.

Accession Number: 20141106–5098.

Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: ER15–358–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–11–06_RTO Adder Filing to be effective 11/7/2014.

Filed Date: 11/6/14.

Accession Number: 20141106–5108.

Comments Due: 5 p.m. ET 11/28/14.

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.

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Dated: November 6, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–27092 Filed 11–14–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–23–000.

Applicants: Sunshine Gas Producers, LLC, Innovative Energy Systems, LLC, Seneca Energy II, LLC, Brooklyn Navy Yard Cogeneration Partners, L.P., Selkirk Cogen Partners, L.P., Kleen Energy Systems, LLC, Berkshire Power Company, LLC, Chambers Cogeneration, Limited Partnership, Edgecombe Genco, LLC, Logan Generating Company, LP, Northampton Generating Company, L.P., RC Cape May Holdings, LLC, Scrubgrass Generating Company, L.P., Spruance Genco, LLC, Newark Energy Center, LLC, EIF Newark, LLC, Plum Point Energy Associates, LLC, Plum Point Services Company, LLC, Panoche Energy Center, LLC.

Description: Application Under FPA Section 203 of the Federal Power Act of the EIF Applicants.

Filed Date: 11/5/14.

Accession Number: 20141105–5250.

Comments Due: 5 p.m. ET 11/26/14.

Docket Numbers: EC15–24–000.

Applicants: Mammoth Plains Wind Project, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Action of Mammoth Plains Wind Project, LLC.

Filed Date: 11/5/14.

Accession Number: 20141105–5254.

Comments Due: 5 p.m. ET 11/26/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–2928–001.

Applicants: Arizona Public Service Company.

Description: Tariff Amendment per 35.17(b): OATT Administrative Changes—Schedules 4 and 10 to be effective 11/23/2014.

Filed Date: 11/6/14.

Accession Number: 20141106–5059.

Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: ER14–2956–001.

Applicants: Hoopeston Wind, LLC.

Description: Second Supplement to September 26, 2014 and October 22, 2014 Hoopeston Wind, LLC tariff filing.

Filed Date: 11/5/14.

Accession Number: 20141105–5257.

Comments Due: 5 p.m. ET 11/17/14.

Docket Numbers: ER15–230–000.

Applicants: GP Renewables & Trading, LLC.

Description: Second supplement to October 29, 2014 GP Renewables & Trading, LLC tariff filing.
Filed Date: 11/5/14.
Accession Number: 20141105–5253.
Comments Due: 5 p.m. ET 11/19/14.

Docket Numbers: ER15–349–000.
Applicants: Southern California Edison Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): IFA with City of Victorville for St. Mary's Medical Center WDAT Load Project to be effective 1/6/2015.
Filed Date: 11/6/14.
Accession Number: 20141106–5002.
Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: ER15–350–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 1883R3 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2014.
Filed Date: 11/6/14.
Accession Number: 20141106–5032.
Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: ER15–351–000.
Applicants: Idaho Power Company.
Description: Tariff Withdrawal per 35.15: Notice of Cancellation of Communications Replacement Agreement with PacifiCorp to be effective 1/28/2015.
Filed Date: 11/6/14.
Accession Number: 20141106–5048.
Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: ER15–352–000.
Applicants: Tampa Electric Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Rate Schedule No. 21 with City of Lakeland—Amendment to Exhibit A to be effective 11/7/2014.
Filed Date: 11/6/14.
Accession Number: 20141106–5052.
Comments Due: 5 p.m. ET 11/28/14.

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.

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Dated: November 6, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–27099 Filed 11–14–14; 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 exempt wholesale generator filings:
Docket Numbers: EG15–12–000.
Applicants: Samchully Power & Utilities 1 LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Samchully Power & Utilities 1 LLC.
Filed Date: 11/6/14.
Accession Number: 20141106–5173.
Comments Due: 5 p.m. ET 11/28/14.

Take notice that the Commission received the following electric rate filings:
Docket Numbers: ER14–2140–002.
Applicants: Mulberry Farm, LLC.
Description: Report Filing: Supp 3 to Baseline Filing—Mulberry MBR Tariff to be effective N/A.
Filed Date: 11/7/14.
Accession Number: 20141107–5219.
Comments Due: 5 p.m. ET 11/14/14.

Docket Numbers: ER14–2141–002.
Applicants: Selmer Farm, LLC.
Description: Report Filing: Supp 4 to Baseline Filing—Selmer MBR Tariff to be effective N/A.
Filed Date: 11/7/14.
Accession Number: 20141107–5204.
Comments Due: 5 p.m. ET 11/14/14.

Docket Numbers: ER15–359–000.
Applicants: Samchully Power & Utilities 1 LLC.
Description: Initial rate filing per 35.12 MBR Application to be effective 12/15/2014.
Filed Date: 11/6/14.
Accession Number: 20141106–5137.
Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: ER15–360–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2896SO Hale Community Energy GIA to be effective 5/29/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5062.
Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: ER15–361–000.
Applicants: UNS Electric, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Update to Attachment C of Open Access Transmission Tariff to be effective 1/6/2015.
Filed Date: 11/7/14.
Accession Number: 20141107–5070.
Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: ER15–362–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 1693R3 Westar Energy, Inc. LGIA to be effective 10/31/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5079.
Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: ER15–363–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Original Service Agreement No. 3991; Queue Y3–062 to be effective 10/10/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5117.
Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: ER15–364–000.
Applicants: PJM Interconnection, L.L.C., American Electric Power Service Corporation.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): AEP submits 44th Revised Service Agreement No. 1336 to be effective 10/10/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5161.
Comments Due: 5 p.m. ET 11/28/14.

Docket Numbers: ER15–365–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–11–07_SA 2710 ITC Midwest-EDF Renewable GIA (J097) to be effective 11/8/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5181.
Comments Due: 5 p.m. ET 11/28/14.

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: November 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–27100 Filed 11–14–14; 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: RP15–154–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) rate filing per 154.204: Negotiated Rates eff 11–15–2014 for Releases from EQT 911108 to be effective 11/15/2014.
Filed Date: 11/6/14.
Accession Number: 20141106–5029.
Comments Due: 5 p.m. ET 11/18/14.

Docket Numbers: RP15–155–000.
Applicants: Enable Mississippi River Transmission, L.
Description: § 4(d) rate filing per 154.204: Negotiated Rate Filing to Amend LER 5680's Attachment A 11–6–14 to be effective 11/6/2014.
Filed Date: 11/6/14.
Accession Number: 20141106–5030.
Comments Due: 5 p.m. ET 11/18/14.

Docket Numbers: RP15–156–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) rate filing per 154.204: Wells Fargo Negotiated Rate to be effective 11/7/2014.
Filed Date: 11/6/14.
Accession Number: 20141106–5070.
Comments Due: 5 p.m. ET 11/18/14.

Docket Numbers: RP15–157–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: § 4(d) rate filing per 154.204: Clean-Up Filing-Remove PS/GHG Surcharge for FT–A Extended Transportation Service to be effective 11/1/2014.
Filed Date: 11/6/14.
Accession Number: 20141106–5148.
Comments Due: 5 p.m. ET 11/18/14.

Docket Numbers: RP15–158–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) rate filing per 154.204: Negotiated Rate—Freepoint Commodities 510782 to be effective 11/8/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5033.
Comments Due: 5 p.m. ET 11/19/14.

Docket Numbers: RP15–159–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) rate filing per 154.204: Negotiated Rate—BP Energy 911205 to be effective 11/8/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5039.
Comments Due: 5 p.m. ET 11/19/14.

Docket Numbers: RP15–160–000.
Applicants: Destin Pipeline Company, L.L.C.
Description: § 4(d) rate filing per 154.204: Map System Update to be effective 12/8/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5063.
Comments Due: 5 p.m. ET 11/19/14.

Docket Numbers: RP15–161–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 11/07/14 Negotiated Rates—Cargill Incorporated (HUB) 3085–89 to be effective 11/15/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5075.
Comments Due: 5 p.m. ET 11/19/14.

Docket Numbers: RP15–162–000.
Applicants: Northwest Pipeline LLC.
Description: Compliance filing per 154.203: Petition for Limited Waiver.
Filed Date: 11/7/14.
Accession Number: 20141107–5119.
Comments Due: 5 p.m. ET 11/13/14.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP14–863–001.
Applicants: Columbia Gas Transmission, LLC.
Description: Compliance filing per 154.203: Show Cause Compliance Filing to be effective 10/16/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5087.
Comments Due: 5 p.m. ET 11/19/14.

Docket Numbers: RP14–864–001.
Applicants: Columbia Gulf Transmission, LLC.
Description: Compliance filing per 154.203: Show Cause Compliance Filing to be effective 10/16/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5093.
Comments Due: 5 p.m. ET 11/19/14.

Docket Numbers: RP14–865–001.
Applicants: Hardy Storage Company, LLC.
Description: Compliance filing per 154.203: Show Cause Compliance Filing to be effective 10/16/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5200.
Comments Due: 5 p.m. ET 11/19/14.

Docket Numbers: RP14–866–001.
Applicants: Crossroads Pipeline Company.
Description: Compliance filing per 154.203: Show Cause Compliance Filing to be effective 10/16/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5178.
Comments Due: 5 p.m. ET 11/19/14.

Docket Numbers: RP14–867–001.
Applicants: Central Kentucky Transmission Company.
Description: Compliance filing per 154.203: Show Cause Compliance Filing to be effective 10/16/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5175.
Comments Due: 5 p.m. ET 11/19/14.

Docket Numbers: RP14–881–001.
Applicants: Vector Pipeline L.P.
Description: Compliance filing per 154.203: Compliance Filing to Show Cause Order RP14–881–001 to be effective 10/16/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5032.
Comments Due: 5 p.m. ET 11/19/14.

Docket Numbers: RP14–891–001.
Applicants: Transwestern Pipeline Company, LLC.
Description: Compliance filing per 154.203: Compliance with RP14–891 Order on Show Cause Filings to be effective 10/16/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5080.
Comments Due: 5 p.m. ET 11/19/14.

Docket Numbers: RP14–907–001.
Applicants: Questar Pipeline Company.
Description: Compliance filing per 154.203: Show Cause Order Compliance Filing to be effective 6/16/2014.
Filed Date: 11/6/14.
Accession Number: 20141106–5071.
Comments Due: 5 p.m. ET 11/18/14.

Docket Numbers: RP14–915–001.
Applicants: Lake Charles LNG Company, LLC.
Description: Compliance filing per 154.203: Compliance with RP14–915 Order on Show Cause Filings to be effective 10/16/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5065.
Comments Due: 5 p.m. ET 11/19/14.

Docket Numbers: RP14–934–002.
Applicants: Questar Southern Trails Pipeline Company.
Description: Compliance filing per 154.203: Show Cause Order Supplemental Filing 2.

Filed Date: 11/7/14.
Accession Number: 20141107–5111.
Comments Due: 5 p.m. ET 11/19/14.

Docket Numbers: RP14–935–004.
Applicants: Questar Overthrust Pipeline Company.
Description: Compliance filing per 154.203: Show Cause Order Supplemental Filing to be effective 6/16/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5218.
Comments Due: 5 p.m. ET 11/19/14.

Docket Numbers: RP15–101–001.
Applicants: Florida Gas Transmission Company, LLC.
Description: Tariff Amendment per 154.205(b): Amendment to RP15–101 Rate Case to be effective 12/1/2014.
Filed Date: 11/7/14.
Accession Number: 20141107–5222.
Comments Due: 5 p.m. ET 11/19/14.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 10, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–27117 Filed 11–14–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–17–000]

Alterna Springerville LLC, LDVF1 TEP LLC, Wilmington Trust Company, William J. Wade v. Tucson Electric Power Company; Notice of Complaint

Take notice that on November 7, 2014, pursuant to sections 206 and 306 of the Federal Power Act, 16 USC 824e and 825e and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Alterna Springerville LLC (Alterna), LDVF1 TEP LLC (LDVF1), Wilmington Trust Company, and William J. Wade (Complainants), filed a formal complaint against Tucson Electric Power Company (Respondent or TEP), alleging that the TEP is engaging in unjust, unreasonable, and unduly discriminatory and/or preferential behavior; in violation of TEP's Pre-Order No. 888 grandfathered contractual obligations and its Open Access Transmission Tariff with regard to expanding transmission service to Alterna and LDVF1.

The Complainants certify that copies of the complaint were served on the contacts for the Respondent as listed on the Commission's list of Corporate Officials.

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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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 28, 2014.

Dated: November 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–27094 Filed 11–14–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP13–483–000; Docket No. CP13–492–000]

Jordan Cove Energy Project LP; Pacific Connector Gas Pipeline LP; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Jordan Cove Liquefaction and Pacific Connector Pipeline Projects

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) for the projects proposed by Jordan Cove Energy Project LP (Jordan Cove) and Pacific Connector Gas Pipeline LP (Pacific Connector) in the above-referenced dockets.[1] We [2] refer to the combined Jordan Cove and Pacific Connector facilities simply as the Project. The Project facilities would be located in Coos, Douglas, Jackson, and Klamath Counties, Oregon.

Jordan Cove requested Commission authority to construct and operate an LNG export terminal on Coos Bay, that would have the capacity to produce about six million metric tons per annum of LNG, using feed stock of about 0.9 billion cubic feet per day (Bcd/f) of natural gas, for shipment to either Free Trade Agreement (FTA) or non-FTA nations around the Pacific Rim.[3] Pacific Connector requested a certificate of public convenience and necessity from the FERC authorizing the construction and operation of a pipeline between the Malin Hub in Klamath County, Oregon and the Jordan Cove terminal on Coos Bay in Coos County, Oregon. The Pacific Connector pipeline would have the design capacity to transport a total about 1.07 Bcf/d of natural gas; with about 0.04 Bcf/d reserved for Northwest Pipeline Company's Grants Pass Lateral through the newly proposed Clark's Branch Delivery Meter Station in Douglas County, Oregon.

The draft EIS assesses the potential environmental effects of the

[1] Jordan Cove filed its application with the FERC on May 21, 2013 in Docket No. CP13–483–000, while Pacific Connector filed its application with the FERC on June 6, 2013 in Docket No. CP13–492–000.

[2] The pronouns ''we,'' ''us,'' or ''our'' refer to the environmental staff of the FERC's Office of Energy Projects.

[3] The U.S. Department of Energy Office of Fossil Energy issued an authorization on December 7, 2011 allowing Jordan Cove to export LNG to FTA nations in DOE/FE Order 3041, and authorization to export to non-FTA nations on March 24, 2014 in DOE/FE Order 3413. Shipment would be by other party LNG vessels.

construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the Project would result in some limited adverse environmental impacts. However, if the Project is constructed and operated in accordance with applicable laws and regulations, and with implementation of Jordan Cove's and Pacific Connector's proposed mitigation measures, and the additional mitigation measures recommended in this EIS, environmental impacts would be substantially reduced.

The United States (U.S.) Department of Agriculture, Forest Service (Forest Service); U.S. Army Corps of Engineers; U.S. Department of Energy; U.S. Environmental Protection Agency; U.S. Department of Homeland Security, Coast Guard; U.S. Department of the Interior, Bureau of Land Management (BLM), Bureau of Reclamation (Reclamation), and Fish and Wildlife Service; and the Pipeline and Hazardous Materials Safety Administration of the U.S. Department of Transportation participated as cooperating agencies in the preparation of the EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The cooperating agencies may adopt and use the EIS for their regulatory purposes, and to satisfy compliance with the NEPA and other related federal environmental laws and regulations. Although the cooperating agencies provided input to the conclusions and recommendations presented in the EIS, the agencies will present their own conclusions and recommendations in their respective Records of Decision for the Project.

Actions of the Forest Service, BLM, and Reclamation

The BLM's identified purpose of and need for the proposed action is to respond to a Right-of-Way Grant application submitted by Pacific Connector on February 25, 2013. The Secretary of the Interior has delegated authority to the BLM to grant a Right-of-Way in response to the Pacific Connector application for natural gas transmission on federal lands under the Mineral Leasing Act of 1920. Before issuing the Right-of-Way Grant, the BLM must receive the written concurrence of the other surface managing federal agencies (i.e., Reclamation and Forest Service) in accordance with Title 43 Code of Federal Regulations (CFR) Part 2882.3(i). In addition, there is a need for the BLM and the Forest Service to amend affected Land Management Plans (LMP) to make provision for the Pacific Connector pipeline. Although Reclamation has facilities that would be affected by the Pacific Connector pipeline, it has not identified any agency-specific actions for analysis in the draft EIS.

For the Forest Service, pursuant to 36 CFR 219.17(b) (2012 Planning Rule as amended), the responsible official has elected to use the procedures of the 1982 planning regulation for the proposed amendments to the Rogue River, Umpqua, and Winema National Forest LMPs related to the Pacific Connector pipeline. Under the Forest Service planning regulations (36 CFR 219.10(f); 1982 Rule) there is a need for the Forest Service to determine the significance of the proposed amendments. The proposed amendments are specific to the Pacific Connector Pipeline Project.

The following amendments have been proposed by the BLM and/or the Forest Service as part of the proposed action in FERC's draft EIS:

Amendment of BLM Coos Bay District, Roseburg District, Medford District, and Klamath Falls Resource Area of the Lakeview District Resource Management Plans (RMP) and the Umpqua National Forest, Rogue River National Forest, and Winema National Forest Land and Resource Management Plans (LRMP)

BLM/FS–1—Applicable BLM and Forest Service LMPs would be amended to exempt certain known sites within the area of the proposed Pacific Connector pipeline from the Management Recommendations required by the 2001 ''Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines,'' as modified in July 2011.

Amendment of BLM Coos Bay District and Roseburg District RMPs

BLM–1—The Coos Bay District and Roseburg District RMPs would be amended to waive the requirements to protect occupied, suitable, and potential habitat for the marbled murrelet (MAMU), as mapped by the BLM within the proposed Pacific Connector pipeline area. An estimated 75 acres of occupied, suitable, or potential MAMU habitat within the proposed Pacific Connector pipeline area would potentially be affected by the amendment on the Roseburg District.

Amendments of BLM Roseburg District RMP

BLM–2—The Roseburg District RMP would be amended to exempt the Pacific Connector Pipeline Project from the requirement to retain habitat in Known Owl Activity Centers at three locations.

BLM–3—The Roseburg District RMP would be amended to change the designation of approximately 409 acres from the Matrix land allocation to the Late Successional Reserve (LSR) land allocation in Sections 32 and 34, Township (T).29½ South (S), Range (R).7 West (W).; and Section 1, T.30S., R.7W., Willamette Meridian (W.M.) Oregon.

Amendment of BLM Coos Bay District RMP

BLM–4—The Coos Bay District RMP would be amended to change the designation of approximately 387 acres from the Matrix land allocation to the LSR land allocation in Sections 19 and 29, T.28S., R.10W., W.M., Oregon.

Amendments of the Umpqua National Forest LRMP

UNF–1—The Umpqua National Forest LRMP would be amended to change the Standards and Guidelines for Fisheries to allow the removal of effective shading vegetation where perennial streams would be crossed by the Pacific Connector pipeline corridor. This change would potentially affect an estimated three acres of shading vegetation at four perennial stream crossings in the East Fork of Cow Creek from pipeline mileposts (MP) 109.0 to 110.0 in Sections 16 and 21, T.32S., R.2W., W.M., Oregon.

UNF–2—The Umpqua National Forest LRMP would be amended to change prescriptions C2–II and C2–IV and to allow the Pacific Connector pipeline corridor to cross Riparian Areas (i.e., Riparian Reserves) and run parallel to the East Fork of Cow Creek for approximately 0.1 mile between MPs 109.7 and 109.8 in Section 21, T.32S., R.2W.,W. M., Oregon. This change would potentially affect approximately one acre of Riparian Reserve along the East Fork of Cow Creek.

UNF–3—The Umpqua National Forest LRMP would be amended to waive limitations on the area affected by detrimental soil conditions from displacement and compaction within the proposed Pacific Connector pipeline corridor. Standards and Guidelines for Soils requires that not more than 20 percent of the project area have detrimental compaction, displacement, or puddling after completion of a project.

UNF–4—The Umpqua National Forest LRMP would be amended to change the designation of approximately 588 acres from the Matrix land allocation to the LSR 223 land allocation in Sections 7, 18, and 19, T.32S., R.2W., and Sections. 13 and 24, T.32S., R.3W., W.M., Oregon.

Amendments of the Rogue River National Forest LRMP

RRNF–2—The Rogue River National Forest LRMP would be amended to change the Visual Quality Objective (VQO) in the area where the Pacific Connector pipeline corridor would cross Big Elk Road, at MP 161.4 in Section 16, T.37S., R.4E., W.M., Oregon, from Foreground Retention to Foreground Partial Retention and allow more time for the amended VQO to be attained.

RRNF–3—The Rogue River National Forest LRMP would be amended to change the VQO in the vicinity of where the Pacific Connector pipeline corridor would cross the Pacific Crest Trail at MP 168.0 in Section 32, T.37S., R.5E.,W.M., Oregon, from Foreground Partial Retention to Modification and allow more time for the amended VQO to be attained.

RRNF–4—The Rogue River National Forest LRMP would be amended to allow more time to meet the VQO along the Pacific Connector pipeline corridor between MPs 156.3 to 156.8 and 157.2 to 157.5 in Sections 11 and 12, T.37S., R.3E., W.M., Oregon. Standards and Guidelines for Middleground Partial Retention require that VQOs for a given location be achieved within one year of completion of the project. Approximately 0.8 mile or 9 acres of Middleground Partial Retention VQO visible at distances of 0.75 to 5 miles from State Highway 140 would be affected by this amendment.

RRNF–5—The Rogue River National Forest LRMP would be amended to allow the Pacific Connector pipeline corridor to cross lands subject to the Restricted Riparian Management Strategy standards and guidelines. This would potentially affect approximately 2.5 acres associated with one perennial stream crossing of the South Fork of Little Butte Creek at MP 162.45 in Section 16, T.37S., R.4E.,W.M., Oregon.

RRNF–6—The Rogue River National Forest LRMP would be amended to waive limitations on areas affected by detrimental soil conditions from displacement and compaction within the proposed Pacific Connector pipeline corridor in all affected Management Strategies.

RRNR–7—The Rogue River National Forest LRMP would be amended to change the designation of approximately 512 acres from the Matrix land allocation to the LSR land allocation in Sections 32, T.36S., R.3E., W.M., Oregon.

Amendments of the Winema National Forest LRMP

WNF–1—The Winema National Forest LRMP would be amended to change the Standards and Guidelines for Management Area 3 (MA–3) to allow for development of the Pacific Connector pipeline corridor in MA–3 from the Forest Boundary in Section 32, T.37S., R.5E., W.M., Oregon, to Clover Creek Road in Section 4, T.38S, R.5. E, W.M., Oregon. Standards and Guidelines for MA–3 state that it is currently an avoidance area for new utility corridors. This amendment would apply to a portion of the proposed Pacific Connector pipeline corridor that would be approximately 1.5 miles long and occupy approximately 17 acres.

WNF–2—The Winema National Forest LRMP would be amended to allow more time to achieve the VQO where the Pacific Connector pipeline corridor would cross the Dead Indian Memorial Highway at MP 168.8 in Section 33, T.37S., R.5E., W. M., Oregon.

WNF–3—The Winema National Forest LRMP would be amended to allow more time to meet the VQO for Scenic Management, Foreground Partial Retention, where the Pacific Connector pipeline corridor would be adjacent to Clover Creek Road from MPs 170.0 to 175.0 in Sections 2, 3, 4, 11, and 12, T.38S., R.5E.,W.M., Oregon, and Sections 7 and 18, T.38S., R.6E., W.M., Oregon. This amendment would be applicable to approximately 50 acres of the proposed Pacific Connector pipeline corridor.

WNF–4—The Winema National Forest LRMP would be amended to waive restrictions on detrimental soil conditions from displacement and compaction within the proposed Pacific Connector pipeline corridor in all affected management areas.

WNF–5—The Winema National Forest LRMP would be amended to waive restrictions on detrimental soil conditions from displacement and compaction within the proposed Pacific Connector pipeline corridor within Management Area 8, Riparian Area (MA–8). This amendment would be applicable to approximately 0.5 mile or an estimated 9.6 acres of MA–8. Standards and Guidelines for Soil and Water within MA–8 require that not more than 10 percent of the total riparian zone in an activity area be in a detrimental soil condition upon the completion of a project.

Proposed Project Facilities

The EIS addresses the potential environmental effects of the construction and operation of the following major Project facilities:

Jordan Cove

- access channel, marine slip, and LNG vessel and tug boat berths;
- LNG loading platform and cryogenic transfer pipeline;
- two LNG storage tanks (each with a capacity of 160,000 cubic meters);
- four liquefaction trains (each with a capacity of 1.5 MMTPA);
- one-mile-long utility corridor and access road between the LNG terminal and the power plant;
- pipeline gas conditioning plant (consisting of two feed gas and dehydration trains with a combined throughput of 1.0 Bcf/d of natural gas); and
- 420-megawatt South Dunes Power Plant.

Pacific Connector

- 232-mile-long, 36-inch-in-diameter underground welded-steel pipeline extending from the Klamath Compressor Station near Malin, Oregon to the Jordan Cove LNG terminal at Coos Bay;
- 41,000-horsepower Klamath Compressor Station at milepost (MP) 228.1,[4] in Klamath County, Oregon;
- two receipt meter stations (Klamath-Beaver and Klamath-Eagle) at the interconnections with the existing Gas Transmission Northwest and Ruby pipelines within the Klamath Compressor Station;
- Clarks Branch Delivery Meter Station at MP 71.5, in Douglas County, Oregon, at the interconnection with the existing Northwest Pipeline Grants Pass Lateral;
- Jordan Cove Delivery Meter Station at MP 1.5R, in Coos County, Oregon, at the interconnection with the Jordan Cove LNG terminal;
- 17 mainline block valves located within the pipeline right-of-way or co-located at aboveground facilities;

[4] The total length of the pipeline does not match the MPs, which have been retained from the original route proposed for the LNG import project in Docket No. CP07–441–000. Where realignments have been adopted into the proposed route, the MPs are designated with an ''R.'' In addition, the MPs are reversed, numbered from west to east, again as a reflection of the original pipeline design. Now, in the LNG export project in Docket No. CP13–492–000, the natural gas would flow west from the Malin Hub to Coos Bay, with the Pacific Connector pipeline beginning at the Klamath Compressor Station at MP 228.1 and terminating at the Jordan Cove Meter Station at MP 1.5R.

• five pig[5] launcher or receiver units, co-located with other aboveground facilities; and

• gas control communication system, including 11 radio towers co-located at other facilities.

Availability of the Draft EIS

The FERC staff mailed copies of the draft EIS to federal, state, and local government representatives and agencies; elected officials; environmental groups and regional non-government organizations; interested Indian tribes; potentially affected landowners; commenters; newspapers and libraries in the project area; and parties to the proceeding. Paper copy versions of this EIS were mailed to those specifically requesting them; all others received a compact disk version. In addition, the draft EIS is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Commenting on the Draft EIS

Any person wishing to comment on the draft EIS may do so. To ensure consideration of your comments on the Project in the final EIS, it is important that the Commission receive your comments on or before February 13, 2015.

For your convenience, there are four methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket numbers (CP13–483–000 and CP13–492–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

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

(4) In lieu of sending written or electronic comments, the Commission invites you to attend one of the public meetings its staff will conduct in the project area to receive comments on the draft EIS. We encourage interested groups and individuals to attend and present oral comments on the draft EIS. Transcripts of the meetings will be available for review in eLibrary under the Project docket numbers. All meetings will begin at 6:00 p.m. and are scheduled as follows:

Date	Location
Monday, December 8, 2014	Southwest Oregon Community College, Hales Performing Arts Center, 1988 Newmark Ave., Coos Bay, OR 97420, 541–888–7250.
Tuesday, December 9, 2014	Umpqua Community College, Lang Center, 1140 Umpqua College Rd., Roseburg, OR 97470, 541–440–4705.
Wednesday, December 10, 2014	Seven Feathers Casino-Hotel & Convention Center, 146 Chief Miwaleta Ln., Canyonville, OR 97417, 800–548–8461 ext. 1218.
Thursday, December 11, 2014	Central Medford High School, 815 S. Oakdale Ave., Medford, OR 97501, 541–842–3669, 541–842–3680.
Friday, December 12, 2014	Oregon Institute of Technology, College Union Auditorium, 3201 Campus Dr., Klamath Falls, OR 97601, 541–895–1032.
Saturday, December 13, 2014	Malin Community Hall, 2307 Front St., Malin, OR 97632, 541–723–4141.

Interventions

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR Part 385.214).[6] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in these proceedings which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Questions

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (i.e., CP13–483 and CP13–492). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnline *Support@ferc.gov* or toll free at (866) 208–3676; for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

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

Dated: November 7, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–27053 Filed 11–14–14; 8:45 am]

BILLING CODE 6717–01–P

[5] A pig is an internal pipeline cleaning and inspection tool.

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

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–359–000]

Samchully Power & Utilities 1 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Samchully Power & Utilities 1 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is November 28, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–27097 Filed 11–14–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–355–000]

Chevron U.S.A. Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Chevron U.S.A. Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is November 28, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–27096 Filed 11–14–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–297–000; LDVF1 TEP LLC]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of LDVF1 TEP LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is November 28, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be

listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–27095 Filed 11–14–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–16–000]

Southern California Edison Company; Notice of Petition for Declaratory Order

Take notice that on November 6, 2014, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207 (2014), Southern California Edison Company (SCE) filed a petition for declaratory order seeking affirmation that the limitation on damages contained in Article 18.2 of the Large Generator Interconnection Agreement (LGIA) prohibits an interconnection customer from recovering, from its transmission provider, lost profits on power sales. In addition, SCE states that a Commission order affirming the meaning and purpose of Article 18.2 would serve to protect ratepayers, ensure that FERC policy and intent reflected in the LGIA is implemented, provide transmission providers across the country with equal treatment and consistent interpretation of the LGIA, and enhance the construction of facilities needed to interconnect renewable power, as more fully explained in the petition.

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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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

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

Comment Date: 5:00 p.m. Eastern time on December 8, 2014.

Dated: November 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–27093 Filed 11–14–14; 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. EL14–55–000	10–22 to 10–24–14	Chain emails.[1]
2. ER14–1243–000	10–28–14	May B. Kelly.
3. CP12–509–000, CP12–29–000	10–28 to 11–4–14	Chain emails/letter.[2]
4. CP14–17–000	10–31 to 11–4–14	Chain emails.[3]
Exempt:		
1. CP14–504–000	10–20–14	FERC Staff.[4]
2. CP14–347–000	10–21–14	FERC Staff.[5]
3. CP13–193–000	10–22–14	FERC Staff.[6]
4. CP13–193–000	10–22–14	FERC Staff.[7]
5. CP13–483–000, CP13–492–000	10–22–14	FERC Staff.[8]
6. CP14–96–000	10–28–14	Hon. Stephen F. Lynch.
7. ER14–2952–000, EC14–126–000, ER14–1243–000, ER14–2862–000, ER14–2860–000, EL14–34–000, EL14–103–000, ER14–104–000, EL15–7–000.	10–29–14	Carol Morey Viventi, J.D.
8. ER14–2952–000, ER14–1242–000, ER14–1243–000, ER14–2862–000, ER14–2860–000, EL14–34–000, EL14–103–000, ER14–104–000, ER14–172–000, ER14–1725–000, ER14–2176–000, ER14–2180–000, EL15–7–000.	10–30–14	Hon. Dan Benishek.
9. P–13948–002, P–13994–002	11–5–14	FERC Staff.[9]
10. PF14–22–000, CP14–96–000	11–5–14	Hon. Richard E. Neal.
11. CP14–96–000	11–5–14	Mayor Martin J. Walsh.

[1] 17 Chain emails have been sent to FERC Commissioners and staff under this docket number.
[2] 3 Chain emails, 1 letter, have been sent to FERC Commissioners and staff under this docket number.
[3] 6 Chain emails have been sent to FERC Commissioners and staff under this docket number.
[4] Phone record.
[5] Meeting minutes/notes, attended by FERC Staff.
[6] Phone record.
[7] Phone record.
[8] Phone record.
[9] Phone record.

Dated: November 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–27098 Filed 11–14–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9919–39–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Connecticut

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice announces the Environmental Protection Agency (EPA's) approval of the State of Connecticut's request to revise/modify certain of its EPA-authorized programs to allow electronic reporting.

DATES: EPA's approval is effective November 17, 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 May 28, 2013, the Connecticut Department of Energy and Environmental Protection (CT DEEP) submitted an application titled ''CT DEEP e-Permitting'' for revisions/modifications of its EPA-authorized programs under title 40 CFR. EPA reviewed CT DEEP's request to revise/modify its EPA-authorized programs and, based on this review, EPA determined that the application met the standards for approval of authorized program revisions/modifications 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 Connecticut's request to revise/modify its following EPA-authorized programs to allow electronic reporting under 40 CFR parts 51, 60–63, 70, 122, 261–262, 264, 266, 268, 270, 280, and 403 is being published in the **Federal Register**:

Part 52—Approval and Promulgation of Implementation Plans;

Part 60—Standards Of Performance For New Stationary Sources;

Part 61—National Emission Standards for Hazardous Air Pollutants;

Part 70—State Operating Permit Programs;

Part 123—EPA Administered Permit Programs: The National Pollutant Discharge Elimination System;

Part 272—Approved State Hazardous Waste Management Programs;

Part 282—Approved Underground Storage Tank Programs; and

Part 403—General Pretreatment Regulations For Existing And New Sources Of Pollution.

CT DEEP was notified of EPA's determination to approve its application with respect to the authorized programs listed above.

Dated: October 9, 2014.

Matthew Leopard,

Acting Director, Office of Information Collection.

[FR Doc. 2014–27118 Filed 11–14–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9919–31–OA]

Notification of Two Public Teleconferences of the Science Advisory Board Chemical Assessment Advisory Committee Augmented for the Review of EPA's Draft Ammonia Assessment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office announces two public teleconferences of the SAB Chemical Assessment Advisory Committee Augmented for the Review of the Draft Ammonia Assessment (CAAC-Ammonia Panel) to discuss its draft report concerning EPA's draft Integrated Risk Information System (IRIS) *Toxicological Review of Ammonia* (August 2013 Revised External Review Draft).

DATES: The public teleconferences will be held on Wednesday December 17, 2014 and Friday December 19, 2014. The teleconferences will be held from 1:00 p.m. to 5:00 p.m. (Eastern Standard Time) on both days.

Location: The teleconferences will be conducted by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wants further information concerning the teleconferences may contact Dr. Suhair Shallal, Designated Federal Officer (DFO), EPA Science Advisory Board (1400R), U.S. Environmental Protection Agency, 1300 Pennsylvania Avenue NW., Washington, DC 20460; via telephone/voice mail (202) 564–2057; fax (202) 565–2098; or email at *shallal.suhair@epa.gov.* General information concerning the SAB can be found on the SAB Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION: *Background:* The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the SAB CAAC Ammonia Panel will hold public teleconferences to discuss its draft report regarding the draft IRIS *Toxicological Review of Ammonia* (August 2013 Revised External Review Draft) and responses to questions about enhancements the agency is implementing to the IRIS program. The EPA SAB Staff Office augmented the SAB CAAC with subject matter experts to provide advice through the chartered SAB regarding this IRIS assessment.

The SAB CAAC Ammonia Panel held a public meeting on July 14–16, 2014. The purpose of that meeting was to receive a briefing on the EPA's enhancements to the IRIS Program and develop responses to the peer review charge on the agency's draft IRIS *Toxicological Review of Ammonia* (August 2013 Revised External Review Draft). The purpose of these public teleconferences is for the Panel to discuss its draft report peer reviewing the agency's draft toxicological review. The two public teleconferences will be conducted as one complete meeting, beginning on December 17, 2014 and if necessary, will continue on December 19, 2014.

Availability of Meeting Materials: Additional background on this SAB activity, the teleconference agenda, draft report, and other materials for the teleconferences will be posted on the SAB Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/IRIS%20Ammonia?OpenDocument.*

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit relevant comments pertaining to the group conducting this SAB activity or meeting materials. Input from the public to the SAB will have the most impact if it consists of comments that provide specific scientific or technical information or analysis for the SAB to consider. Members of the public wishing to provide comment should contact the Designated Federal Officer for the relevant advisory committee directly.

Oral Statements: In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes per speaker. To be placed on the public speaker list for the December 17, 2014 teleconference, interested parties should notify Dr. Suhair Shallal, DFO, by email no later than December 10, 2014.

Written Statements: Written statements for these teleconferences should be received in the SAB Staff Office by the same deadlines given above for requesting oral comments. Written statements should be supplied to the DFO via email (acceptable file format: Adobe Acrobat PDF, MS Word, WordPerfect, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format). It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Shallal at the phone number or email address noted above, preferably at least ten days prior to the teleconferences, to give the EPA as much time as possible to process your request.

Dated: November 6, 2014.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2014–27128 Filed 11–14–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9919–32–OA]

Notice of Meeting of the EPA's Children's Health Protection Advisory Committee (CHPAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act,

Public Law 92–463, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held December 2 and 3, 2014 at Marriott Metro Center, 775 12th Street NW., Washington, DC 20408). The CHPAC was created to advise the Environmental Protection Agency on science, regulations, and other issues relating to children's environmental health.

DATES: The CHPAC will meet December 2 and 3, 2014.

ADDRESSES: 755 12th Street NW., Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Martha Berger, Office of Children's Health Protection, USEPA, MC 1107A, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 564–2191 or *berger.martha@epa.gov.*

SUPPLEMENTARY INFORMATION: The meetings of the CHPAC are open to the public. The CHPAC will meet on December 2 from 1:00 p.m. to 6:00 p.m. and December 3 from 9:00 a.m. to 4:00 p.m. The Agenda will include discussions regarding the National Ambient Air Quality Standards for lead, the EPA/FDA Fish Advisory, and other EPA actions that affect children's health. A complete and final agenda will be posted at *epa.gov/children.*

Access and Accommodations: For information on access or services for individuals with disabilities, please contact Martha Berger at 202–564–2191 or *berger.martha@epa.gov.*

Dated: November 4, 2014.

Martha Berger,

Designated Federal Official.

[FR Doc. 2014–27130 Filed 11–14–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9919–16–OA]

Notification of a Public Meeting of the Science Advisory Board, Lake Erie Phosphorus Objectives Review Panel

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office announces a meeting of the Lake Erie Phosphorus Objectives Review Panel. The SAB will conduct a consultation to develop advice on the ensemble modeling approach EPA is using to develop preliminary bi-national phosphorous objectives, loading targets and allocations for the nearshore and offshore waters for Lake Erie. The meeting will be held in Chicago, Illinois.

DATES: The Meeting will be held on December 10, 2014, from 8:00 a.m. to 4:30 p.m. (Central Time).

ADDRESSES: The public face-to-face meeting will be held at the Ralph H. Metcalfe Federal Building, Lake Michigan Room (12th floor), 77 West Jackson Boulevard, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wants further information concerning this public meeting may contact Mr. Thomas Carpenter, Designated Federal Officer (DFO) for the Lake Erie Phosphorus Review Panel, by telephone or at (202) 564–4885 or via email at *carpenter.thomas@epa.gov.* General information concerning the EPA SAB can be found at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The SAB and its panels comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the SAB Lake Erie Phosphorus Objectives Review Panel will hold a public face-to-face meeting. The purpose of the meeting is to conduct a consultation. In a consultation, panels develop advice on technical questions to the agency on projects that are in the early stages before EPA begins substantive work on the project. The SAB Panel will provide advice through the chartered SAB on the ensemble modeling approach the EPA is using to develop preliminary bi-national phosphorous objectives, loading targets and allocations for the nearshore and offshore waters to achieve the Lake Ecosystem Objectives for Lake Erie.

Background: EPA Region 5 is co-leading a binational workgroup to develop and implement the Nutrients Annex (''Annex 4'') of the 2012 Great Lakes Water Quality Agreement (GLWQA) in accordance with Article 3(b)(i) of the GLWQA. Under Annex 4, the United States and Canada are charged with establishing binational Substance Objectives for phosphorus concentrations, loading targets and allocations for the nearshore and offshore waters of Lake Erie by February 2016. The general approach is to use an ensemble of Lake Erie ecosystem models to compute appropriate load-response relationships for eutrophication response indicators of concern. EPA Region 5 requested an SAB consultation (i.e., early advice) on the appropriateness of modeling approaches to meet the GLWQA Lake Ecosystem Objectives. EPA also requested a subsequent review of the modeled phosphorus targets and loads to obtain advice on (1) whether the process used to develop targets was appropriate to meet the Lake Ecosystem Objectives as defined in the GLWQA and (2) whether the modeled results reflect the best available information on the phosphorous sources and trophic status of Lake Erie. The SAB Staff Office anticipates that the Lake Erie Phosphorus Objectives Review Panel will conduct the subsequent review in 2015.

For technical information concerning this effort under the GLWQA Annex 4 please contact Ms. Santina Wortman, Water Division, US EPA Region 5, 77 West Jackson Boulevard (WW–16J), Chicago, Illinois 60604, phone (312) 353–8319.

Availability of Meeting Materials: Prior to the meeting, the review documents, agenda and other materials will be accessible through the calendar link on the blue navigation bar at *http://www.epa.gov/sab/.* Materials may also be accessed at the following SAB Web page *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstractivites/GLWQA?OpenDocument.*

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Interested members of the public may submit relevant information on the topic of this advisory activity, and/or the group conducting the activity, for the SAB to consider during the advisory process. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for SAB committees and panels to consider or if it relates to the clarity or accuracy of the

technical information. Members of the public wishing to provide comment should contact the DFO directly. *Oral Statements:* In general, individuals or groups requesting an oral presentation at the face-to-face meeting will be limited to five minutes. Interested parties wishing to provide oral comments should contact Mr. Thomas Carpenter (preferably via email) at the contact information noted above by December 2, 2014 to be placed on the list of public speakers for the meeting. *Written Statements:* Written statements will be accepted throughout the advisory process; however, for timely consideration by Panel members, statements should be supplied to the DFO via email at the contact information noted above at least one week prior to a public meeting. Written statements should be supplied in one of the following electronic formats: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format. It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Thomas Carpenter at (202) 564–4885 or *carpenter.thomas@epa.gov.* To request accommodation of a disability, please contact Mr. Carpenter preferably at least ten days prior to the meeting to give EPA as much time as possible to process your request.

Dated: November 5, 2014.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2014–27115 Filed 11–14–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Task Force on Optimal Public Safety Answering Point Architecture

AGENCY: Federal Communications Commission.

ACTION: Notice; of intent to establish.

SUMMARY: In accordance with the Federal Advisory Committee Act, the purpose of this notice is to announce that a Federal Advisory Committee, known as the ''Task Force on Optimal Public Safety Answering Pont (PSAP) Architecture'' (hereinafter ''Task Force''), is being established.

FOR FURTHER INFORMATION CONTACT: David Furth, Federal Communications Commission (FCC), Public Safety and Homeland Security Bureau (PSHSB), 202–418–0632, email: *david.furth@fcc.gov;* Timothy May, FCC, PSHSB, 202–418–1463, email: *timothy.may@fcc.gov.*

SUPPLEMENTARY INFORMATION: On August 8, 2014, the Federal Communications Commission (FCC) adopted a *Second Report and Order and Third Further Notice of Proposed Rulemaking* in PS Docket No. 11–153 and PS Docket No. 10–255 (available at *http://www.fcc.gov/document/fcc-adopts-text-911-rules*), wherein it directed the FCC's Public Safety and Homeland Security Bureau to establish the task force. The Committee Management Secretariat, General Services Administration concurs with the establishment of the Task Force. There are approximately 6,800 PSAPs in operation across the nation. This large number of PSAPs potentially increases the costs and resources needed from the communications industry, public safety community, and state, local and tribal governments. Further, public safety communications systems are converting to Next Generation 911 (NG911) in the coming years, which may further add to the costs and resource requirements of the nation's PSAPs. In addition, a number of states continue to divert critical E911 funding from its intended purposes to unrelated functions. To address these issues, the Task Force shall examine the current structure and architecture of the nation's PSAPs in order to determine whether additional consolidation of PSAP facilities and architecture would promote greater efficiency of operations, safety of life, and cost containment, while retaining needed integration with local first responder dispatch and support. The duties of the Task Force will be to study and report findings and recommendations on the following issues, including optimal PSAP system and network configuration in terms of emergency communications efficiency, performance, and operations functionality; cost projections for conversion to and annual operation of PSAPs that incorporate such optimal system design; comparative cost projections for annual maintenance of all existing PSAPs annually and upgrading them to NG911; recommendations on ways to ensure states use E911 funding for their intended purpose; and whether states that divert E911 funds should be ineligible to participate on various FCC councils, committees, and working groups.

The Task Force will present its initial findings and recommendations to the Commission no later than April 30, 2015 unless such period is extended by consent of the Chairman of the Commission (or his designee).

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2014–27086 Filed 11–14–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update Listing of Financial Institutions in Liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: November 10, 2014.

Federal Deposit Insurance Corporation.

Pamela Johnson,

Regulatory Editing Specialist.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10508	Frontier Bank, FSB D/B/A El Paseo Bank	Palm Desert	CA	11/7/2014

[FR Doc. 2014–27046 Filed 11–14–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED

October 1, 2014 thru October 31, 2014

10/01/2014		
20141617	G	Nucor Corporation; Gerdau S.A.; Nucor Corporation.
10/02/2014		
20141591	G	Deutsche Telekom AG; AT&T Inc.; Deutsche Telekom AG.
20141592	G	AT&T Inc.; Deutsche Telekom AG; AT&T Inc.
20141622	G	AEA Investors Fund V LP; The Resolute Fund II, L.P.; AEA Investors Fund V LP.
20141627	G	Berkshire Hathaway Inc.; 3G Special Situations Fund II, L.P.; Berkshire Hathaway Inc.
10/03/2014		
20141337	G	Cardtronics, Inc. WSILC, L.L.C.; Cardtronics, Inc.
20141548	G	Rakuten, Inc.; Ebates Inc.; Rakuten, Inc.
20141550	G	VEPF IV AIV VI, L.P.; XRS Corporation; VEPF IV AIV VI, L.P.
20141573	G	Glanbia Co-operative Society Limited Encore Consumer Capital Fund, L.P.; Glanbia Co-operative Society Limited.
20141619	G	General Mills, Inc.; Annie's, Inc.; General Mills, Inc.
20141631	G	CCMP Capital Investors III, L.P.; Carlyle Partners IV, L.P.; CCMP Capital Investors III, L.P.
20141632	G	The Providence Service Corporation; Welsh, Carson Anderson & Stowe XI, L.P.; The Providence Service Corporation.
20141633	G	John Giuliani; Alliance Data Systems Corporation; John Giuliani.
20141634	G	Patterson-UTI Energy, Inc.; Platinum Energy Holdings, Inc.; Patterson-UTI Energy, Inc.
20141638	G	TriMas Corporation; James and Eleanor Randall Trust Dated June 1, 1993; TriMas Corporation.
20141641	G	AppNexus Inc.; WPP plc; AppNexus Inc.
20141642	G	WPP plc; AppNexus Inc.; WPP plc.
20141643	G	Delphi Automotive PLC; Commonwealth Antaya, LLC; Delphi Automotive PLC.
20141658	G	SAP SE; Concur Technologies, Inc.; SAP SE.
10/06/2014		
20141614	G	Catholic Health Initiatives; Sylvania Franciscan Health; Catholic Health Initiatives.
20141621	G	The Chernin Group, LLC Fullscreen, Inc.; The Chernin Group, LLC.
10/07/2014		
20141645	G	The Sage Group plc; Great Hill Equity Partners II Limited Partnership; The Sage Group plc.
20141647	G	Devon Energy Corporation; Chevron Corporation; Devon Energy Corporation.
20141648	G	Francisco Partners III, L.P.; Vendavo, Inc.; Francisco Partners III, L.P.
10/08/2014		
20141535	G	Athene Holding Ltd.; Norwegian Cruise Line Holdings Ltd.; Athene Holding Ltd.
20141536	G	AIF VII Euro Holdings, L.P.; Norwegian Cruise Line Holdings Ltd.; AIF VII Euro Holdings, L.P.
20141537	G	Norwegian Cruise Line Holdings Ltd.; Prestige Cruises International, Norwegian Cruise Line Holdings Ltd.
20141538	G	AIF VI Euro Holdings, L.P.; Norwegian Cruise Line Holdings Ltd.; AIF VI Euro Holdings, L.P.

EARLY TERMINATIONS GRANTED—Continued

October 1, 2014 thru October 31, 2014

		10/09/2014
20141620	G	Actua Corporation; Folio Dynamics Inc.; Actua Corporation.
20141652	G	The WhiteWave Foods Company; Wasserstein Capital, LP; The WhiteWave Foods Company.
		10/10/2014
20141412	G	Exelon Corporation; Integrys Energy Group, Inc.; Exelon Corporation.
20141557	G	Ashe Capital Partners, LP; Allison Transmission Holdings, Inc.; Ashe Capital Partners, LP.
20141558	G	Novartis AG; WaveTec Vision Systems, Inc.; Novartis AG.
		10/14/2014
20141615	G	The Walt Disney Company; Shane Smith; The Walt Disney Company.
20141618	G	The Hearst Family Trust; Shane Smith; The Hearst Family Trust.
20141656	G	The Weir Group PLC; Navis Asia Fund V. L.P.; The Weir Group PLC.
20141660	G	Sola Ltd, Charitable Trust; TerreStar Corporation; Sola Ltd, Charitable Trust.
20141661	G	UnitedHealth Group Incorporated MedSynergies, Inc.; UnitedHealth Group Incorporated.
20141662	G	Smurfit Kappa Group plc; The Sanders Family 2011 Irrevocable Trust; Smurfit Kappa Group plc.
20141669	G	Riverstone Global Energy and Power Fund V (FT), L.P.; Mr. John B. Fitzgibbons; Riverstone Global Energy and Power Fund V (FT), L.P.
20141673	G	Eugene Kashper; Pabst Corporate Holdings, Inc.; Eugene Kashper.
20150003	G	EquiPower Resources Corp.; Electric Power Development Co., Ltd.; EquiPower Resources Corp.
20150007	G	Blackhawk Network Holdings, Inc.; Parago, Inc.; Blackhawk Network Holdings, Inc.
20150008	G	Sun Pharmaceutical Industries Ltd.; Merck & Co., Inc.; Sun Pharmaceutical Industries Ltd.
20150015	G	AP ESP Holdings LP; Express Energy Services, LLC; AP ESP Holdings LP.
20150016	G	Laboratory Corporation of America Holdings; LipoScience, Inc.; Laboratory Corporation of America Holdings.
20150024	G	Fresenius Medical Care AG & Co, KGaA; Bain Capital Venture Fund 2009, L.P.; Fresenius Medical Care AG & Co. KGaA.
20150031	G	Encana Corporation; Athlon Energy Inc.; Encana Corporation.
		10/15/2014
20141593	G	TCV VIII, L.P. Shane Smith; TCV VIII. L.P.
20141655	G	Industrial Growth Partners IV, L.P.; Greenbriar Equity Fund II L.P.; Industrial Growth Partners IV, L.P.
20141665	G	Microsoft Corporation; Markus Persson; Microsoft Corporation.
20141671	G	Melrose Industries PLC; Eclipse, Inc.; Melrose Industries PLC.
20150001	G	The Veritas Capital Fund IV, L.P.; EMCORE Corporation; The Veritas Capital Fund IV, L.P.
20150025	G	Centerbridge Capital Partners II, L.P.; Bluestem Brands, Inc.; Centerbridge Capital Partners II. L.P.
20150026	G	Capmark Financial Group Inc.; Bluestem Brands, Inc.; Capmark Financial Group Inc.
		10/16/2014
20141612	G	Stanford University; The Hospital Committee for the Livermore-Pleasanton Area; Stanford University.
20141664	G	Google Inc.; Credit Karma, Inc.; Google Inc.
20141667	G	TA XI L.P.; Genstar Capital Partners V, L.P.; TA XI L.P.
20150009	G	Innospec Inc.; CSL Energy Opportunities Fund I, LP; Innospec Inc.
20150018	G	Acorda Therapeutics, Inc.; Civitas Therapeutics. Inc.; Acorda Therapeutics, Inc.
20150019	G	Newell Rubbermaid Inc.; Jim Scott; Newell Rubbermaid Inc.
20150023	G	STG IV, L.P.; McGraw Hill Financial, Inc.; STG IV, L.P.
20150030	G	Centerbridge Capital Partners II, L.P.; Capmark Financial Group Inc.; Centerbridge Capital Partners II, L.P.
		10/17/2014
20141569	G	Howard W. Lutnick; GFI Group Inc.; Howard W. Lutnick.
20150010	G	Liberty Media Corporation; Live Nation Entertainment, Inc.; Liberty Media Corporation.
		10/20/2014
20141623	G	American Realty Capital Properties, Inc.; Nicholas Schorsch, a natural person; American Realty Capital Properties, Inc.
20141624	G	Nicholas Schorsch, a natural person; American Realty Capital Properties, Inc.; Nicholas Schorsch, a natural person.
20141626	G	CSWG Trust; Associated Wholesalers, Inc.; CSWG Trust.
20141636	G	AT&T Inc. Verizon Communications Inc.; AT&T Inc.
20141637	G	Verizon Communications Inc. AT&T Inc; Verizon Communications Inc.
20150029	G	Supervalu Inc.; Associated Wholesalers, Inc.; Supervalu Inc.
20150032	G	Carlyle Power Southeast Gen, LLC; ArcLight Energy Partners Fund III, L.P.; Carlyle Power Southeast Gen, LLC.
20150033	G	Bozzuto's Inc.; Associated Wholesalers, Inc.; Bozzuto's Inc.
20150034	G	Energy Transfer Equity, L.P.; Rosna Binti Yusoff; Energy Transfer Equity, L.P.
20150035	G	Starwood Energy Infrastructure Fund II Investor, LLC; Exelon Corporation; Starwood Energy Infrastructure Fund II Investor, LLC.
20150036	G	DTZ Investment Holdings LP Cassidy Turley, Inc., a Missouri corporation; DTZ Investment Holdings LP.
20150041	G	Sigma-Aldrich Corporation; Nora B. Lacey; Sigma-Aldrich Corporation.
20150050	G	UBM plc Advanstar Global LLC; UBM plc.
20150054	G	Agnaten SE; Einstein Noah Restaurant Group, Inc.; Agnaten SE.

EARLY TERMINATIONS GRANTED—Continued

October 1, 2014 thru October 31, 2014

10/21/2014		
20150042	G	NORMA Group SE; NDS Holdings, L.P.; NORMA Group SE.
20150043	G	Solaris Holding Corporation; HandsOn Fund 4 I, LLC; Solaris Holding Corporation.
10/22/2014		
20150014	G	Bright Food (Group) Co., Ltd.; SALOV SpA; Bright Food (Group) Co., Ltd.
20150021	G	North Tide Capital Master, LP; Select Medical Holdings Corporation; North Tide Capital Master, LP.
20150037	G	Snow Phipps II, L.P.; Palladium Equity Partners III, L.P.; Snow Phipps II, L.P.
20150047	G	Wellspring Capital Partners V, L.P.; Qualitor Component Holdings, L.L.C.; Wellspring Capital Partners V, L.P.
20150055	G	Nir Zuk; Palo Alto Networks, Inc.; Nir Zuk.
10/23/2014		
20141650	G	Elliott International Limited; Family Dollar Stores, Inc.; Elliott International Limited.
20141651	G	Elliott Associates, L.P; Family Dollar Stores, Inc.; Elliott Associates, L.P.
20150002	G	AMAG Pharmaceuticals, Inc.; Lumara Health, Inc.; AMAG Pharmaceuticals, Inc.
20150045	G	The Resolute Fund III, L.P.; Steven J. Belford; The Resolute Fund III, L.P.
20150046	G	The Resolute Fund III, L.P. David A. Belford; The Resolute Fund III, L.P.
10/24/2014		
20141408	G	Wisconsin Energy Corporation Integrys Energy Group, Inc.; Wisconsin Energy Corporation.
20141640	G	Wisconsin Energy Corporation; American Transmission Company LLC; Wisconsin Energy Corporation.
20141659	G	Liberty Broadband Corporation Charter Communications, Inc.; Liberty Broadband Corporation.
20150011	G	John C. Malone; Liberty Broadband Corporation; John C. Malone.
20150049	G	HCA Holdings, Inc.. David J. Walter and Jennifer L. Walter; HCA Holdings, Inc.
20150063	G	Halmont Properties Corporation; Revel AC, Inc.; Halmont Properties Corporation.
20150065	G	Pilot Travel Centers LLC; Mr. Clifton L. Thomas, Jr.; Pilot Travel Centers LLC.
20150068	G	George Beasley Estate Reduction Trust; Mr. Sumner Redstone; George Beasley Estate Reduction Trust.
20150069	G	Mr. Sumner Redstone; George Beasley Estate Reduction Trust; Mr. Sumner Redstone.
20150072	G	Sentinel Capital Partners V, L.P.; Morganthaler Partners VIII, L.P.; Sentinel Capital Partners V, L.P.
20150074	G	Andrew L. Barroway; 1758060 Alberta Limited Partnership; Andrew L. Barroway.
10/28/2014		
20150052	G	Genesis Energy, L.P.; Altema Core Capital Assets Fund, L.P.; Genesis Energy, L.P.
20150076	G	Friedman Fleischer & Lowe Capital Partners III, L.P.; Hans Koehle; Friedman Fleischer & Lowe Capital Partners III, L.P.
20150077	G	FourPoint Holdings, LLC; Linn Energy, LLC; FourPoint Holdings, LLC.
20150081	G	Hennessy Capital Acquisition Corp.; Cerberus Institutional Partners, L.P.; Hennessy Capital Acquisition Corp.
20150082	G	Hay Island Holding Corporation; Jonathan Drew Sann; Hay Island Holding Corporation.
20150083	G	Hay Island Holding Corporation; Marvin Samel; Hay Island Holding Corporation.
10/29/2014		
20150071	G	Hockey Investments, L.P. CSIG Holding Company, LLC; Hockey Investments, L.P.
20150079	G	Constellium N.V.; Silver Knot, LLC; Constellium N.V.
10/30/2014		
20141672	G	Thomas W. Smith World Acceptance Corporation; Thomas W. Smith.
20150038	G	Vista Equity Partners Fund V, L.P.; TIBCO Software Inc.; Vista Equity Partners Fund V, L.P.
20150057	G	Bertelsmann Stiftung; VFF I AIV III, L.P.; Bertelsmann Stiftung.
20150058	G	Global Partners LP; The Warren Alpert Foundation Global Partners LP.
20150064	G	Siemens Aktiengesellschaft; Camstar Systems, Inc.; Siemens Aktiengesellschaft.
20150070	G	Kinder Morgan Energy Partners, L.P.; Thomas B. Crowley, Jr.; Kinder Morgan Energy Partners, L.P.
10/31/2014		
20140907	G	Mercury New Holdco Inc.; LIN Media LLC; Mercury New Holdco Inc.
20141145	G	H.I.G. Bayside Debt & LBO Fund II, L.P.; Crestview Partners, L.P.; Bayside Debt & LBO Fund II, L.P.
20150080	G	Actavis plc; Durata Therapeutics, Inc.; Actavis plc.
20150085	G	Eagle Materials Inc.; Original CRS LLC; Eagle Materials Inc.
20150087	G	Mitsubishi Heavy Industries, Ltd.; International Metals Technologies Limited; Mitsubishi Heavy Industries, Ltd.
20150088	G	L'Oreal S.A.; Carol's Daughter Holdings, LLC; L'Oreal S.A.
20150092	G	Tesoro; QEP Resources, Inc.; Tesoro.
20150093	G	ICF International, Inc.; OCO Holdings, Inc.; ICF International, Inc.
20150096	G	MegaChips Corporation; SiTime Corporation; MegaChips Corporation.
20150106	G	One Rock Capital Partners, LP; Bruckmann, Rosser, Sherill & Co. II, L.P.; One Rock Capital Partners, LP.

FOR FURTHER INFORMATION CONTACT: Renee Chapman, Contact Representative, or Theresa Kingsberry, Legal Assistant, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room CC–5301, Washington, DC 20024, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2014–27025 Filed 11–14–14; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–0942]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

HIV Prevention among Latino MSM: Evaluation of a Locally Developed Intervention—Extension—(OMB #0920–0942, expiration 06/30/2015), National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Latinos are the largest and fastest growing ethnic minority group in the U.S. and have the second highest rate of HIV/AIDS diagnoses of all racial/ethnic groups in the country. From the beginning of the epidemic through 2007, Latinos accounted for 17% of all AIDS cases reported to the CDC. Among Latino males, male-to-male sexual contact is the single most important source of HIV infection, accounting for 46% of HIV infections in U.S.-born Latino men from 2001 to 2005, and for more than one-half of HIV infections among South American, Cuban, and Mexican-born Latino men in the U.S. (CDC, 2007a; 2007b). In 2006, male-to-male sex accounted for 72% of new HIV infections among Latino males. Relative to other men who have sex with men (MSM), the rate of HIV infection among Latino MSM is twice the rate recorded among whites (43.1 vs. 19.6 per 100,000).

Despite the high levels of infection risk that affect Latino MSM, no efficacious behavioral interventions to prevent infection by HIV and other sexually transmitted diseases (STDs) are available for this vulnerable population. CDC's Prevention Research Synthesis group, whose role is to identify HIV prevention interventions that have met rigorous criteria for demonstrating evidence of efficacy, has not identified any behavioral interventions for Latino MSM that meet current efficacy criteria, and no such interventions are listed in CDC's 2011 update of its Compendium of Evidence-Based HIV Behavioral Interventions (*http://www.cdc.gov/hiv/topics/research/prs/compendium-evidence-based-interventions.htm*).

There is an urgent need for efficacious, culturally congruent HIV/STD prevention interventions for Latino MSM.

The purpose of this project is to test the efficacy of an HIV prevention intervention for reducing sexual risk among Latino men who have sex with men in North Carolina. The HOLA en Grupos intervention is a Spanish-language, small-group, 4-session intervention that is designed to increase consistent and correct condom use and HIV testing among Latino MSM and to affect other behavioral and psychosocial factors that can increase their vulnerability of HIV/STD infection. This study is using a randomized controlled trial design to assess the efficacy of the HOLA en Grupos intervention compared to a general health comparison intervention.

CDC is requesting a one-year extension for the study in order to collect information from 50 study participants and terminate information collection by the study. During the requested extension period, a 6-month follow-up assessment will be administered to a total 50 study participants. Information collection during the extension period will make it possible to measure intervention and comparison participants' socio-demographic characteristics, health seeking actions, HIV/STD and substance use-related risk behaviors, and psychosocial factors six months after they receive the HOLA en Grupos and comparison interventions, respectively, and to test the efficacy of the HOLA en Grupos intervention. Collection of the 6-month follow-up assessment information will require about one hour per study participant. The total estimated annual burden hours are 50.

There is no cost to participants other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number responses per respondent	Average burden per respondent (in hours)
Enrolled Study Participant	6-month follow-up assessment	50	1	1

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–27017 Filed 11–14–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–15–15EC]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to Leroy A. Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

Improving Organizational Management and Worker Behavior through Worksite Communication—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NIOSH, under Public Law 91–596, Sections 20 and 22 (Section 20–22, Occupational Safety and Health Act of 1977) has the responsibility to conduct research relating to innovative methods, techniques, and approaches dealing with occupational safety and health problems.

This research assesses best practices for communicating and employing a strategic health and safety management system (HSMS) to facilitate workers' health and safety behaviors, including ways that lateral communication from management influences worker perceptions and behaviors. Currently, ambivalence exists about how to strategically communicate aspects of an HSMS top-down in the mining industry. Research indicates that, to answer questions about effectively using an HSMS to improve safety, research needs to follow a sample of workplaces over time, measuring the introduction or utilization of an HSMS and then measuring outcomes of interest at the workplace level and at the worker-level too.

Therefore, analyzing workers' perception of the organizational HSMS, leaders' implementation of the organizational HSMS, and communication gaps between these two entities, may provide more insight into the best, most feasible practices and approaches to worker H&S performance within a system. This project is initiating such an approach by implementing a series of multilevel intervention (MLI) case studies that assess the utility of a safety system that includes aspects of both safety management on the organizational level and behavior-based safety on the worker level. By studying these levels separately and introducing an intervention to bridge these two groups together to enhance safety, the communication practices within an HSMS may be enhanced.

NIOSH requests OMB approval for a 3-year for a project that involves information collection and that seeks to empirically understand what HSMS communication practices are important for mine worker H&S and how those practices can be developed, implemented, and maintained over time via desired communication from mine site leadership. The following questions guide this study:

What impact does the MLI communication model that was designed and implemented have on: (1) Workers' health/safety behaviors, including those that lower exposure to dust; (2) workers' perceptions of their organizations' values; and (3) changes in managers' strategic HSMS communication and implementation with workers to facilitate health/safety performance, including those that lower exposure to dust.

To answer the above questions, NIOSH researchers developed a multilevel intervention (MLI) that focuses on both management and workers' communication about and subsequent actions taken to reduce respirable dust exposure over time. This MLI will inform how leadership communicates to their employees and what affect(s) this communication has on individual behavior such as corrective dust actions taken by workers. By assessing the ongoing safety/health interactions between individual workers and their organizational capacities (i.e. levels of leadership and management of safety), and how these interactions influence and shape personal H&S performance, we can better understand what aspects of both systems need attention in a merged, more balanced and comprehensive system of health and safety management (DeJoy, 2005).

Specifically, this project is using mine technology, the Helmet-CAM, as a communication medium to help merge these two worksite systems. Previous research indicates that the use of information technology can enhance lateral and horizontal communication within organizations, showing support for using the Helmet-CAM in the current study (Hinds & Kiesler, 1995). NIOSH researchers can analyze what and how communication practices should be implemented to influence worker perceptions of their organizations' H&S values and how this impacts their subsequent H&S behavior. Eventually, the practices used to influence behavior related to this dust issue can be extrapolated to inform ways to

communicate about and manage additional health/safety problems within the industry via an HSMS as implemented by site leaders.

The Helmet-CAM incorporates video footage and real-time dust measurements of workers while performing their job duties and tasks in various locations throughout the workday. This technology has proven to be a very viable assessment tool to provide a comparison of where and when miners are being exposed to their highest respirable dust concentrations. As a result, Helmet-CAM technology is being employed at many mines as a way to identify dust exposures of workers and to help reduce dust hazards in the environment. However, we do not yet know how mine site management is using, if at all, this technology to communicate with workers about their personal health and safety barriers and behaviors. Discussions about the tasks workers perform when exposure levels are high and what actions they can take to reduce their dust exposure may be valuable to the industry in helping advance the way engineering-control technology is used from a behavioral vantage point as well.

The MLI is designed to help mine workers and organizational leadership work together, using the Helmet-CAM to bridge their communication efforts, to lower exposure to respirable dust among other H/S behaviors. Previous research (Yorio et al. 2014) identified three distinct areas that influence the relationship between the strategic HSMS and its overall success in implementing and encouraging worker behavior change: Worksite leadership, organizational values, and worker perceptions and interpretations of management. Data on these three contingencies are collected from the management and worker levels during three time points throughout a six-week intervention to assess the ongoing communication via the Helmet-CAM and effects of the communication on behavior. Data collection and analysis pertaining to these three areas may occur via a pre/post survey with workers and pre/mid/post interviews/focus groups with workers and mine site leaders, some of which include dialogue around Helmet-CAM footage as provided by the workers who choose to participate.

NIOSH proposes this intervention design at a minimum of three and no more than five industrial mineral metal/nonmetal mine sites. All of the data collection instruments have been used in previous studies to examine worker and leadership variables and factors. Therefore, NIOSH knows that the data collection instruments are valid and reliable to use in studying the worker and leader levels simultaneously, within the same mine. Industrial mineral sites will be recruited who have inquired interest in learning how to use the Helmet-CAM on their site and/or interest in improving their site wide communication efforts. Only a small sample of workers will participate at each mine site because of the time required for completion and to ensure the longitudinal data can be adequately collected over the six weeks. In other words, we would rather collect data multiple times with the same worker and have fewer participants than collect data from more workers but not have the ability to appropriately follow-up during the subsequent two visits.

Data collection will take place with no more than 150 mine workers and 30 mine site leaders over three years. The respondents targeted for this study include any active mine worker and any active site leader at an industrial mineral metal/nonmetal mine site. It is estimated that a sample of up to 150 mine workers will participate in the intervention, which includes wearing the Helmet-CAM for a portion of their job tasks (no more than two hours total) during three time periods (when NIOSH is present during the field visit). In addition to wearing the Helmet-CAM, workers will be asked to complete a pre and post-test survey (~15 minutes) and an interview during three time points throughout the study (~ 30 minutes). The interviews also will debrief Helmet-CAM footage with participants at various mining operations who have agreed to participate. It also is estimated that a sample of up to 30 mine site leaders will participate in interviews/focus groups about HSMS practices at the same mining operations which have agreed to participate.

The interviews/focus groups also will occur three times during each of the NIOSH field visits and will take no more than 45 minutes each. All participants will be between the ages of 18 and 75, currently employed, and living in the United States. Participation will require no more than 4.5 hours of workers' time over the six-week intervention and no more than 2.5 hours of site leaders' time over the six-week intervention period.

There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Mine Site Leaders/Managers	Mine Recruitment Script	10	1	5/60	1
	Initial/Mid/Post HSMS interview or focus group.	10	3	45/60	23
Mine Worker	Individual Miner Recruitment Script	50	1	5/60	4
	Pre/Post Org Perceptions Survey	50	2	15/60	25
	Wear Helmet-CAM during job cycle	50	3	1	150
	Pre/Mid/Post Behavior and Helmet-CAM footage Interview.	50	3	30/60	75
Total					278

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity,Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–27018 Filed 11–14–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10530, CMS–1880 and CMS–1882]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by January 16, 2015.

ADDRESSES: When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov*. Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10530 Ambulatory Surgical Center Quality Reporting Program

CMS–1880 and CMS–1882 Certification as a Supplier of Portable X-Ray and Portable X-Ray Survey Report Form and Supporting Regulations

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Ambulatory Surgical Center Quality Reporting Program; *Use:* Our quality reporting programs promote higher quality, more efficient health care for Medicare beneficiaries. We have implemented quality measure reporting programs for multiple settings, including for ambulatory surgical centers. Section 109(b) of the Tax Relief and Health Care Act of 2006 (TRHCA) (Pub. L. 109–432) amended section 1833(i) of the Act by re-designating clause (iv) as clause (v) and adding new clause (iv) to paragraph (2)(D) and by adding new paragraph (7). Section 1833(i)(2)(D)(iv) of the Act authorizes, but does not require, the Secretary to implement the revised ASC payment system ''in a manner so as to provide for a reduction in any annual update for failure to report on quality measures in accordance with paragraph (7).'' Section 1833(i)(7)(A) of the Act states that the Secretary may provide that any ASC that does not submit quality measures to the Secretary in accordance with paragraph (7) will incur a 2.0 percentage point reduction to any annual increase provided under the revised ASC payment system for such year. Sections 1833(t)(17)(C)(i) and (ii) of the Act require the Secretary to develop measures appropriate for the measurement of the quality of care furnished in outpatient settings.

Section 3014 of the Affordable Care Act of 2010 (ACA) modified section 1890(b) of the Social Security Act to require CMS to develop quality and efficiency measures through a ''consensus-based entity''. To fulfill this requirement, the Measure Applications Partnership (MAP) was formed to review measures consistent with these requirements. The MAP is convened by the National Quality Forum (NQF), a national consensus organization. In implementing this and other quality reporting programs, our overarching goal is to support the National Quality Strategy's goals of better health for individuals, better health for populations, and lower costs for health care.

This information is used to direct contractors, including Quality Improvement Organizations (QIOs), to focus on particular areas of improvement, and to develop quality improvement initiatives. The information is made available to ASCs for their use in internal quality improvement initiatives. Most importantly, this information is

available to Medicare beneficiaries, as well as to the general public, to provide information to assist them in making decisions about their health care. *Form Number:* CMS–10530 (OMB control number: 0938–NEW); *Frequency:* Annually; *Affected Public:* Business or other for-profits and not-for-profit institutions; *Number of Respondents:* 5,250; *Total Annual Responses:* 744,816; *Total Annual Hours:* 444,790. (For policy questions regarding this collection contact Anita Bhatia at 410–786–7236.)

2. *Type of Information Collection Request:* Extension without change of a currently approved collection. *Title of Information Collection:* Certification as a Supplier of Portable X-Ray and Portable X-Ray Survey Report Form and Supporting Regulations. *Use:* CMS–1880 is initially completed by suppliers of portable X-ray services, expressing an interest in and requesting participation in the Medicare program. This form initiates the process of obtaining a decision as to whether the conditions of coverage are met as a portable X-ray supplier. It also promotes data reduction or introduction to, and retrieval from, the Certification and Survey Provider Enhanced Reporting (CASPER) by the CMS Regional Offices (ROs).

The CMS–1882 is used by the State survey agency to provide data collected during an on-site survey of a supplier of portable X-ray services to determine compliance with the applicable conditions of participation and to report this information to the Federal Government. The form is primarily a coding worksheet designed to facilitate data reduction and retrieval into the ASPEN system at the CMS Regional Offices. The form includes basic information on compliance (i.e., met, not met, explanatory statements) and does not require any descriptive information regarding the survey activity itself. We have the responsibility and authority for certification decisions which are based on supplier compliance with the applicable conditions of participation. The information needed to make these decisions is available to us only through the use of information abstracted from the survey report form. *Form Numbers:* CMS–1880 and CMS–1882 (OMB control number: 0938–0027); *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 579; *Total Annual Responses:* 86; *Total Annual Hours:* 151. (For policy questions regarding this collection contact James Cowher at 410–786–1948.)

Dated: November 12, 2014.

Martique Jones,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–27137 Filed 11–14–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10422]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by December 17, 2014.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 or Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Payments for Services Furnished by Certain Primary Care Providers and Supporting Regulations in 42 CFR 438.804, 447.400, and 447.410; *Use:* The information will be used to document expenditures for the specified primary care services in the baseline period for the purpose of then calculating the expenditure eligible for 100 federal matching funds in calendar years 2015 and 2016, should Congress extend the availability of such funding and make no additional changes in statutory language necessitating programmatic alterations. *Form Number:* CMS–10422 (OMB control number: 0938–1170); *Frequency:* Yearly, once, and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 51; *Total Annual Responses:* 126,021; *Total Annual Hours:* 63,240. (For policy questions regarding this collection

contact Linda Tavener at 410–786–3838).

Dated: November 12, 2014.

Martique Jones,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2014–27135 Filed 11–14–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Announcing the Award of a Single-Source Program Expansion Supplement Grant to the Futures Without Violence in San Francisco, CA

AGENCY: Family and Youth Services Bureau, ACYF, ACF, HHS.

ACTION: Notice of the award of a single-source program expansion supplement grant under the Family Violence Prevention and Services Act (FVPSA) Technical Assistance (TA) Project to the Futures Without Violence to support training and technical assistance activities.

CFDA Number: 93.592.

SUMMARY: The Administration for Children and Families (ACF), Administration on Children, Youth and Families (ACYF), Family and Youth Services Bureau (FYSB), Division of Family Violence Prevention and Services (DFVPS) announces the award of $270,000 as a single-source program expansion supplement to Futures Without Violence in San Francisco, CA. The grantee, funded under the Family Violence Protection and Services Act (FVPSA) program, is a technical assistance (TA) provider that serves as the FVPSA-funded National Health Resource Center on Domestic Violence.

DATES: The period of support is September 30, 2014 through September 29, 2015.

FOR FURTHER INFORMATION CONTACT: Shawndell Dawson, Senior Program Specialist, Family Violence Prevention and Services Program, 1250 Maryland Avenue SW., Suite 8219, Washington, DC 20024. Telephone: 202–205–1476; Email: *Shawndell.Dawson@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: Supplemental award funds will support the grantee in providing training and technical assistance to domestic violence service and health care providers. A portion of the supplemental award is contributed by the Health Resources and Services Administration (HRSA) and the Office on Women's Health (OWH) at the Department of Health and Human Services (HHS).

This award will expand the scope of Futures Without Violence's technical assistance activities to include additional activities on the following issues: Assessing and responding to domestic violence in health clinics; addressing dating violence and sexual assault on college campuses; and supporting children/youth experiencing domestic violence. This additional technical assistance and training may involve such activities as:

- Planning, coordinating, and evaluating a pre-conference institute on Sexual Assault and Dating Violence on College Campuses, as part of the 2015 National Conference on Health and Domestic Violence;
- providing technical assistance for three health centers to create health system changes that support providers and create sustainable responses to victims of intimate partner violence;
- providing training on comprehensive, culturally competent responses to domestic violence within a Patient Centered Medical Home model.
- creating new technical assistance resources that promote protective factors and resilience when working with children, youth, and teens impacted by domestic violence which includes fostering stronger relationships with their non-abusive parents or caregivers;
- providing training to domestic violence programs that improves consistent implementation of evidence-informed, trauma-informed, and culturally relevant programming for children, youth, and abused parents; and,
- developing new resources for the Web site, *www.PromisingFuturesWithoutViolence.org.*

Statutory Authority: The statutory authority for the FVSPA Program is under section 310 of the FVPSA, as amended by Section 201 of the CAPTA Reauthorization Act of 2010, Pub. L. 111–320. The Office on Women's Health authority for its additional funds is through Sections 1701(a)(3)(A), 1701(a)(5), and 1701(a)(8) of the Public Health Service Act; and the Economy Act (31 U.S.C. 1535/FAR 17.5). HRSA's authority for its funds is through Section 330 of the Public Health Service Act (42 U.S.C. § 254b).

Christopher Beach,

Senior Grants Policy Specialist, Office of Administration, Office of Financial Services, Division of Grants Policy.

[FR Doc. 2014–27131 Filed 11–14–14; 8:45 am]

BILLING CODE 4184–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–1461]

Rare Pediatric Disease Priority Review Vouchers, Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Rare Pediatric Disease Priority Review Vouchers.'' Under the Federal Food, Drug, and Cosmetic Act (the FD&C Act), FDA will award priority review vouchers to sponsors of certain rare pediatric disease product applications that meet the criteria specified in that section. These vouchers can be used when submitting future human drug marketing applications that would not otherwise qualify for priority review. These vouchers can be sold or transferred for use to another sponsor any number of times before the voucher is used, as long as the sponsor making the transfer has not yet submitted the application. Because there exists a need for products for rare pediatric diseases, this program is intended to encourage development of new drug and biological products for prevention and treatment of certain rare pediatric diseases.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by January 16, 2015. Submit either electronic or written comments concerning the collection of information proposed in the draft guidance by January 16, 2015.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Office of Communications, Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002, or Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, Bldg. 71, Rm. 3128, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002; or Office of Orphan Products Development, Office of Special Medical Programs,

Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993. Send one self-addressed adhesive label to assist the office that will be processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Henry Startzman, Food and Drug Administration, Office of Orphan Products Development, Bldg. 32, Rm. 5295, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–8660.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Rare Pediatric Disease Priority Review Voucher.''

This draft guidance clarifies FDA's plans to implement section 908 of the Food and Drug Administration Safety and Innovation Act (FDASIA), which added section 529 to the Federal Food Drug and Cosmetic Act (21 U.S.C. 360ff) (the FD&C Act). Under this statutory section, a sponsor who receives an approval for a drug or biological product to treat or prevent a rare pediatric disease (as defined by statute) may, if the statute's criteria are met, qualify for a voucher which can be used to receive a priority review for a subsequent marketing application for a different product. The draft guidance is intended to assist developers of rare pediatric disease products in assessing whether their product may be eligible for rare pediatric disease designation and a rare pediatric disease priority review voucher. It also clarifies the process for requesting such designations and vouchers, sponsor responsibilities upon approval of a rare pediatric disease product application, and the parameters for using and transferring a rare pediatric disease priority review voucher.

The draft guidance provides FDA's interpretation of a variety of terms in the statute. It defines ''rare pediatric disease'' as a disease or condition with an entire prevalence of less than 200,000 in the United States and with more than 50 percent of patients living with the disease aged 0 through 18 years. It provides sponsors information on how to calculate and document prevalence in their requests for designation. It explains that, in order for an application to qualify for a rare pediatric disease priority review voucher, it must meet several statutory requirements, including being for a human drug that contains no active ingredient (including any ester or salt of the active ingredient) that has been previously approved in any other application under section 505(b)(1), 505(b)(2), or 505(j) of the FD&C Act (21 U.S.C. 355(b)(1), 355(b)(2), or 355(j)) or section 351(a) or 351(k) of the Public Health Service Act (42 U.S.C. 262(a) or 42 U.S.C. 262(k).

The draft guidance also outlines for sponsors the procedures for requesting rare pediatric disease designation and rare pediatric disease priority review vouchers and describes the information to include in the designation request and the voucher request. Additionally, it describes how FDA will respond to requests for rare pediatric disease designation and vouchers.

Finally, the draft guidance describes the processes by which a rare pediatric disease priority review voucher is to be awarded, used, and transferred to another sponsor. This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on Rare Pediatric Disease Priority Review Vouchers. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comment on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques and other forms of information technology, when appropriate.

Title: Rare Pediatric Disease Priority Review Vouchers, Draft Guidance for Industry.

Description of Respondents: Respondents to this collection of information are sponsors that develop drugs and biological products.

Burden Estimate: This draft guidance on Rare Pediatric Disease Priority Review Vouchers is intended to assist developers of rare pediatric disease products in assessing whether their product may be eligible for rare pediatric disease designation and a rare pediatric disease priority review voucher.

The draft guidance clarifies the process for requesting such designations and vouchers, sponsor responsibilities upon approval of a rare pediatric disease product application, and the parameters for using and transferring a rare pediatric disease priority review voucher.

FDA has OMB approval under the PRA for the submission of new drug applications (NDAs) and related submissions under 21 CFR part 314 (OMB control number 0910–0001), biologics license applications (BLAs) and related submissions under 21 CFR part 601 (OMB control number 0910–0338), and orphan-drug designation requests and related submissions under 21 CFR part 316 (OMB control number 0910–0167). The draft guidance describes five collections of information that are not currently approved by OMB under the PRA: (1) The request for a rare pediatric disease designation, (2) the request for a rare pediatric disease priority review voucher, (3) the notification of intent to use a voucher, (4) the notification to transfer a voucher, and (5) the post-approval report.

These collections of information will be used by the Agency to issue rare pediatric disease designations and vouchers, prepare for an incoming priority review, and maintain awareness

about which sponsors currently hold vouchers.

A. Request for Rare Pediatric Disease Designation

Under the draft guidance, a stakeholder interested in obtaining a rare pediatric disease designation should include information about the drug product and its proposed mechanism of action, a description of the rare pediatric disease for which the drug is being or will be investigated, and documentation that the disease or condition for which the drug is proposed is a ''rare pediatric disease'' as defined in section 529(a)(3) of the FD&C Act.

FDA estimates that annually a total of approximately 30 respondents will complete one rare pediatric disease designation request as described in question 8 of the draft guidance. FDA estimates that preparing these designation requests will take approximately 75 hours for each designation request. This includes the time that may be needed to respond to FDA actions and requests.

B. Request for Rare Pediatric Disease Priority Review Voucher

As described more fully in the draft guidance, the information to be provided in a request for a priority review voucher will depend on whether the sponsor has previously received rare pediatric disease designation. Sponsors who have received rare pediatric disease designation will include the designation letter with the voucher request explaining how the application meets all of the remaining eligibility criteria. Sponsors who have not requested rare pediatric disease designation should include in a voucher request prevalence estimates as of the time of NDA/BLA submission, with supporting documentation, and explain how the application meets all of the remaining eligibility criteria.

We estimate that annually a total of approximately 20 respondents will complete one rare pediatric disease priority review voucher request as described in response to question 14 of the draft guidance. We estimate that preparing these designation requests will take approximately 40 hours for each rare pediatric disease priority review voucher request. This includes the time that may be needed to respond to FDA actions and requests.

C. Notification of Intent To Use Voucher

The sponsor redeeming a rare pediatric disease voucher must notify FDA of its intent to submit an application with a priority review voucher at least 90 days before submission of the application, and must include the date the sponsor intends to submit the application.

FDA estimates that annually a total of approximately 3 respondents will complete one Notification of Intent to Use a Voucher as described in response to question 18 of the draft guidance. We estimate that preparing each of these Notifications of Intent to Use a Voucher will take approximately 8 hours.

D. Transfer Notification

Each person to whom a voucher is transferred must notify FDA of the change of voucher ownership within 30 days after the transfer. This notification should include a letter from the previous owner to the current owner and a letter from the current owner to the previous owner, each acknowledging the transfer. Any sponsor redeeming a voucher should include these transfer letters in the application submitted to FDA. A complete record of transfer must be made available to FDA to redeem a transferred voucher.

FDA estimates that annually a total of approximately 2 respondents will complete Transfer Notifications as described in response to question 20 of the draft guidance. We estimate that preparing each of these Transfer Notifications will take approximately 8 hours.

E. Post-Approval Report

The sponsor of an approved rare pediatric disease product application must submit a report to FDA no later than 5 years after approval that addresses the following, for each of the first four post-approval years: (1) The estimated population in the United States with the rare pediatric disease for which the product was approved (both the entire population and the population aged 0 through 18 years); (2) The estimated demand in the United States for the product; and (3) the actual amount of product distributed in the United States.

FDA estimates that annually a total of approximately 2 respondents will complete post-approval reports, as described in response to question 6 of the draft guidance. We estimate that each of these post-approval reports will take about 20 hours to complete.

The total estimated annual reporting burdens for the draft guidance are as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

Description of burden	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Rare pediatric disease designation request	30	1	30	75	2,250
Rare pediatric disease priority review voucher request	20	1	20	40	800
Notification of intent to use a voucher	3	1	3	8	24
Transfer notification	2	1	2	8	16
Post-approval report	2	1	2	20	40
Total burden hours					3,130

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Send comments regarding this burden estimate or suggestions for reducing this burden to: Office of Orphan Products Development, Food and Drug Administration, Bldg. 32, Rm. 5295, 10903 New Hampshire Ave., Silver Spring, MD 20993.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at: *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm*, *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm*, *http://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/default.htm*, or *http://www.regulations.gov.*

Dated: November 10, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–27022 Filed 11–14–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1285]

Smith Miller and Patch, Inc. et al.; Withdrawal of Approval of 14 New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 14 new drug applications (NDAs) from multiple holders of these applications. The basis for the withdrawals is that the holders of the applications have repeatedly failed to file required annual reports for the applications.

DATES: November 17, 2014.

FOR FURTHER INFORMATION CONTACT: Florine P. Purdie, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 6366, Silver Spring, MD 20993–0002, 301–796–3601.

SUPPLEMENTARY INFORMATION: The holders of approved applications to market new drugs for human use are required to submit annual reports to FDA concerning each of their approved applications in accordance with § 314.81 (21 CFR 314.81).

In the **Federal Register** of November 6, 2013 (78 FR 66748), FDA published a notice offering an opportunity for a hearing (NOOH) on a proposal to withdraw approval of 14 NDAs because the firms had failed to submit the required annual reports for these applications. The holders of these applications did not respond to the NOOH. Failure to file a written notice of participation and request for hearing as required by § 314.200 (21 CFR 314.200) constitutes an election by the applicant not to make use of the opportunity for a hearing concerning the proposal to withdraw approval of the applications and a waiver of any contentions concerning the legal status of the drug products. Therefore, the Director, Center for Drug Evaluation and Research, is withdrawing approval of the 14 applications listed in table 1 of this document.

TABLE 1—APPROVED NDAS FOR WHICH REQUIRED REPORTS HAVE NOT BEEN SUBMITTED

Application No.	Drug	Applicant
NDA 004979	Multi-Vitamin Tablets	Smith Miller and Patch Inc., P.O. Box 367, San German, PR 00753.
NDA 008176	Methostan (methandriol) Tablets	Do.
NDA 008326	Methischol (inositol/vitamin B12/racemethionine/choline chloride) Injection.	USV Pharmaceutical Corp., 500 Virginia Dr., Fort Washington, PA 19034–2779.
NDA 008362	Corticotropin Injection	Vitarine Pharmaceuticals Inc., 227–15 North Conduit Ave., Springfield Gardens, NY 11413.
NDA 009346	ACTH (corticotropin) Injection	Parke-Davis, 201 Tabor Rd., Morris Plains, NJ 07950.
NDA 009515	Hyrye (riboflavin 5′-phosphate sodium) Injection	S.F. Durst and Co., Inc., 5317–21 North Third St., Philadelphia, PA 19120.
NDA 010415	Flamotide (riboflavin 5′-phosphate sodium) Injection	Philadelphia Ampoule Laboratories, 400 Green St., Philadelphia, PA 19123.
NDA 010565	Duracton (corticotropin) Injection	Nordic Biochemicals Inc., 45 Bay State Rd., Boston, MA 02215.
NDA 010791	Rubivite (cyanocobalamin) Injection	Bel Mar Laboratories, Inc., 6–10 Nassau Ave., Inwood, NY 11696.
NDA 010831	Corticotropin Injection	Organics/LaGrange, Inc., 1935 Techny Rd., suite 14, Northbrook, IL 60062.
NDA 011015	RU–B–12–1000 (cyanocobalamin) Injection	Dow Pharmaceutical Corp., 9550 North Zionsville Rd., Indianapolis, IN 46268.
NDA 011578	Efacin (niacin) Tablet	Person and Covey, Inc., 616 Allen Ave., Glendale, CA 91201.
NDA 017861	Acthar Gel Synthetic (seractide acetate) Injection	Armour Pharmaceutical Co., P.O. Box 511, Kankakee, IL 60901.
NDA 018087	Thyrel TRH (protirelin) Injection	Ferring Pharmaceuticals, Inc., 400 Rella Blvd., suite 300, Suffern, NY 10901.

The Director, Center for Drug Evaluation and Research, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), and under authority delegated by the Commissioner, finds that the holders of the applications listed in this document have repeatedly failed to submit reports required by § 314.81. In addition, under § 314.200, we find that the holders of the applications have waived any contentions concerning the legal status of the drug products. Therefore, under these findings, approval of the applications listed in this document, and all amendments and supplements thereto, is hereby withdrawn, effective November 17, 2014.

Dated: November 10, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–27039 Filed 11–14–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Commission on Childhood Vaccines; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given of the following meeting:

Name: Advisory Commission on Childhood Vaccines (ACCV)

Date And Time: December 4, 2014, 10:00 a.m. to 4:00 p.m. EDT

Place: Audio Conference Call and Adobe Connect Pro

The ACCV will meet on Thursday, December 4, 2014, from 10:00 a.m. to 4:00 p.m. (EDT). The public can join the meeting by:

1. (Audio Portion) Calling the conference Phone Number 877–917–4913 and providing the following information:

Leader's Name: Dr. A. Melissa Houston
Password: ACCV

2. (Visual Portion) Connecting to the ACCV Adobe Connect Pro Meeting using the following URL: *https://hrsa.connectsolutions.com/accv/* (copy and paste the link into your browser if it does not work directly, and enter as a guest). Participants should call and connect 15 minutes prior to the meeting in order for logistics to be set up. If you have never attended an Adobe Connect meeting, please test your connection using the following URL: *https://hrsa.connectsolutions.com/common/help/en/support/meeting_test.htm* and get a quick overview by following URL: *http://www.adobe.com/go/connectpro_overview.* Call (301) 443–6634 or send an email to *aherzog@hrsa.gov* if you are having trouble connecting to the meeting site.

Agenda: The agenda items for the December 2014 meeting will include, but are not limited to: updates from the Division of Injury Compensation Programs (DICP), Department of Justice (DOJ), National Vaccine Program Office (NVPO), Immunization Safety Office (Centers for Disease Control and Prevention), National Institute of Allergy and Infectious Diseases (National Institutes of Health), and the Center for Biologics, Evaluation and Research (Food and Drug Administration). A draft agenda and additional meeting materials will be posted on the ACCV Web site (*http://www.hrsa.gov/vaccinecompensation/accv.htm*) prior to the meeting. Agenda items are subject to change as priorities dictate.

Public Comment: Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation to: Annie Herzog, DICP, Healthcare Systems Bureau (HSB), Health Resources and Services Administration (HRSA), Room 11C–26, 5600 Fishers Lane, Rockville, MD 20857 or email: *aherzog@hrsa.gov.* Requests should contain the name, address, telephone number, email address, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. DVIC will notify each presenter by email, mail, or telephone of their assigned presentation time. Persons who do not file an advance request for a presentation, but desire to make an oral statement, may announce it at the time of the public comment period. Public participation and ability to comment will be limited to space and time as it permits.

FOR FURTHER INFORMATION CONTACT: Anyone requiring information regarding the ACCV should contact Annie Herzog, DICP, HSB, HRSA, Room 11C–26, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–6593, or email: *aherzog@hrsa.gov.*

Dated: November 7, 2014.

Jackie Painter,

Acting Director, Division of Policy and Information Coordination.

[FR Doc. 2014–27188 Filed 11–14–14; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR Part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

SUPPLEMENTARY INFORMATION: Technology descriptions follow.

Heterocyclic Compounds for the Treatment of Hepatitis C Virus

Description of Technology: The vast majority of people infected with Hepatitis C Virus (HCV) will have chronic infection. Over decades, this can lead to liver disease and liver cancer. In fact, HCV infection is the leading cause of liver transplants in the U.S. Several new drugs have recently come into the market that have changed the HCV treatment paradigm. However, the effectiveness of these new drugs can vary depending on the HCV genotype. Furthermore, all oral, interferon free therapeutic regimens for HCV infection will need combinations of drugs that target different aspects of the HCV life cycle. Thus, there is still the need for additional new therapeutics against HCV.

The subject technologies are aryloxazole based small molecules that are potent inhibitors of HCV infection and replication. The compounds exhibit synergy with currently available therapeutics for HCV and represent a new class of anti-HCV compounds. The compounds affect the entry step of HCV infection, a step not targeted by currently available therapeutics against HCV.

Potential Commercial Applications: Prevention and treatment of HCV infection.

Competitive Advantages:

- Potent inhibitors of HCV infection and replication.
- Show synergistic effect with currently available HCV therapeutics.
- Represent new class of HCV inhibitors that target the entry step of HCV infection.

Development Stage:

- Early-stage.
- In vitro data available.

Inventors: Jake Tsanyang Liang (NIDDK), Zongyi Hu (NIDDK), Juan Jose Marugan (NCATS), Noel Terrance Southhall (NCATS), Xin Hu (NCATS), Jingbo Xiao (NCATS), Shanshan He (NIDDK), Marc Ferrer-Alegre (NCATS), Wei Zhang (NCATS)

Intellectual Property: HHS Reference No. E–161–2014/0—U.S. Provisional Patent Application No. 62/011,462 filed 12 June2014

Licensing Contact: Kevin W. Chang, Ph.D.; 301–435–5018; *changke@mail.nih.gov*

Autodock Vina Software Process for Efficient Large-Scale Cognate Ligand Screening

Description of Technology: The invention pertains to software processes, additions, and docking approaches to Autodock Vina that speeds the rate and efficiency of analyzing ligand interactions with a receptor by cognate ligands and rewards conformations in the scoring algorithm for residue interactions that are based on the biological data. The score is multiplied by a weighting factor to control the degree of ligand-residue interactions that are considered. This multiplier is then added to the docking score for confirmation. This new scoring mechanism is used to score each compound in each generation of the evolutionary genetic algorithm. This docking approach can be used to score and rank compounds in large-scale virtual screening applications. The software includes logic for converting SDF formatted to an Autodock Vina compatible format (containing approx. 25,000 compounds each) and submits the job to the portable batch system on the computing cluster to convert into PDBC files (a concatenated filed type). Modified Vina software stores the analyzed binding pocket in RAM that does not have to be recomputed upon every docking process. This increases the efficiency of the docking algorithm by several orders of magnitude. The software on the head node intelligently monitors memory usage, CPU usage and docking speed. Based on this information, the head node elastically controls the load on each node.

Potential Commercial Applications:

- Drug screening.
- Ligand identification.

Competitive Advantages:

- Speed.
- Batch processing.
- Efficient CPU processing.

Development Stage: In vitro data available.

Inventors: Marvin Gershengorn, Umesh Padia, Janak Padia, Elizabeth Geras-Raaka (all of NIDDK).

Intellectual Property: HHS Reference No. E–289–2014/0—Software Tool. Patent protection is not being pursued for this technology.

Licensing Contact: Michael Shmilovich, Esq.; 301–435–5019; *shmilovm@mail.nih.gov*.

Collaborative Research Opportunity: The National Institutes of Diabetes and Digestive and Kidney Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Cognate Ligand Identification. For collaboration opportunities, please contact Anna Amar at 301–451–2305 or *aamar@mail.nih.gov.*

Dated: November 10, 2014.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2014–27083 Filed 11–14–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health: 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 Mental Health Special Emphasis Panel; NIMH Career Transition Award for Tenure-Track and Tenured Intramural Investigators (K22).

Date: December 2, 2014.

Time: 12:30 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Ingrid Y. Li, Ph.D., Health Science Administrator Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6154–C, Bethesda, MD 20892, 301–443–1421, *ili1@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: November 7, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–27060 Filed 11–14–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; 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 proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Alternative Toxicological Methods Support Contract for the National Toxicology Program (NTP).

Date: December 11, 2014.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Environmental Health Sciences, Keystone Building, Conference Room 2166, 530 Davis Drive, Research Triangle Park, NC 27709, (Telephone Conference Call).

Contact Person: RoseAnne M. McGee, Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709 (919) 541–0752, *mcgee1@niehs.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114,

Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: November 7, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–27059 Filed 11–14–14; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel Modeling Immunity for Biodefense (U19).

Date: December 8–10, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton—Silver Spring, Magnolia Ballroom, 8777 Georgia Avenue Silver Spring, MD 20910.

Contact Person: Quirijn Vos, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, DHHS/NIH/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, 301–451–2666, *qvos@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel Beyond HAART: Innovative Approaches to Cure HIV–1 (U19).

Date: December 10–12, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, Baccarat Suite, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Betty Poon, Ph.D., Scientific Review Officer, Scientific Review Program Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301–402–6891, *poonb@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: November 7, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–27058 Filed 11–14–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2013–0074]

Request for Comments and Answers to Specific Questions To Inform Development of the National Critical Infrastructure Security and Resilience (NCISR) Research and Development (R&D) Plan

AGENCY: Science and Technology Directorate, DHS.

ACTION: Notice and Request for Comments and Answers to Specific Questions.

SUMMARY: This Notice requests general comments and answers to specific questions to inform development of the National Critical Infrastructure Security and Resilience Research and Development Plan (NCISR R&D Plan) called for in Presidential Policy Directive (PPD) 21, Critical Infrastructure Security and Resilience. As part of a comprehensive national review process, the Department of Homeland Security (DHS) is soliciting public comments to support the DHS Science and Technology Directorate (S&T) in writing the NCISR R&D Plan. Critical infrastructure includes cyber and physical assets, systems, and networks comprising the 16 critical infrastructure sectors identified in PPD–21.

DATES: Written comments are encouraged and will be accepted until December 17, 2014.

ADDRESSES: You may submit comments, identified by docket number DHS–2013–0074, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Email: *R&DWG@hq.dhs.gov.* Include the docket number DHS–2013–0074 in the subject line of the message.
- Mail: Kristin Wyckoff, DHS/S&T/RSD, 445 Murray Lane SW., Mail Stop 0208, Washington, DC 20528–0208.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* For more information on submitting written comments, see the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Kristin Wyckoff, DHS/S&T/RSD, 445 Murray Lane SW., Mail Stop 0208, Washington, DC 20528–0208.

SUPPLEMENTARY INFORMATION:

I. Public Participation

DHS invites interested persons to provide input and answers to specific questions to inform the identification of national R&D priorities for the NCISR R&D Plan. Input is welcome from stakeholder groups, private and public entities, and individuals on content to be included to best fulfill the intended purpose of the plan. Comments that will provide the most assistance to DHS will include a rationale for the stated answer or recommendation, along with supplemental data, information, or authority that supports the response.

II. Additional Instructions for Written Submissions

All written submissions must include the words ''Department of Homeland Security'' and the docket number for this action. All comments received (via any of the identified methods) will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please submit your comments and material by only one means to avoid the posting of duplicate submissions.

If you submit comments by mail, your submission should be an unbound document and no larger than 8.5 by 11 inches to enable copying and electronic document management. Please limit submissions to a maximum of ten pages of text if possible. If you want DHS to acknowledge receipt of comments by mail, include with your comments a self-addressed, stamped postcard that includes the docket number for this action. DHS will date your postcard and return it to you via regular mail.

III. Background

On February 12, 2013, President Obama signed PPD–21,[1] Critical Infrastructure Security and Resilience, which builds on the extensive work done to date to protect and enhance the resilience of the Nation's critical infrastructure. This directive aims to clarify roles and responsibilities across the Federal Government and establish a more effective partnership with owners

[1] PPD–21 can be found at: *http://www.whitehouse.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil.*

and operators and state, local, tribal, and territorial entities to enhance the security and resilience of critical infrastructure.

President Obama also signed Executive Order (E.O.) 13636 [2] on February 12, 2013, entitled Improving Critical Infrastructure Cybersecurity. By issuing the E.O. and PPD together, the Administration is taking an integrated approach to strengthening the security and resilience of critical infrastructure against all hazards, through an updated and overarching national framework that acknowledges the increased role of cybersecurity in securing physical assets.

PPD–21 sets forth several actions that the Secretary of Homeland Security shall take to implement the directive. One of these actions is to develop a National Critical Infrastructure Security and Resilience R&D Plan. This is to be done within two years of the date of the directive, or by February 12, 2015, with the Secretary of Homeland Security working in coordination with the Office of Science and Technology Policy (OSTP), the Sector-Specific Agencies (SSAs), Department of Commerce (DOC), and other Federal departments and agencies. The plan is to take into account the evolving threat landscape, annual metrics, and other relevant information to identify priorities and guide R&D requirements and investments. The plan shall be issued every 4 years after its initial delivery with interim updates as needed. The plan will provide input to align Federal and Federally-funded R&D activities seeking to strengthen the security and resilience of the Nation's critical infrastructure.

The R&D Plan is being written through a collaborative process involving a full range of critical infrastructure partners and other stakeholders. This notice extends an invitation to the broader public to provide comments on the specific questions posed to inform the identification of national CISR R&D priorities. These comments and inputs will help to ensure the NCISR R&D Plan is relevant and useful, guiding R&D that will strengthen the security and resilience of the Nation's critical infrastructure.

IV. Specific Questions

Answers to the following specific questions are desired:

1. What do you view as the most significant cross-sector R&D themes? How might this view change looking forward to 2020 and beyond?

2. PPD–21 states, ''Critical infrastructure must be secure and able to withstand and rapidly recover from all hazards.'' Given this desired outcome, what factors should be considered in prioritizing national R&D activities?

3. What role can partnerships play in facilitating R&D within the themes identified in question #1? Is public sector engagement essential to advancing any of these themes?

Dated: November 10, 2014.

Jalal Mapar,

Director, Resilient Systems Division, Science and Technology Directorate.

[FR Doc. 2014–27124 Filed 11–14–14; 8:45 am]

BILLING CODE 9110–9F–P

[2] E.O. 13636 can be found at: *http://www.gpo.gov/fdsys/pkg/FR-2013-02-19/pdf/2013-03915.pdf.*

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0117]

Agency Information Collection Activities: Free Trade Agreements

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Free Trade Agreements. CBP is proposing that this information collection be extended with a change to the burden hours, but no changes to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before January 16, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Free Trade agreements.

OMB Number: 1651–0117.

Form Number: None.

Abstract: Free trade agreements are established to reduce and eliminate trade barriers, strengthen and develop economic relations, and to lay the foundation for further cooperation to expand and enhance benefits of the agreement. These agreements establish free trade by reduced-duty treatment on imported goods.

The U.S. has entered into the following Free Trade Agreements: United States-Chile Free Trade Agreement (US–CFTA) (Pub. L. 108–77); the Republic of Singapore (Pub. L. 108–78, 117 Stat. 948,19 U.S.C. 3805 note); Australia (Pub. L. 108–286); Morocco (Pub. L. 108–302); Jordan (Pub. L. 107–43); Bahrain (Pub. L. 109–169); Oman (Pub. L. 107–210); Peru (Pub. L. 110–138, 121 Stat. 1455); Korea (Pub. L. 112–41); Colombia (Pub. L. 112–42, 125 Stat. 462); Panama (Pub. L. 112–43); and Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua (CAFTA–DR) (Pub. L. 109–53, 119 Stat. 462).

These free trade agreements involve collection of data elements such as information about the importer and exporter of the goods, a description of the goods, tariff classification number,

and the preference criterion in the Rules of Origin. Respondents can obtain information on how to make claims under these Free Trade Agreements by going to *http://www.cbp.gov/trade/free-trade-agreements.*

Current Actions: CBP has reevaluated the time necessary to prepare and submit information related to these free trade agreements. Prior to this submission, CBP estimated a time per response of 12 minutes, or 0.2 hours. Based on our recent evaluation, CBP believes that 2 hours per response is a more accurate estimate. This update has increased the estimated burden hours for this ICR from 71,720 annual hours to 717,200 annual hours.

In addition to reevaluating the burden hours associated with this ICR, CBP has also added the Dominican Republic-Central American-United States Free Trade Agreement (CAFTA–DR) to this ICR because it has the same information collection requirements as the other FTA's. Previously, CAFTA–DR was reported under OMB Control Number 1651–0125. Combining collection 1651–0125 with this ICR adds 4,800 annual burden hours to this submission.

There is no new information required or substantive changes related to Free Trade Agreements.

Type of Review: Extension (with change).

Affected Public: Businesses.

Estimated Number of Respondents: 359,400.

Estimated Number of Total Annual Responses: 361,000.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 722,000.

Dated: November 10, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–27080 Filed 11–14–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0055]

Agency Information Collection Activities: Harbor Maintenance Fee

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Harbor Maintenance Fee. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before January 16, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Harbor Maintenance Fee.

OMB Number: 1651–0055.

Form Number: Forms 349 and 350.

Abstract: The Harbor Maintenance Fee (HMF) and Trust Fund is used for the operation and maintenance of certain U.S. channels and harbors by the Army Corps of Engineers. U.S. Customs and Border Protection (CBP) is required to collect the HMF from importers, domestic shippers, and passenger vessel operators using federal navigation projects. Commercial cargo loaded on or unloaded from a commercial vessel is subject to a port use fee of 0.125 percent of its value if the loading or unloading occurs at a port that has been designated by the Army Corps of Engineers. The HMF also applies to the total ticket value of embarking and disembarking passengers and on cargo admissions into a Foreign Trade Zone (FTZ).

CBP Form 349, *Harbor Maintenance Fee Quarterly Summary Report,* and CBP Form 350, *Harbor Maintenance Fee Amended Quarterly Summary Report* are completed by domestic shippers, foreign trade zone applicants, and passenger vessel operators and submitted with payment to CBP. CBP proposes to amend Form 349 to add the respondent's email address and fax number.

CBP uses the information collected on CBP Forms 349 and 350 to verify that the fee collected is timely and accurately submitted. These forms are authorized by the Water Resources Development Act of 1986 (26 U.S.C. 4461, et seq.) and provided for by 19 CFR 24.24, which also includes the list of designated ports. CBP Forms 349 and 350 are accessible at *http://www.cbp.gov/newsroom/publications/forms* or they may be completed and filed electronically at *www.pay.gov.*

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to Forms 349 and 350.

Type of Review: Extension (without change).

Affected Public: Businesses.

CBP Form 349

Estimated Number of Respondents: 560.

Estimated Number of Total Annual Responses: 2,240.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 1,120.

CBP Form 350

Estimated Number of Respondents: 15.

Estimated Number of Total Annual Responses: 60.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 30.

Recordkeeping

Estimated Number of Respondents: 575.

Estimated Number of Total Annual Responses: 575.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 96.

Dated: November 10, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–27082 Filed 11–14–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5756–N–40]

60-Day Notice of Proposed Information Collection: Dispute Resolution Program

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

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* January 16, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Pamela Danner, Director of the Office of Manufactured Housing and Dispute Resolution, 451 7th Street SW., Washington, DC 20410; email Pamela Danner at *Pamela.B.Danner@hud.gov* or telephone 202–402–7112. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Dispute Resolution Program.

OMB Approval Number: 2502–0562.

Type of Request: Extension.

Form Number: HUD–310–DRSC and HUD–311–DR.

Description of the need for the information and proposed use: 310–DRSC is used to collect information on an individual state that would like to have a dispute resolution program either as part of their state plan or outside of the state plan. The HUD–311–DR form is used to collect pertinent information from the party seeking dispute resolution.

Respondents: Individuals or households.

Estimated Number of Respondents: 114.

Estimated Number of Responses: 114.

Frequency of Response: Once per complaint.

Average Hours per Response: 1.5 hourly.

Total Estimated Burdens: 511.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Date: November 7, 2014.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2014–27159 Filed 11–14–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5759–N–15]

60-Day Notice of Proposed Information Collection: Choice Neighborhoods

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, PIH, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* January 16, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is

seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Choice Neighborhoods.

OMB Approval Number: 2577–0269.

Type of Request: Revision of currently approved collection.

Form Number: SF–424, SF–LLL, HUD 2880, HUD 96010, HUD 96011, HUD 53150, HUD 53152, HUD 53232, HUD 53153, HUD 53151, HUD 53154, HUD 53156, HUD–53233, HUD–53234, HUD–53238, HUD–53231, HUD–53235, HUD–53237, HUD–53236, HUD–53239, HUD–53240, HUD–53230, HUD–53421, HUD–2530, HUD–2991, HUD–2995, HUD–60002, HUD–52515.

Description of the need for the information and proposed use: The information collection is required to administer the Choice Neighborhoods program, including applying for funds and grantee reporting.

Respondents: Potential applicants and grantees (which would include local governments, tribal entities, public housing authorities, nonprofits, and for-profit developers that apply jointly with a public entity).

Estimated Number of Respondents: 251 annually.

Estimated Number of Responses: 531 annually.

Frequency of Response: Frequency of response varies depending on what information is being provided (e.g., once per year for applications and four times per year for grantee reporting).

Average Hours per Response: Average hours per response varies depending on what information is being provided (e.g., Choice Neighborhoods Implementation grant application: 73.76; Choice Neighborhoods Planning grant application: 37.76; Choice Neighborhoods information collections unrelated to the NOFA, including grantee reporting: 13.58).

Total Estimated Burdens: Total burden hours is estimated to be 9,924. Total burden cost is estimated to be $396,979.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: October 7, 2014.

Merrie Nichols-Dixon,

Deputy Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2014–27163 Filed 11–14–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2014–N237; FXIA16710900000–156–FF09A30000]

Endangered Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before December 17, 2014.

ADDRESSES: Brenda Tapia, U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2281; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2281 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. 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

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and

Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

A. Endangered Species

Applicant: Lim Morakod, Lake Forest, CA; PRT–44272A

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the radiated tortoise (*Astrochelys radiata*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Valarie Holt, Moapa, NV; PRT–165748

The applicant requests amendment of a captive-bred wildlife registration under 50 CFR 17.21(g) to add cotton-top tamarin (*Saguinus oedipus*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: S & B Enterprises, Mountain Home, TX; PRT–43494B

The applicant requests a permit to take up to five captive held Arabian oryx (*Oryx leucoryx*) per year under his Captive Bred Wildlife Registration for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Mark Alger, Flagstaff, AZ; PRT–42321B

Applicant: Pete Brownell, Montezuma, IA; PRT–43912B

Applicant: Randy Gisvold, Carrington, ND; PRT–42412B

Applicant: Ryan Ringer, Gold Beach, OR; PRT–49584B

Applicant: Chet Fenimore, Austin, TX; PRT–49574B

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2014–27101 Filed 11–14–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV952000 L14200000.BJ0000 241A; 13–08807; MO #4500073906; TAS: 15X1109]

Filing of Plats of Survey; NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey in Nevada.

DATES: *Effective Dates:* Unless otherwise stated filing is effective at 10:00 a.m. on the dates indicated below.

FOR FURTHER INFORMATION CONTACT: Michael O. Harmening, Chief, Branch of Geographic Sciences, Bureau of Land Management, Nevada State Office, 1340 Financial Blvd., Reno, NV 89502–7147, phone: 775–861–6490. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

1. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on August 27, 2014:

The plat, in 3 sheets, representing the dependent resurvey of a portion of the east (Humboldt River Guide Meridian), west and north boundaries and a portion of the subdivisional lines and the subdivision of certain sections, Township 22 North, Range 35 East, Mount Diablo Meridian, Nevada, under Group No. 916, was accepted August 25, 2014. This survey was executed to meet certain administrative needs of the BLM.

2. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on September 29, 2014:

The plat, in 4 sheets, representing the dependent resurvey of the east boundary (Humboldt River Guide Meridian), a portion of the north boundary, a portion of the subdivisional lines and a portion of Mineral Survey No. 5095 and the subdivision of certain sections, Township 23 North, Range 35 East, Mount Diablo Meridian, Nevada, under Group No. 916, was accepted September 25, 2014. This survey was executed to meet certain administrative needs of the BLM.

3. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada, on September 30, 2014:

The plat, in 1 sheet, representing the dependent resurvey of the Fifth Standard Parallel North through a portion of Range 50 East, a portion of the south boundary and a portion of the subdivisional lines, Township 25 North, Range 50 East, Mount Diablo Meridian, Nevada, under Group No. 924, was accepted September 29, 2014. This survey was executed to meet certain administrative needs of the BLM and to locate specific federal interest lands for Barrick Gold Exploration, Inc.

4. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada, on September 30, 2014:

The plat, in 1 sheet, representing the dependent resurvey of the Fifth Standard Parallel North through a portion of Range 51 East, the west boundary and a portion of the subdivisional lines, Township 25 North, Range 51 East, Mount Diablo Meridian, Nevada, under Group No. 924, was accepted September 29, 2014. This survey was executed to meet certain administrative needs of the BLM and to locate specific federal interest lands for Barrick Gold Exploration, Inc.

The surveys listed above are now the basic record for describing the lands for all authorized purposes. These surveys have been placed in the open files in the BLM Nevada State Office and are available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

Dated: November 4, 2014.

Michael O. Harmening,

Chief Cadastral Surveyor, Nevada.

[FR Doc. 2014–27107 Filed 11–14–14; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17071; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of Agriculture, Forest Service, Cherokee National Forest, Cleveland, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture (USDA), Forest Service, Cherokee National Forest, has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the USDA Forest Service, Cherokee National Forest. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the USDA Forest Service, Cherokee National Forest at the address in this notice by December 17, 2014.

ADDRESSES: Mr. JaSal Morris, Forest Supervisor, Supervisor's Office, USDA Forest Service, Cherokee National Forest, 2800 Ocoee Street N., Cleveland, TN 37312, telephone (423) 476–9700.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the USDA Forest Service, Cherokee National Forest, Cleveland, TN. The human remains were removed from the Jackson Farm site (40WG17), also known as the Plum Grove site, in Washington County, TN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the USDA Forest Service, Cherokee National Forest professional staff in consultation with representatives of the Cherokee Nation, the Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma.

History and Description of the Remains

In 1977 and 1978, human remains representing, at minimum, eight individuals were removed from 20 burial units at the Jackson Farm site (40Wg17) in Washington County, TN, by the Forest Service archeologist Dr. Howard Earnest. The burials were extensively disturbed through massive sheet erosion of the site from flooding of the Nolichucky River in the fall of 1977. The human remains removed by Dr. Earnest have been curated by Western Carolina University since excavation. No known individuals were identified. No associated funerary objects are present. Unassociated funerary objects were removed by Dr. Earnest and are a part of a separate Notice of Intent to Repatriate.

In 1986, human remains representing, at minimum, two individuals were removed from three burial units at the Jackson Farm site (40Wg17) in Washington County, TN, by Dr. Cliff Boyd of Radford University. The human remains were disturbed by excavation performed by the Washington County, TN, Highway Department. The human remains removed by Dr. Boyd have been curated by Western Carolina University since excavation. No known individuals were identified. No associated funerary objects are present.

Based on the location of the Jackson Farm site, it is reasonable to assume a relationship of shared group identity between these human remains and the Cherokee people, currently represented by the Cherokee Nation; the Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Determinations Made by the USDA Forest Service Cherokee National Forest

Officials of the USDA Forest Service, Cherokee National Forest have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 10 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Cherokee Nation, the Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Mr. JaSal Morris, Forest Supervisor, Supervisor's Office, USDA Forest Service, Cherokee National Forest, 2800 Ocoee Street N., Cleveland, TN 37312, telephone (423) 476–9700, by December 17, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Cherokee Nation, the Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The USDA Forest Service, Cherokee National Forest is responsible for notifying the Cherokee Nation, the Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: October 29, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–27145 Filed 11–14–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–16875; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Glenn A. Black Laboratory of Archaeology at Indiana University, Bloomington, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Glenn A. Black Laboratory of Archaeology at Indiana

University has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Indiana University NAGPRA Office. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Indiana University NAGPRA Office at the address in this notice by December 17, 2014.

ADDRESSES: Dr. Jayne-Leigh Thomas, NAGPRA Director, Indiana University, NAGPRA Office, Student Building 318, 701 E. Kirkwood Ave., Bloomington, IN 47405, telephone (812) 856–5315, email *thomajay@indiana.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Glenn A. Black Laboratory of Archaeology at Indiana University, Bloomington, IN. The human remains and associated funerary objects were removed from Crittenden, Cross, Mississippi, and St. Francis Counties in Arkansas and Coahoma and DeSoto Counties in Mississippi.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by Indiana University professional staff in consultation with representatives of The Quapaw Tribe of Indians.

History and Description of the Remains

On April 27, 1953, human remains representing, at minimum, 1 individual were recovered from the ''B.U.'' site in the Jericho Quadrangle of Crittenden County, AR. These human remains were received at the Glenn A. Black Laboratory of Archaeology as a donation from a Mr. J.E. Boone. Notes indicate the discovery of a wide-mouthed bottle with the human remains. However, the whereabouts of the wide-mouthed bottle are unknown, and the Glenn A. Black Laboratory of Archaeology has no record of this wide-mouthed bottle in their collection. No known individuals were identified. No associated funerary objects are present.

In January 1953, human remains representing, at minimum, 1 individual were collected by Wiley Wilcox of Memphis, TN, from the Bradley site in Crittenden County, AR. These materials were donated to the Glenn A. Black Laboratory of Archaeology. No known individuals were identified. The 1 associated funerary object is a seed. Notes indicate the seed was found within a pot; however, the whereabouts of the pot are unknown, and the Glenn A. Black Laboratory of Archaeology has no record of this pot within their collection.

On an unknown date, human remains representing, at minimum, 12 individuals were removed from the Gant site in Mississippi County, AR, by unknown persons. This material was donated to the Glenn A. Black Laboratory of Archaeology by Wiley Wilcox of Memphis, TN, in January 1953. No known individuals were identified. The 16 associated funerary objects are 4 reconstructed pots and 12 pot sherds.

In August 1952, human remains representing, at minimum, 4 individuals were excavated from the Gant Site in Mississippi County, AR, by George and Francis Martin. This collection was donated to the Glenn A. Black Laboratory of Archaeology in July 1985. No known individuals were identified. The 38 associated funerary objects are 5 reconstructed pots, 29 pot sherds, 1 shell fragment, 1 vial of burnt bone, 1 vial of excavation debris, and 1 piece of clay.

On an unknown date, human remains representing, at minimum, 6 individuals were removed from the Rose Mound site by Wiley Wilcox of Memphis, TN. This site is located in Cross County, AR. The material was donated to the Glenn A. Black Laboratory of Archaeology in February 1953. No known individuals were identified. The 102 associated funerary objects are 3 reconstructed pots, 76 pot sherds, 2 antler hafts, 5 antler flaking punches, 1 deer antler fork, 2 small antler fragments, 8 shell beads, 1 flint flake, 1 chert point, 1 flint scraper, 1 hammerstone, and 1 proximal deer ulna.

In 1952, human remains representing, at minimum, 1 individual were collected from the Humbert Site in Coahoma County, MS, by Donald Willis of Memphis, TN. On an unknown date, this collection was donated to the Glenn A. Black Laboratory of Archaeology. No known individuals were identified. The 20 associated funerary objects are 19 pot sherds and 1 partially reconstructed polychrome water bottle.

On an unknown date, human remains representing, at minimum, 1 individual were collected from the Lake Cormorant site in DeSoto County, MS, by Wiley Wilcox of Memphis, TN. This collection was donated to the Glenn A. Black Laboratory of Archaeology in March 1952. No known individuals were identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, 2 individuals were recovered from the Big Eddy site by Wiley Wilcox of Memphis, TN. This site is located near the St. Francis area in Arkansas. This material was donated to the Glenn A. Black Laboratory in 1953. No known individuals were identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, 3 individuals were recovered from the Brackenseed Place site in Arkansas. Notes indicate this material was collected by Wiley Wilcox and J.E. Boone of Memphis, TN. This collection was donated to the Glenn A. Black Laboratory of Archaeology in 1953. No known individuals were identified. The 6 associated funerary objects are 6 pieces of daub.

On an unknown date, human remains representing, at minimum, 1 individual were removed from the Edmondson site in Crittenden County, AR, by Donald Willis of Memphis, TN. This collection was donated to the Glenn A. Black Laboratory of Archaeology in 1953. No known individuals were identified. No associated funerary objects are present.

Oral traditions indicate that the Quapaw tribe originated in the Lower Ohio River Valley and eventually moved downstream to reside on both sides of the Mississippi River. After an epidemic swept through the villages in the 17th century, the Quapaw Tribe consolidated their villages on the western side of the Mississippi River

near the confluence of the White and Arkansas rivers. The Quapaw maintained a presence in the Central Mississippi valley until their removal to northwest Louisiana in 1824 when their lands in the Territory of Arkansas were ceded to the United States. Oral history evidence presented by representatives of The Quapaw Tribe of Indians indicates that the St. Francis River Valley region, which includes Cross and St. Francis Counties, has long been included in the traditional and hunting territory of the Quapaw. French colonial records (A.D. 1700) also indicate that the Quapaw were known to be the only Native American group present at that time in eastern Arkansas.

Determinations Made by Indiana University

Officials of the Glenn A. Black Laboratory of Archaeology at Indiana University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 32 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 183 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Quapaw Tribe of Indians.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Jayne-Leigh Thomas, NAGPRA Director, Indiana University, NAGPRA Office, Student Building 318, 701 E. Kirkwood Ave., Bloomington, IN 47405, telephone (812) 856–5315, email *thomajay@indiana.edu,* by December 17, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Quapaw Tribe of Indians may proceed.

Indiana University is responsible for notifying The Quapaw Tribe of Indians that this notice has been published.

Dated: October 2, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–27142 Filed 11–14–14; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17027; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Illinois State Museum, Springfield, IL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Illinois State Museum has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no compelling evidence of cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Illinois State Museum. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Illinois State Museum at the address in this notice by December 17, 2014.

ADDRESSES: Dr. Robert E. Warren, Illinois State Museum, 1011 East Ash Street, Springfield, IL 62703, telephone (217) 524–7903, email *warren@museum.state.il.us.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Illinois State Museum, Springfield, IL. The human remains were removed from the Wickliffe Mounds site in Ballard County, KY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Illinois State Museum professional staff in consultation with representatives of the Eastern Band of Cherokee Indians and The Chickasaw Nation.

History and Description of the Remains

On an unknown date, human remains representing, at minimum, two individuals were removed by unknown parties from unknown locations at the Wickliffe Mounds site (15BA4) in Ballard County, KY. In 1956, the University of Chicago transferred the human remains to the Illinois State Museum (ISM 1956–8) along with collections of animal bone, freshwater mussel shell, and ceramic and lithic artifacts from the same site. The human remains include cranial and postcranial elements of one young adult (ISM NAGPRA 722) and postcranial elements of one infant (ISM NAGPRA 5547). No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Illinois State Museum

Officials of the Illinois State Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on their presumed association with prehistoric Native American occupations at the Wickliffe Mounds site.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe due, in part, to the lack of specific information regarding the original provenience and removal of materials from the Wickliffe Mounds site.
- The 1818 Treaty of Old Town, Mississippi, indicates that the land from which the Native American human remains were removed is the aboriginal land of The Chickasaw Nation. The Eastern Band of Cherokee Indians also has aboriginal land in western Kentucky, but not in Ballard County.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Robert E. Warren, Illinois State Museum, 1011 East Ash Street, Springfield, IL 62703, telephone (217) 524–7903, email *warren@museum.state.il.us,* by December 17, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Chickasaw Nation may proceed.

The Illinois State Museum is responsible for notifying The Chickasaw Nation that this notice has been published.

Dated: October 23, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–27140 Filed 11–14–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–16874; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Department of Anthropology, Indiana University, Bloomington, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of Anthropology at Indiana University has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Indiana University NAGPRA Office. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Indiana University NAGPRA Office at the address in this notice by December 17, 2014.

ADDRESSES: Dr. Jayne-Leigh Thomas, NAGPRA Director, Indiana University, NAGPRA Office, Student Building 318, 701 E. Kirkwood Ave., Bloomington, IN 47405, telephone (812) 856–5315, email *thomajay@indiana.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Department of Anthropology at Indiana University, Bloomington, IN. The human remains and associated funerary objects were removed from the vicinity of Point Barrow, North Slope Borough, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by Indiana University professional staff in consultation with representatives of the Native Village of Barrow Inupiat Traditional Government and the Inupiat Community of the Arctic Slope.

History and Description of the Remains

Between 1921 and 1936, human remains representing, at minimum, 8 individuals were recovered from an unknown location near Point Barrow, AK. These human remains were collected by Mollie Ward Greist, a native of Indiana who lived in Barrow, AK, from 1921–1936. The human remains were transferred to the Indiana University Glenn A. Black Laboratory of Archaeology in 1956, to the Mathers Museum of World Cultures in 1972, and then to the Department of Anthropology in 1990. The 1 associated funerary object is a fragment of oil soaked wood. No known individuals were identified. Catalog information indicates the affiliation of the remains to be ''Inuit'' or ''Eskimo.''

The human remains were found in an area traditionally used by the Inupiat people. Accounts of Inupiat burials indicate that the human remains were placed into very shallow graves or were surface burials. Inupiat mortuary treatments also involved deceased individuals being wrapped in skins or furs and taken to a cemetery where they were placed on wood planks. Mollie Greist reported seeing hundreds of Native American skeletons lying on the ground near Point Barrow. A relationship of shared group identity can be reasonably traced between the human remains and the Native Village of Barrow Inupiat Government and the Inupiat Community of the Arctic Slope based on traditional geography, archeological evidence, historical accounts, and on-going cultural traditions.

Determinations Made by Indiana University

Officials of the Department of Anthropology at Indiana University have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 8 individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the 1 object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Native Village of Barrow Inupiat Government and the Inupiat Community of the Arctic Slope.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Jayne-Leigh Thomas, NAGPRA Director, Indiana University, NAGPRA Office, Student Building 318, 701 E. Kirkwood Ave., Bloomington, IN 47405, telephone (812) 856–5315, email *thomajay@indiana.edu,* by December 17, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Native Village of Barrow Inupiat Government and the Inupiat Community of the Arctic Slope may proceed.

Indiana University is responsible for notifying the Native Village of Barrow Inupiat Government and the Inupiat Community of the Arctic Slope that this notice has been published.

Dated: October 2, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–27152 Filed 11–14–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–16762; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Nevada State Museum, Carson City, NV

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Nevada State Museum, Carson City (NSM) has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the NSM. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the NSM at the address in this notice by December 17, 2014.

ADDRESSES: Rachel K. Malloy, Anthropology Collections Manager and NAGPRA Coordinator, Nevada State Museum, 600 N. Carson Street, Carson City, NV 89701, telephone (775) 687–4810 x229, email *rmalloy@nevadaculture.org*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the NSM. The human remains and associated funerary objects were removed from the Charlie Gomes Site (26CH473), Churchill County, NV.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the NSM professional staff in consultation with representatives of the Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada.

History and Description of the Remains

In 1988, human remains representing, at minimum, two individuals were removed from the Charlie Gomes Site in Churchill County, NV. The site is located in the Carson Sink and on land held in trust by Churchill County. In the early 1980s, the Carson Sink was subjected to years of flooding and after the water receded, a section of the Charlie Gomes site was exposed. In June of 1988, a group of volunteers, including professional archeologists, surveyed the site and recovered human remains and associated funerary objects, which were then curated at the NSM.

Burial 1A represents one set of human remains of an adult of unknown sex. Burial 1B represents one set of human remains of a young adult, 16 to 23 years. The determination of sex on the young adult is not conclusive. No known individuals were identified. The 213 associated funerary objects are 56 shell fragments, 30 faunal bone fragments, 4 lithics, 4 ground stone fragments, 2 natural or fire cracked rocks, 1 seed, 1 bottle glass fragment, 5 soil samples, 2 ochre fragments, and 108 shell beads.

Determinations Made by the Nevada State Museum

Officials of the NSM have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 213 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Rachel K. Malloy, Anthropology Collections Manager and NAGPRA Coordinator, Nevada State Museum, 600 N. Carson Street, Carson City, NV 89701, telephone (775) 687–4810 x229, email *rmalloy@nevadaculture.org,* by December 17, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada may proceed.

The NSM is responsible for notifying the Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada that this notice has been published.

Dated: September 22, 2014.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2014–27148 Filed 11–14–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–16873; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK, and the University of Alaska Museum of the North, Fairbanks, AK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, Bureau of Land Management (BLM), Alaska State Office, and the University of Alaska Museum of the North have completed an inventory of human remains, in consultation with

the appropriate Indian tribes, and have determined that there is a cultural affiliation between the human remains and present-day Indian tribes. Representatives of any Indian tribe not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the BLM Alaska State Office. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes stated in this notice may proceed.

DATES: Representatives of any Indian tribe not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the BLM Alaska State Office at the address in this notice by December 17, 2014.

ADDRESSES: Dr. Robert King, Alaska State NAGPRA Coordinator, Bureau of Land Management, 222 W. 7th Ave., Box 13, Anchorage, AK 99513–7599, telephone (907) 271–5510.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the BLM Alaska State Office and in the physical custody of the University of Alaska Museum of the North. The human remains were removed from Barrow, North Slope Borough, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the BLM Alaska State Office and the University of Alaska Museum of the North professional staff, in consultation with representatives of the Native Village of Barrow Inupiat Traditional Government.

History and Description of the Remains

In 1949, partial sets of human remains representing, at minimum, four individuals were removed from the tundra surface near Point Barrow, AK (Accession Number 0454). The exact location where these remains were collected is unknown, and there is little information regarding the circumstances surrounding their removal. According to records at the University of Alaska Museum of the North, these human remains were collected by Owen Rye and R. Hamilton and then deposited at the museum in 1949, where they are still housed today. These human remains represent four individuals and include two females aged 19–25 years, one female aged 30–40 years, and one juvenile of an undetermined sex aged 4–6 years. No known individuals were identified. No associated funerary objects are present.

In 1950, a partial set of human remains representing, at minimum, one individual was removed from the tundra surface near Point Barrow, AK (Accession Number 0499). The exact location where this partial set of remains was collected is unknown, and there is little information regarding the circumstances surrounding its removal. According to records at the University of Alaska Museum of the North, these human remains were collected by William Marshall and then deposited at the museum in 1950, where they are still housed today. These remains represent a single individual consisting of a female aged 40–50 years. No known individuals were identified. No associated funerary objects are present.

In 1952, partial sets of human remains representing, at minimum, seven individuals were removed from tundra surface burials at Point Barrow, AK (Accession Number UA64–108(01)). The exact location where these remains were collected is unknown, and there is little information regarding the circumstances surrounding their removal. According to records at the University of Alaska Museum of the North, these human remains were collected by William Irving and deposited at the museum sometime between 1952 and 1964, where they are still housed today. These remains represent seven individuals consisting of two males aged 36–55 years, one male aged 20–30 years, one female aged 20–30 years, one female aged 20–40 years, one male aged 30+ years, and one juvenile of an unknown sex aged 6–8 years. No known individuals were identified. No associated funerary objects are present.

In 1953, a partial set of human remains representing, at minimum, one individual was removed from a tundra surface grave near Point Barrow, AK (Accession Number 0668). The exact location where these remains were collected is unknown, and there is little information regarding the circumstances surrounding their removal. According to records at the University of Alaska Museum of the North, these remains were collected by Arthur Poeschel and then deposited at the museum in 1955, where they are still housed today. These human remains represent a single individual consisting of a male aged 20–25 years. No known individuals were identified. No associated funerary objects are present.

In 1960, partial sets of human remains representing, at minimum, 23 individuals were removed from surface tundra burials at Point Barrow, AK (Accession Number 0967). The exact location where these remains were collected is unknown, and there is little information regarding the circumstances surrounding their removal. According to records at the University of Alaska Museum of the North, these remains were collected by Otto W. Geist and Marvin McNary and deposited at the museum in 1960, where they are still housed today. These human remains consist of cranial and post-cranial elements representing 23 individuals and include the following: One individual of an undetermined sex and age class, two males aged 35–45 years, one juvenile of an undetermined sex aged 12–15 years, one female aged 36–55 years, two females aged 30–50 years, one female aged 50+ years, one juvenile of an undetermined sex aged 6–9 years, one male aged 36–55 years, two females aged 40–50 years, one juvenile of an undetermined sex aged 3–5 years, two males aged 50+ years, one male aged 30–40 years, one female aged 20–40 years, one female aged 20–25 years, one male aged 25–35 years, one juvenile of an undetermined sex aged 7–12 years, two females aged 30–40 years, and one adult male of undetermined years. No known individuals were identified. No associated funerary objects are present.

In the 1950s or 1960s, partial sets of human remains representing, at minimum, two individuals accessioned as UA64–108(2) at the University of Alaska Museum of the North that were removed from tundra surface burials at Point Barrow, AK. The exact location where these remains were collected is unknown, and there is little information regarding the circumstances surrounding their removal. Based on catalog records at the University of Alaska Museum of the North, one of these individuals was collected by William Irving in 1952 and likely belongs with accession UA64–108(1), although it is impossible to say for sure due to a lack of detailed information. The second individual in this accession was collected by Otto W. Geist and Kevin Cameron in an unknown year. Both of these individuals were deposited at the museum sometime during or prior to 1964, where they are still housed today. These human remains represent two individuals consisting of one male aged 18–20 years

and one male aged 25–35 years. No known individuals were identified. No associated funerary objects are present.

In 1980, a partial set of human remains representing, at minimum, one individual were removed from Point Barrow, AK (Accession Number UA83–051). These remains were collected from a water filled depression several feet deep near the airport runway and Pisokak Street by two boys who were residents of Barrow. The collected remains were subsequently turned over to Linda Yarborough who was leading an archaeological project in the village at the time of their discovery. The area where these remains were recovered appeared to have been disturbed and there were several other bones (presumed human) visible at the bottom of the small pool, and these were left in place. The exact location where these remains were collected is described as between lot 11, block 35 south of Pisokak Street and the airport runway located several hundred feet south of and parallel to Pisokak Street. According to records at the University of Alaska Museum of the North, these remains were deposited in the museum by Linda Yarborough in 1983, where they are still housed today. No other information is available regarding the circumstances surrounding the removal of these remains. These human remains represent a single individual consisting of one male aged 35–45 years. No known individuals were identified. No associated funerary objects are present.

Concerning all of the 39 partial sets of human remains just described, there is not enough information present in museum records to confidently assign any of these remains to a specific archeological site. None of these remains were removed under federal permits. For all of these remains except the set accessioned as UA83–051, the only provenience information available states that the remains were surface collected near, in, or at the Native Village of Barrow. A common pre-contact and contact era burial practice in the region of Barrow, AK, was to lay the deceased out either directly on the surface or enclosed in a box on the surface. Based on the museum records that accompany all of these remains, they were collected from a surficial burial context which would make them of a recent age. It is determined that these remains are Native American based on the general geographic location (Barrow, AK), the condition of the remains, and their morphology. Barrow, AK is the largest city in the North Slope Borough and serves as an economic and administrative center for the region. Archeological studies and oral traditions show that there is at least a thousand years of continuity between present-day and past residents on the North Slope of Alaska. Due to this fact, all 39 sets of human remains described above are determined to be directly related to Native American tribal members residing in Barrow, AK today.

Determinations Made by the BLM Alaska State Office and the University of Alaska Museum of the North

Officials of the BLM Alaska State Office and the University of Alaska Museum of the North have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 39 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Native Village of Barrow Inupiat Traditional Government.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe not identified in this notice that wishes to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Robert King, Alaska State NAGPRA Coordinator, Bureau of Land Management, 222 W. 7th Ave., Box 13, Anchorage, AK 99513–7599, telephone (907) 271–5510, by December 17, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Native Village of Barrow Inupiat Traditional Government may proceed.

The BLM Alaska State Office is responsible for notifying the Native Village of Barrow Inupiat Traditional Government that this notice has been published.

Dated: October 2, 2014

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–27151 Filed 11–14–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–16958; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Department of Anthropology and Sociology, University of Southern Mississippi, Hattiesburg, MS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of Anthropology and Sociology at the University of Southern Mississippi, Hattiesburg, has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Department of Anthropology and Sociology at the University of Southern Mississippi, Hattiesburg. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Department of Anthropology and Sociology at the University of Southern Mississippi, Hattiesburg, at the address in this notice by December 17, 2014.

ADDRESSES: Marie Elaine Danforth, Professor, Department of Anthropology and Sociology, University of Southern Mississippi, 118 College Dr. #5074, Hattiesburg, MS 39406–0001, telephone (601) 266–4306, email *m.danforth@usm.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Department of Anthropology and Sociology at the University of Southern Mississippi, Hattiesburg.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Department of Anthropology and Sociology at the University of Southern Mississippi professional staff in consultation with representatives of the Coushatta Tribe of Louisiana; Mississippi Band of Choctaw Indians; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Quapaw Tribe of Indians; and the Thlopthlocco Tribal Town. The following tribes were invited to consult but did not participate: Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Caddo Nation of Oklahoma; Catawba Indian Nation (aka Catawba Tribe of South Carolina); Cherokee Nation; Chitimacha Tribe of Louisiana; Eastern Band of the Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians; Kialegge Tribal Town; Miccosukee Tribe of Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations); Shawnee Tribe; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Tunica-Biloxi Indian Tribe; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

History and Description of the Remains

Sometime prior to 1992, human remains representing, at minimum, one individual were removed from an unknown location. The human remains were donated to the University of Southern Mississippi by a student. The student acquired the human remains from a relative who was in law enforcement in the Memphis, TN, area. No further information is available. The human remains consist of a single cranium belonging to an adult. No known individuals were identified. No associated funerary objects are present. Based on geographical, archeological, historical, and other information, there is a shared group identity between these human remains and The Chickasaw Nation and The Quapaw Tribe of Indians.

Determinations Made by the University of Southern Mississippi

Officials of the University of Southern Mississippi have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of at least one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Chickasaw Nation and The Quapaw Tribe of Indians.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Marie Elaine Danforth, Professor, Department of Anthropology and Sociology, University of Southern Mississippi, 118 College Dr. #5074, Hattiesburg, MS 39406–0001, telephone (601) 266–4306, email *m.danforth@usm.edu,* by December 17, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Chickasaw Nation and The Quapaw Tribe of Indians may proceed.

The University of Southern Mississippi is responsible for notifying the Coushatta Tribe of Louisiana; Mississippi Band of Choctaw Indians; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Quapaw Tribe of Indians; and the Thlopthlocco Tribal Town that this notice has been published.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–27143 Filed 11–14–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17028; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The Museum of Anthropology at Washington State University, Pullman, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Museum of Anthropology at Washington State University has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Museum of Anthropology at Washington State University. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Museum of Anthropology at Washington State University at the address in this notice by December 17, 2014.

ADDRESSES: Mary Collins, Museum of Anthropology at Washington State University, Pullman, WA 99164–4910, telephone (509) 335–4314.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Museum of Anthropology at Washington State University, Pullman, WA. The human remains and associated funerary objects were removed from either the Klamath Lake area of Oregon or Western Montana.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Museum of Anthropology at Washington State University professional staff. This information was provided to representatives of the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana; Coeur D'Alene Tribe (previously listed as the Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho); Confederated Salish and Kootenai Tribes of the Flathead Reservation; Confederated Tribes of

Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation); Confederated Tribes of the Grand Ronde Community of Oregon; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Kalispel Indian Community of the Kalispel Reservation; Karuk Tribe (previously Karuk Tribe of California); Klamath Tribes; Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho); Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias); Quartz Valley Indian Community of the Quartz Valley Reservation of California; Shoshone Tribe of the Wind River Reservation, Wyoming; and the Shoshone-Bannock Tribes of the Fort Hall Reservation.

History and Description of the Remains

In 1986, human remains representing, at minimum, two individuals, were delivered to the offices of the U.S. Army Corps of Engineers, Walla Walla District, by an unknown individual. Notes with the collection stated that one set of human remains had been removed from the Klamath Lake area in Oregon and the other from western Montana. It is not known which set of human remains was from which area. In 2001, the human remains were turned over to the Museum of Anthropology at Washington State University. No known individuals were identified. The two associated funerary objects include 1 metal cup and 1 lot of fabric. Cultural affiliation for these remains was based primarily on the geographical locations of removal. In addition, the character of the associated funerary objects is very similar to funerary objects often associated with historic Native American burials in the interior northwest.

Determinations Made by the Museum of Anthropology at Washington State University

Officials of the Museum of Anthropology at Washington State University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 2 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 2 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects is to the Confederated Salish and Kootenai Tribes of the Flathead Reservation; Klamath Tribes; and the Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Mary Collins, Museum of Anthropology at Washington State University Pullman, WA 99164–4910, telephone (509) 335–4314, by December 17, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Confederated Salish and Kootenai Tribes of the Flathead Reservation; Klamath Tribes; and the Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias) may proceed.

The Museum of Anthropology at Washington State University is responsible for notifying the Confederated Salish and Kootenai Tribes of the Flathead Reservation; Klamath Tribes; and the Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias) that this notice has been published.

Dated: October 23, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–27141 Filed 11–14–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–16661; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Michigan State Police, Lakeview Post, Lakeview, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Michigan State Police, Lakeview Post (MSP 64) has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to MSP 64. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to MSP 64 at the address in this notice by December 17, 2014.

ADDRESSES: Detective Sergeant Christian Clute, Michigan State Police, 10300 Howard City-Edmore Rd, Lakeview, MI 48850, telephone 616–527–8187, email *clutec@michigan.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Michigan State Police, Lakeview Post, Lakeview, MI. The human remains were removed from residential property in Section 19, Lyons Twp, Village of Lyons, Ionia County and a second, unrelated set, from a gravel pit in the SW corner of Section 25, Bethany Twp, Gratiot County, MI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of both sets of human remains was made by the Michigan State University, Anthropology Department on behalf of the MSP 64 in consultation with representatives of the Little River Band of Ottawa Indians, Michigan; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.); Pokagon Band of Potawatomi Indians, Michigan and Indiana; Saginaw Chippewa Indian Tribe of Michigan; and the Sault Ste. Marie Tribe of Chippewa Indians,

Michigan. The following tribes were notified and consultation was requested: Bad River Band of Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Bois Forte Band (Nett Lake) of Minnesota Chippewa Tribe, Minnesota; Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; Forest County Potawatomi Community, Wisconsin; Grand Portage Band of Minnesota Chippewa Tribe, Minnesota; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation, Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Ottawa Tribe of Oklahoma; Prairie Band of Potawatomi Nation (previously listed as the Prairie Band Potawatomi Nation, Kansas); Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Red Cliff Band of Lake Superior Chippewa Indians, Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians, Wisconsin; Turtle Mountain Band of Chippewa Indians, North Dakota; and the White Earth Band of Minnesota Chippewa Tribe, Minnesota. Hereafter, all tribes listed in this section are referred to as ''The Tribes.''

History and Description of the Remains

On October 21, 1981, human remains representing, at minimum, three adult individuals were removed from a residence in the Village of Lyons, Ionia County, MI. The homeowner discovered the human remains while digging a foundation for a house. Michigan State Police (MSP) was called to investigate, complaint number 13–3138–81, and took possession of the remains and transferred them to Michigan State University (MSU), Anthropology Department for analysis. MSU determined the remains belonged to at least three different adult Native Americans. The human remains were returned to MSP 64 in June 2013. No known individuals were identified. No associated funeral objects are present.

On October 14, 1971, human remains representing what was determined to be one adult male individual were removed from a gravel pit in the southwest quarter of Section #25, Bethany Township, Gratiot County, MI. MSP took possession of the remains, complaint number 14–1865–71, and transferred them to MSU for analysis. MSU determined the remains belonged to one adult male Native American. The human remains were returned to MSP 64 in June 2013. No known individuals were identified. No associated funeral objects are present.

Determinations Made by the Michigan State Police

Officials of MSP64 have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on forensic inspection of the remains by the Michigan State University, Anthropology Department.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of at least four individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- Treaties, Acts of Congress, or Executive Orders indicate that the land from which the Native American human remains were removed is the aboriginal land of The Tribes.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Detective Sergeant Christian Clute, Michigan State Police, Lakeview Post, 10300 Howard City-Edmore Rd, Lakeview, MI 48850, telephone 616–527–8187, email *clutec@michigan.gov,* by December 17, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The MSP 64 is responsible for notifying The Tribes that this notice has been published.

Dated: September 10, 2014.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 2014–27149 Filed 11–14–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–16828; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and Arizona State Museum, University of Arizona, Tucson, AZ; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The United States Department of the Interior, Bureau of Indian Affairs, and Arizona State Museum, University of Arizona, have corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on February 27, 2012. This notice corrects the minimum number of individuals and number of associated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Bureau of Indian Affairs. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Bureau of Indian Affairs at the address in this notice by December 17, 2014.

ADDRESSES: Anna Pardo, NAGPRA Coordinator, Bureau of Indian Affairs, 12220 Sunrise Valley Drive, Room 6084, Reston, VA 20191, telephone (703) 390–6343.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated

funerary objects under the control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and in the physical custody of the Arizona State Museum, University of Arizona, Tucson, AZ (ASM). The human remains and associated funerary objects were removed from a location within the boundaries of the Fort Apache Indian Reservation, Navajo County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the minimum number of individuals and number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (77 FR 11578–11580, February 27, 2012). Re-inventory of the human remains resulted in a reduction in the minimum number of individuals represented because many fragmentary elements could be reassociated with individuals from the more intact burials. The number of associated funerary objects increased due a search through uncatalogued object collections.

Correction

In the **Federal Register** (77 FR 11579, February 27, 2012), paragraph 7 is corrected by substituting the following paragraph:

In the years 1963 through 1977, human remains representing, at minimum, 1,021 individuals were removed from the Grasshopper Pueblo site AZ P:14:1(ASM), in Navajo County, AZ, as a result of legally authorized excavations conducted by the University of Arizona Archaeological Field School. Archaeological collections from the site were brought to the museum at the end of each field season. No known individuals were identified. The 8,858 associated funerary objects are 692 animal bones, 1 animal effigy pendant, 2 animal skeletons, 2 antler artifacts, 1 antler baton, 1 antler fragment, 1 antler wrench, 17 lots of beads of unidentified material, 29 bird bones, 6 bird skeletons, 25 bone artifacts, 35 bone awls, 2 bone awl fragments, 1 bone bead, 4 bone hair ornaments, 2 bone hairpins, 2 bone needles, 25 bone rings, 1 bone ring fragment, 1 bone spatula, 1 bone tool, 1 bone wand, 13 lots of botanical material, 1 ceramic artifact, 650 ceramic bowls, 16 ceramic bowl fragments, 2 ceramic canteens, 1 ceramic figurine fragment, 204 ceramic jars, 8 ceramic jar fragments, 1 ceramic mug, 1 ceramic pendant, 8 ceramic pitchers, 1 ceramic pitcher fragment, 2 ceramic plates, 1 ceramic platter, 4 ceramic scoops, 3,736 ceramic sherds, 1 ceramic sherd artifact, 1 ceramic sherd disk, 32 ceramic vessels, 1 ceramic vessel fragment, 1 chipped stone core, 141 chipped stone flakes, 1,852 chipped stone fragments, 2 clay samples, 52 crystals, 1 decorated shell, 2 disks, 1 drill, 25 flotation samples, 6 fossils, 3 ground stones, 2 hammerstones, 1 handstone, 15 manos, 2 mano fragments, 5 lots of matting, 1 medicine bundle, 25 minerals, 3 mortars, 2 lots of organic material, 91 pebbles, 1 pecking stone, 4 pendants, 3 lots of plant fiber matting, 16 polishing stones, 164 pollen samples, 6 quartz crystals, 16 lots of raw material, 7 shaft straighteners, 109 shells, 6 shell artifacts, 1 shell artifact fragment, 26 lots of shell beads, 32 shell bracelets, 6 shell bracelet fragments, 3 shell fragments, 1 shell necklace, 22 shell pendants, 4 shell pendant fragments, 8 shell rings, 1 shell ring fragment, 51 shell tinklers, 7 snail shells, 2 soil impressions, 29 soil samples, 3 stones, 13 stone artifacts, 1 stone axe, 5 lots of stone beads, 6 stone cores, 5 stone figurines, 3 stone knives, 14 stone pendants, 236 stone projectile points, 1 stone projectile point preform, 1 stone punch, 2 stone scrapers, 11 stone slabs, 1 lot of string, 28 tree ring samples, 3 lots of turquoise beads, 57 turquoise pendants, 132 turquoise tesserae, 16 unidentified artifacts, 3 lots of unidentified material, 1 lot of unidentified organic material, 3 wood fragments, 2 worked animal bones, 2 worked ceramic sherds, 12 worked chipped stone pieces, 1 worked shell, and 2 worked stone flakes.

In the **Federal Register** (77 FR 11580, February 27, 2012), paragraph 5 is corrected by substituting the following paragraph:

Pursuant to 25 U.S.C 3001(9), the human remains described in this notice represent the physical remains of 1,021 individuals of Native American ancestry.

In the **Federal Register** (77 FR 11580, February 27, 2012), paragraph 6 is corrected by substituting the following paragraph:

Pursuant to 25 U.S.C. 3001(3)(A), the 8,858 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as a part of the death rite or ceremony.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Anna Pardo, NAGPRA Coordinator, Bureau of Indian Affairs, Reston, VA 20191, telephone (703) 390–6343, by December 17, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Hopi Tribe of Arizona and Zuni Tribe of the Zuni Reservation, New Mexico may proceed.

The Arizona State Museum is responsible for notifying the Hopi Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico, that this notice has been published.

Dated: September 29, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–27150 Filed 11–14–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17039; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Department of Anthropology, San Francisco State University, San Francisco, CA; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The San Francisco State University NAGPRA Program has corrected an inventory of human remains and associated funerary objects, published in two Notices of Inventory Completion in the **Federal Register** on December 22, 2000 and September 28, 2012. This notice corrects the minimum number of individuals and the number of associated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the San Francisco State University NAGPRA Program. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary object should submit a written request with information in support of the request to the San Francisco State University NAGPRA Program at the address in this notice by December 17, 2014.

ADDRESSES: Jeffrey Boland Fentress, San Francisco State University NAGPRA Program, c/o Department of Anthropology, San Francisco State University, 1600 Holloway Ave., San Francisco, CA 94132, telephone (415) 338–3075, email *fentress@sfsu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the San Francisco State University NAGPRA Program, San Francisco, CA. The human remains and associated funerary objects were removed from sites Ca-Tuo-279, Ca-Tuo-300, and Ca-Tuo-314, in Tuolumne County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the minimum number of individuals and the number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (65 FR 80957, December 22, 2000) and a Notice of Inventory Completion correction in the **Federal Register** (77 FR 59659–59660, September 28, 2012). This notice corrects the number of funerary objects for Ca-Tuo-279, the number of funerary objects for Ca-Tuo-300, and the minimum number of individuals and the number of funerary objects for Ca-Tuo-314, resulting from additional tribal consultation and ongoing collections work. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (77 FR 59659–59660, September 28, 2012), the entire notice is removed.

In the **Federal Register** (65 FR 80957, December 22, 2000), paragraph 4, is corrected by substituting the following paragraph:

In 1970–71, human remains representing nine individuals were recovered from CA–TUO–279, a site located on a small peninsula that extended into the western side of the original Don Pedro Reservoir. During the construction of the new reservoir, an archeological data recovery project was undertaken by San Francisco State University. The site area is now inundated by the new Don Pedro Reservoir. No known individuals were identified. The 94 individual and 3 lots of associated funerary objects are obsidian tools and debitage, chert tools and debitage, quartz crystals and flakes, ground stone tools, bone tools, olivella beads, a fused shale projectile point, historic material, a piece of red ochre, modified steatite and asbestos, a carbon sample, nut fragments, and unmodified faunal material.

In the **Federal Register** (65 FR 80957, December 22, 2000), paragraph 5, is corrected by substituting the following paragraph:

In 1970–71, human remains representing 37 individuals were recovered from Ca-Tuo-300, a site located near LaGrange, CA, during archeological excavations conducted by San Francisco State University. The site area is now inundated by the new Don Pedro Reservoir. No known individuals were identified. The 431 individual and 87 lots of associated funerary objects are obsidian tools and debitage, chert tools and debitage, basalt tools, slate tools, quartz crystals, ground stone tools, bone tools, olivella shell beads, haliotis pendants, a sandstone pendant, a tortoise core flake, historic material, steatite earplug, a steatite bowl fragment, a mineralized antler, red ochre, soil samples, unmodified shell, faunal, and lithics.

In the **Federal Register** (65 FR 80957, December 22, 2000), paragraph 6, is corrected by substituting the following paragraph:

In 1970–71, human remains representing 20 individuals were recovered from CA–TUO–314, a site located on the southern bank of Moccasin Creek, near LaGrange, CA, during archeological excavations conducted by San Francisco State University. No known individuals were identified. The 31 individual and 9 lots of associated funerary objects are Olivella beads, bone tool fragments, flaked stone debitage; ground stone; and faunal materials including modified and unmodified animal bones and teeth, and modified bird bone.

In the **Federal Register** (65 FR 80957, December 22, 2000), paragraph 8, is corrected by substituting the following paragraph:

Determinations Made by the San Francisco State University NAGPRA Program

Officials of the San Francisco State University NAGPRA Program have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 66 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 655 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Jeffrey Boland Fentress, San Francisco State University NAGPRA Program, c/o Department of Anthropology, San Francisco State University, 1600 Holloway Ave., San Francisco, CA 94132, telephone (415) 338–3075, email *fentress@sfsu.edu,* by December 17, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California may proceed.

The San Francisco State University NAGPRA Program is responsible for notifying the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California that this notice has been published.

Dated: October 25, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–27153 Filed 11–14–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–16959; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Department of Anthropology and Sociology, University of Southern Mississippi, Hattiesburg, MS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of Anthropology and Sociology at the University of Southern Mississippi, Hattiesburg, has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Department of Anthropology and Sociology at the University of Southern Mississippi,

Hattiesburg. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Department of Anthropology and Sociology at the University of Southern Mississippi, Hattiesburg, at the address in this notice by December 17, 2014.

ADDRESSES: Marie Elaine Danforth, Professor, Department of Anthropology and Sociology, University of Southern Mississippi, 118 College Dr. #5074, Hattiesburg, MS 39406–0001, telephone (601) 266–4306, email *m.danforth@usm.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Department of Anthropology and Sociology at the University of Southern Mississippii, Hattiesburg.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Department of Anthropology and Sociology at the University of Southern Mississippi professional staff in consultation with representatives of the Coushatta Tribe of Louisiana; Mississippi Band of Choctaw Indians; The Chickasaw Nation; The Choctaw Nation of Oklahoma; and the Thlopthlocco Tribal Town. The following tribes were invited to consult but did not participate: Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Caddo Nation of Oklahoma; Catawba Indian Nation (aka Catawba Tribe of South Carolina); Cherokee Nation; Chitimacha Tribe of Louisiana; Eastern Band of the Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians; Kialegge Tribal Town; Miccosukee Tribe of Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations); Shawnee Tribe; The Muscogee (Creek) Nation; The Quapaw Tribe of Indians; The Seminole Nation of Oklahoma; Tunica-Biloxi Indian Tribe; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

History and Description of the Remains

In the mid-1980s, human remains representing, at minimum, three individuals were removed from the Taneksanya site (22JA504) in Jackson County, MS, under the direction of local archeologist Dale Greenwell. Several burials were removed *in situ* in a soil block and given to the Frazier Museum of Natural History at the University of Southern Mississippi. In the early 1990s, curation of the human remains was transferred to the Department of Anthropology and Sociology. At that point, they were removed from the soil block and underwent bio-archaeological analysis. The human remains were bundle burials and had no associated grave goods. Two individuals, a young adult female and a young adult male, were somewhat commingled; a third individual, a middle adult male, was apparently buried separately. No known individuals were identified. No associated funerary objects are present. The site likely dates to the Early Woodland period.

Sometime before 1988, human remains representing, at minimum, one individual were removed from the Shirley site (22JA520), Jackson County, MS, under the direction of local archeologist Dale Greenwell. A student who was involved in the excavation donated the remains to the University of Southern Mississippi. The human remains represent the essentially complete skeleton of a young to middle adult male. No known individuals were identified. No associated funerary objects are present. According to information on record at the Mississippi Department of Archives and History, the site dates to the Mississippian period.

Between 2008 and 2012, human remains representing, at minimum, five individuals were removed from a beach on Greenwood Island, in Jackson County, MS. The excavation, conducted under the direction of Marie Danforth at the University of Southern Mississippi, was part of a project to recover four Mexican War soldiers whose coffins were found washing out in the tidal zone. The human remains are believed to have eroded out of a Middle Woodland site (22JA516) located just south of the 19th century cemetery. The human remains include eight femoral diaphyses, two humeral diaphyses, two tibial diaphyses, and fragments of mandible, cranium, teeth, clavicle, ulna, foot, vertebrae, scapula and unidentified long bone, all belonging to adults. No known individuals were identified. No associated funerary objects are present. The site dates to the Middle Woodland period.

Sometime between 1980 and 2006, human remains representing, at minimum, five individuals were removed from Deer Island (22HR500), in Harrison County, MS. In the mid-1980s, a partial adult femur was recovered during surface collection by archeologist Baxter Mann. In 2006, additional human remains were recovered by archeologist Tony Boudreaux, also during surface collection. Elements included two right femoral diaphyses, neither of which matched the femur found earlier. In May 2014, the University of Southern Mississippi received additional human remains that had been recovered from the site by a local collector in the 1980s. Elements included two individuals, one a female represented by a skull, vertebrae, ribs, arms, and pelvis, and an adult of indeterminate sex represented by a tibia fragment and mandible. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, one individual were removed from an unknown location, likely from Pinola, Simpson County, MS. The human remains were recovered from an estate sale for Dr. Alan in Pascagoula, MS, in 2010; a local resident donated the remains to the University of Southern Mississippi. The human remains were most likely recovered from Dr. Alan's property in Pinola, Simpson County, MS. The human remains included a femur, tibia, ulna, ilium, and rib, and are consistent with belonging to an adult male. No known individuals were identified. No associated funerary objects are present.

In the early 1980s, human remains representing, at minimum, one individual were removed from site 22 KE511 in Kemper County, MS, by archeologists John Blitz and Jerry Voss of the University of Southern Mississippi during a survey of Choctaw sites. A small number of human remains were recovered from the surface and were sent for curation at the Department of Anthropology and Sociology. The highly fragmentary remains include

cranium, one tooth, femur, ulna, tibia, innominate, patella, hand, and unidentified bone. No known individuals were identified. No associated funerary objects are present. Ceramic sherds recovered from the site date the human remains to the protohistoric period.

At an unknown date, human remains representing, at minimum, seven individuals were removed from Smith Creek site (22WK526) in Wilkinson County, MS, by an avocational archeologist. In 2012, the human remains were discovered in the avocational archeologist's belongings. The human remains include a maxilla and mandible from a 6–10 year old juvenile; a humerus from a 2–3 year old juvenile; a femur from an infant; a cranium and partial postcranium of a young adult probable female; partial crania, representing one adult male, one adult probable male, and one adult of indeterminate sex; and postcranial elements including maxilla, mandible, ilium, ribs, and vertebrae. No known individuals were identified. No associated funerary objects are present. Ceramic sherds recovered from the site date the human remains to the Late Woodland period.

Based on geographical, archeological, historical, and other information, there is a shared group identity between these human remains and the Choctaw tribes.

Determinations Made by the University of Southern Mississippi

Officials of the University of Southern Mississippi have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of at least 23 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Mississippi Band of Choctaw Indians and The Choctaw Nation of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Marie Elaine Danforth, Professor, Department of Anthropology and Sociology, University of Southern Mississippi, 118 College Dr. #5074, Hattiesburg, MS 39406–0001, telephone (601) 266–4306, email *m.danforth@usm.edu,* by December 17, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Mississippi Band of Choctaw Indians and The Choctaw Nation of Oklahoma may proceed.

The University of Southern Mississippi is responsible for notifying the Coushatta Tribe of Louisiana; Mississippi Band of Choctaw Indians; The Chickasaw Nation; The Choctaw Nation of Oklahoma; and the Thlopthlocco Tribal Town that this notice has been published.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–27144 Filed 11–14–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17069; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Francisco State University NAGPRA Program, San Francisco, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The San Francisco State University NAGPRA Program has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the San Francisco State University NAGPRA Program. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the San Francisco State University NAGPRA Program at the address in this notice by December 17, 2014.

ADDRESSES: Jeffrey Boland Fentress, San Francisco State University NAGPRA Program, c/o Department of Anthropology, San Francisco State University, 1600 Holloway Avenue, San Francisco, CA 94132, telephone (415) 338–3075, email *fentress@sfsu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the San Francisco State University NAGPRA Program, San Francisco, CA. The human remains and associated funerary objects were removed from site Ca-Sha-169, in Shasta County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the San Francisco State University NAGPRA Program professional staff in consultation with representatives of Redding Rancheria, California, and the Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias).

History and Description of the Remains

In 1960, human remains representing, at minimum, eight individuals were removed from site Ca-Sha-169 in Redding, CA, by San Francisco State University personnel in conjunction with construction of the Wintu Pumping Plant as part of the Whiskeytown Reservoir project. Site materials from the Whiskeytown Reservoir project were curated at San Francisco State University after excavation and surface collection. The 270 individual and 1 lot of associated funerary objects are 9 obsidian projectile points and tools, 1 chert tool, 1 basalt tool, 5 bone tools, 2 ground stone tools, 230 olivella beads, 4 haliotis pendants, 13 glycymeris beads, 1 bone bead, 1 lot of traded beads, 1 possible charm stone, 1 mussel shell, and 2 pieces of red ochre.

Ca-Sha-169 had archeological assemblages consistent with the Shasta Complex which is considered the

archeological representation of the ethnographic Wintu, with a time-depth of circa A.D. 1050. Oral history evidence presented during consultation indicates that the Redding, CA area has been continuously occupied by the Wintu since the contact period and that there is a cultural affiliation between the Redding Rancheria, California and the ancestral Wintu people.

Determinations Made by the San Francisco State University NAGPRA Program

Officials of the San Francisco State University NAGPRA Program have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of eight individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 270 individual and 1 lot of objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Redding Rancheria, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Jeffrey Boland Fentress, San Francisco State University NAGPRA Program, c/o Department of Anthropology, San Francisco State University, 1600 Holloway Avenue, San Francisco, CA 94132, telephone (415) 338–3075, email *fentress@sfsu.edu,* by December 17, 2014. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Redding Rancheria, California, may proceed.

The San Francisco State University NAGPRA Program is responsible for notifying the Redding Rancheria, California, and the Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias) that this notice has been published.

Dated: October 29, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–27155 Filed 11–14–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17040; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: San Francisco State University NAGPRA Program, San Francisco, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The San Francisco State University NAGPRA Program, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the San Francisco State University NAGPRA Program. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the San Francisco State University NAGPRA Program at the address in this notice by December 17, 2014.

ADDRESSES: Jeffrey Boland Fentress, San Francisco State University NAGPRA Program, c/o Department of Anthropology, San Francisco State University, 1600 Holloway Avenue, San Francisco, CA 94132, telephone (415) 338–3075, email *fentress@sfsu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the San Francisco State University NAGPRA Program that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

Based on the request for repatriation submitted by the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California, each of the objects below meets the definition of unassociated funerary objects under 25 U.S.C. 3001 and 43 CFR 10.2(d)(2)(ii), (d)(3), or (d)(4). Through the summary, consultation, and notification procedures in 43 CFR 10.14, the cultural affiliation of the cultural items below with the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California was established.

Between 1970 and 1971, 2 cultural items were removed from site CA-TUO-314, located on the southern bank of Moccasin Creek, near LaGrange, in Tuolumne County, CA, during archeological excavations conducted by San Francisco State University. The 2 unassociated funerary objects are ground stone artifacts associated with human remains from Burial 5; the human remains are not present at San Francisco State University. The geographic location of the sites and archeological, historical, and oral history evidence indicate that these unassociated funerary objects are Native American. The objects are consistent with the material culture of the ancestral Sierra Miwok who occupied this area during the Euro-American contact period, and Ca-TUO-314 is located in an area that is documented as Central Sierra Miwok territory. Oral history evidence presented during consultation indicates that the area has been continuously occupied by the Miwok since the contact period and that there is cultural affiliation between the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

Determinations Made by the San Francisco State University NAGPRA Program

Officials of the San Francisco State University NAGPRA Program have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 2 unassociated funerary objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a

preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Jeffrey Boland Fentress, San Francisco State University NAGPRA Program, c/o Department of Anthropology, San Francisco State University, 1600 Holloway Avenue, San Francisco, CA 94132, telephone (415) 338–3075, email *fentress@sfsu.edu,* by December 17, 2014. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California may proceed.

The San Francisco State University NAGPRA Program is responsible for notifying the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California that this notice has been published.

Dated: October 25, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–27147 Filed 11–14–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17072; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: U.S. Department of Agriculture, Forest Service, Cherokee National Forest, Cleveland, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture (USDA), Forest Service, Cherokee National Forest, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the USDA Forest Service, Cherokee National Forest. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the USDA Forest Service, Cherokee National Forest at the address in this notice by December 17, 2014.

ADDRESSES: Mr. JaSal Morris, Forest Supervisor, Supervisor's Office, USDA Forest Service, Cherokee National Forest, 2800 Ocoee Street N., Cleveland, TN 37312, telephone (423) 476–9700.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the USDA Forest Service, Cherokee National Forest, Cleveland, TN, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1977 and 1978, 346 cultural items were removed from the Jackson Farm site (40Wg17) in Washington County, TN, by the Forest Service archeologist Dr. Howard Earnest. Dr. Earnest removed human remains at the same time, but the human remains are not associated with these cultural items. Dr. Earnest excavated 20 burial units that were extensively disturbed through massive sheet erosion of the site from flooding of the Nolichucky River in the fall of 1977. The cultural items removed by Dr. Earnest have been curated by Western Carolina University since excavation. The 346 unassociated funerary objects are 292 whole glass beads; 3 half glass beads; 3 marine shell gorgets; 25 tubular brass beads; 1 brass gorget; 1 brass animal effigy pendant with brass tear-shaped pendants; 1 miniature brass effigy axe; 19 mica discs; and 1 brass cone or tinkler.

Based on the location of the Jackson Farm site, it is reasonable to assume a relationship of shared group identity between these cultural items and the Cherokee people, currently represented by the Cherokee Nation, the Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Determinations Made by the USDA Forest Service Cherokee National Forest

Officials of the USDA Forest Service, Cherokee National Forest have determined that:

• Pursuant to 25 U.S.C. 3001(3)(B), the 346 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Cherokee Nation, the Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Mr. JaSal Morris, Forest Supervisor, Supervisor's Office, USDA Forest Service, Cherokee National Forest, 2800 Ocoee Street N., Cleveland, TN 37312, telephone (423) 476–9700, by December 17, 2014. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Cherokee Nation, the Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The USDA Forest Service, Cherokee National Forest is responsible for notifying the Cherokee Nation, the Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: October 29, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–27136 Filed 11–14–14; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17070; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: San Francisco State University NAGPRA Program, San Francisco, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The San Francisco State University NAGPRA Program, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the San Francisco State University NAGPRA Program. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the San Francisco State University NAGPRA Program at the address in this notice by December 17, 2014.

ADDRESSES: Jeffrey Boland Fentress, San Francisco State University NAGPRA Program, c/o Department of Anthropology, San Francisco State University, 1600 Holloway Avenue, San Francisco, CA 94132, telephone (415) 338–3075, email *fentress@sfsu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the San Francisco State University NAGPRA Program that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1960, 1,795 individual and 14 lots of cultural items were removed from site Ca-Sha-169 in Redding, CA, by San Francisco State University personnel in conjunction with construction of the Wintu Pumping Plant as part of the Whiskeytown Reservoir project. Site materials from the Whiskeytown Reservoir project were curated at San Francisco State University after excavation and surface collection. The 1,795 individual and 14 lots of cultural items are 73 olivella beads, 2 haliotis pendants, 4 glycymeris beads, and 1 incised bone (Burial 2); 1 lot of olivella beads (Burials 2 and 3); 3 obsidian projectile points, 638 olivella beads, and 1 abalone pendant (Burial 3); 8 haliotis pendants (Burial 6); 1 lot of olivella beads, and 3 glycymeris beads (Burial 9); 159 olivella beads (Burial 10); 1 obsidian projectile point and 21 olivella beads (Burial 11); 1 obsidian projectile point, 1 mixed lot of unmodified faunal and obsidian debitage, 4 olivella beads, and 1 stone bead (Burial 13); 20 olivella beads (Burial 14); 55 olivella beads and 4 glycymeris beads (Burial 15); 2 obsidian projectile points, 1 chert tool, 3 bone tools, and 12 trade beads (Burial 16); 14 obsidian projectile points and tools, 29 obsidian nodules, 10 olivella beads, and 1 glycymeris beads (Burial 17); 15 olivella beads and 7 individual and 1 lot of glycymeris beads (Burial 18); 1 obsidian projectile point and 1 bone tool (Burial 21 or 2106); 9 olivella beads, 2 clam shell beads, 4 mixed beads (cerithidea, olivella acamea, glycymeris, rectangulus), and 1 haliotis pendant (Burial 23); 1 obsidian projectile point, 1 pestle, 56 individual and 2 lots of olivella beads, 17 haliotis pendants, 4 limpet shell beads, 1 glycmeris bead, 1 lot of trade beads, and 1 worked mammal tooth pendant (Burial 26); 29 individual and 1 lot of olivella beads (Burial 28 and 29); 43 olivella beads and 1 lot of haliotis pendants (Burial 30); 3 obsidian points, 1 pestle, 247 olivella beads, 2 haliotis pendants, 30 glycymeris beads, 3 limpet beads, and 3 pebbles (Burial 31); 1 obsidian projectile point, 18 olivella shell beads, 1 glycymeris bead, and 1 baked clay object (Burial 33); 2 obsidian tools, 4 lots of olivella beads, 1 haliotis pendant, 1 piece of charcoal, and 1 pebble (Burial 35); 1 chert tool, 200 olivella beads, and 1 lot of pine nut beads (Burial 36 and 37); and 1 obsidian point and 14 olivella beads (Burial 39). The human remains associated with these burials are not present at San Francisco State University.

Ca-Sha-169 had archeological assemblages consistent with the Shasta Complex which is considered the archeological representation of the ethnographic Wintu, with a time-depth of circa A.D. 1050. Oral history evidence presented during consultation indicates that the Redding, CA area has been continuously occupied by the Wintu since the contact period and that there is a cultural affiliation between the Redding Rancheria, California, and the ancestral Wintu people.

Determinations Made by the San Francisco State University NAGPRA Program

Officials of the San Francisco State University NAGPRA Program have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 1,795 individual and 14 lots of cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and Redding Rancheria, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Jeffrey Boland Fentress, San Francisco State University NAGPRA Program, c/o Department of Anthropology, San Francisco State University, 1600 Holloway Avenue, San Francisco, CA 94132, telephone (415) 338–3075, email *fentress@sfsu.edu,* by December 17, 2014. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Redding Rancheria, California may proceed.

The San Francisco State University NAGPRA Program is responsible for notifying the Redding Rancheria, California, and the Pit River Tribe, California (includes XL Ranch, Big

Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias) that this notice has been published.

Dated: October 29, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2014–27146 Filed 11–14–14; 8:45 am]

BILLING CODE 4312–50–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Three-Dimensional Cinema Systems and Components Thereof, DN 3040;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *EDIS*,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *USITC.*[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *EDIS.*[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of RealD Inc. on November 7, 2014. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain three-dimensional cinema systems and components thereof. The complaint names as respondents MasterImage 3D, Inc. of Sherman Oaks, CA; and MasterImage 3D Asia, LLC of Korea. The complainant requests that the Commission issue a limited exclusion order and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3040'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *Electronic Filing Procedures*[4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on *EDIS.*[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

Issued: November 10, 2014.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–27050 Filed 11–14–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Snowmobiles with*

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

Engines Having Exhaust Temperature-Controlled Engine Technology and Components Thereof, DN 3039; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Artic Cat Inc. on November 7, 2014. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain snowmobiles with engines having exhaust temperature-controlled engine technology and components thereof. The complaint names as respondents Bombardier Recreational Products, Inc. of Canada; and BRP US Inc. of Sturtevant, WI. The complainant requests that the Commission issue a limited exclusion order and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3039'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *Electronic Filing Procedures*[4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on *EDIS*.[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

Issued: November 10, 2014.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–27048 Filed 11–14–14; 8:45 am]

BILLING CODE 7020–02–P

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1229–1230 (Final)]

Monosodium Glutamate From China and Indonesia

Determination

On the basis of the record[1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (''the Act''), that an industry in the United States is materially injured by reason of imports from China and Indonesia of monosodium glutamate, provided for in subheading 2922.42.10 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (LTFV).[3]

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner F. Scott Kieff did not participate in these investigations.

[3] The Commission also finds that imports subject to Commerce's affirmative critical circumstances determination are not likely to undermine seriously the remedial effect of the antidumping duty order on China.

Background

The Commission instituted these investigations effective September 16, 2013, following receipt of a petition filed with the Commission and Commerce by Ajinomoto North America Inc. (''AJINA''), Itasca, Illinois. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of monosodium glutamate from China and Indonesia were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 18, 2014 (79 FR 34782). The hearing was held in Washington, DC, on September 23, 2014, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission completed and filed its determinations in these investigations on November 10, 2014. The views of the Commission are contained in USITC Publication 4499 (November 2014), entitled *Monosodium Glutamate from China and Indonesia: Investigation Nos. 731–TA–1229–1230 (Final).*

Issued: November 10, 2014.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–27041 Filed 11–14–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–936]

Certain Footwear Products; Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 14, 2014, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Converse Inc. of North Andover, Massachusetts. A supplement to the complaint was filed on November 4, 2014. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain footwear products by reason of infringement of U.S. Trademark Registration No. 4,398,753 (''the '753 trademark''); U.S. Trademark Registration No. 3,258,103 (''the '103 trademark''); and U.S. Trademark Registration No. 1,588,960 (''the '960 trademark''), and that an industry in the United States exists as required by subsection (a)(2) of section 337. The complaint further alleges violations of section 337 based upon unfair competition/false designation of origin, common law trademark infringement and unfair competition, and trademark dilution, the threat or effect of which is to destroy or substantially injure an industry in the United States.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2014).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on November 10, 2014, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) Whether there is a violation of subsection (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain footwear products by reason of infringement of one or more of the '753, '103, and the '960 trademarks, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(b) whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain footwear products by reason of unfair competition/false designation of origin, common law trademark infringement and unfair competition, or trademark dilution, the threat or effect of which is to destroy or substantially injure an industry in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Converse Inc., One High Street, North Andover, MA 01845.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Skechers U.S.A., Inc., 228 Manhattan Beach Boulevard, Manhattan Beach, CA 90266.

Wal-Mart Stores, Inc., 702 SW. 8th Street, Bentonville, AR 72716–8611.

A-List, Inc., d/b/a Kitson, 115 South Robertson Boulevard, Los Angeles, CA 90048.

Aldo Group, 2300 Émile-Bélanger, Montreal, Quebec H4R 3J4, Canada.

Brian Lichtenberg, LLC, 825½ Silver Lake Boulevard, Los Angeles, CA 90026.

Cmerit USA, Inc., d/b/a Gotta Flurt, 13875 Ramona Avenue, Chino, CA 91710.

Dioniso SRL, via Pievaiola 166–f2, 06132 Perugia, Italy.

Edamame Kids, Inc., 1911–34 Avenue SW., Calgary, Alberta T2T 2C2, Canada.

Esquire Footwear, LLC, 385 5th Avenue, Second Floor, New York, NY 10016.

FILA U.S.A., Inc., 930 Ridgebrook Road, Suite 200, Sparks, MD 21152.

Fortune Dynamic, Inc., 21923 Ferrero Parkway, City of Industry, CA 91789.

Gina Group, LLC, 10 West 33rd Street, #312, New York, NY 10001.

H & M Hennes & Mauritz LP, 215 Park Avenue South, 15th floor, New York, NY 10003.

Highline United LLC d/b/a Ash Footwear USA, 44 Mercer Street, New York, NY 10013.
Hitch Enterprises Pty Ltd d/b/a Skeanie, Unit 3, 13 Lyell Street, Mittagong, New South Wales 2575, Australia.
Iconix Brand Group, Inc., d/b/a Ed Hardy, 1450 Broadway, 3rd and 4th Floor, New York, NY 10018.
Kmart Corporation, 3333 Beverly Road, Hoffman Estates, IL 60179.
Mamiye Imports LLC d/b/a Lilly of New York, 1841 East 8th Street, Brooklyn, NY 11223.
Nowhere Co., Ltd. d/b/a Bape, 4–22–3, Sendagaya, Shibuya-Ku, 151–0051 Tokyo, Japan.
OPPO Original Corp, 108–118 Brea Canyon Road, City of Industry, CA 91789–3086.
Orange Clubwear, Inc., d/b/a Demonia Deviant, 14726 Goldenwest Street, Suite B, Westminster, CA 92683.
Ositos Shoes, Inc., d/b/a Collection'O, 9605 Rush Street, South El Monte, CA 91733.
PW Shoes Inc., 58–30 Grand Avenue #3A, Maspeth, NY 11378.
Ralph Lauren Corporation, 650 Madison Avenue, New York, NY 10022–1070.
Shenzhen Foreversun Industrial Co., Ltd (a/k/a Shenzhen Foreversun Shoes Co., Ltd), Room 1109–1112 F11, Yousong Science &Technology Bldg., 1st Road of Donghuan, Longhua, Bao'an, Shenzhen, Guangdong Province, China 518109.
Shoe Shox, c/o Zulily, Inc., 2601 Elliott Avenue, Suite 200, Seattle, WA 98121.
Tory Burch LLC, 11 West 19th Street, 7th Floor, New York, NY 10011–4277.
Zulily, Inc., 2601 Elliott Avenue, Suite 200, Seattle, WA 98121.
Fujian Xinya I&E Trading Co. Ltd., Floor 4, Building A, China Shoes Capital, Chendai Town, Jinjiang, Fujian Province, China 362200.
Zhejiang Ouhai International Trade Co. Ltd., Building B, Jinzhou Building, Wenzhou Avenue, Wenzhou, Zhejiang Province, China 325000.
Wenzhou Cereals Oils & Foodstuffs Foreign Trade Co. Ltd., 24th Floor, International Trade Centre, 236 Liming West Road, Wenzhou, Zhejiang Province, China 325003.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: November 12, 2014.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–27112 Filed 11–14–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

On November 5, 2014, the Department of Justice lodged a proposed consent decree with the United States District Court for the Eastern District of Missouri in the lawsuit entitled *United States and State of Missouri* v. *Cyprus Amax Minerals Company and Missouri Lead Smelting Company,* Civil Action No. 14–1876–HEA.

The United States and the State of Missouri sued the defendants under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9607, section 311 of the Clean Water Act, 33 U.S.C. 1321, and MO. REV. STAT. § 644.096 of the Missouri Clean Water law for recovery of natural resource damages resulting from releases of hazardous substances from the Buick Mine and Mill and the Buick Smelter, located near the town of Bixby in Southeast Missouri's Viburnum Trend. The consent decree resolves the action. Under the decree, defendants Cyprus Amax Minerals Company and Missouri Lead Smelting Company will pay $7,284,677.00 in natural resource damages. In return, the United States, by and through the Fish Wildlife Service of the United States Department of the Interior, and the Department of Agriculture, Forest Service; and the State of Missouri, will grant covenants not to sue the defendants for natural resource damages, subject to the terms of the decree.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Cyprus Amax Minerals Company,* D.J. Ref. No. 90–11–3–09424/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $5.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Susan Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–27061 Filed 11–14–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On November 7, 2014 the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Oregon in the lawsuit entitled *United States* v. *Linnton Plywood Association*, Civil Action No. 3:14–1772.

The United States' complaint in the case on behalf of the Environmental Protection Agency (EPA), the Department of Interior (DOI) and the National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce, seeks recovery of costs that the United States has incurred and will incur in responding to, and natural resource damages resulting from, releases or threatened releases of hazardous substances at the Portland Harbor Superfund Site in Portland, Oregon, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act. The Consent Decree resolves these claims based on Defendant Linnton Plywood Association's (LPA) limited ability to pay. Under the Consent Decree, LPA will (a) pay the United States $450,000; (b) sell its remaining real property within the Portland Harbor Superfund Site and pay the net proceeds from that sale to the United States; and (c) establish and assign certain rights under its insurance policies to the Portland Harbor Superfund Site Insurance Recovery Trust. The Trust, to be established by the Trust Agreement which is attached to the Consent Decree, will seek coverage pursuant to the assigned insurance rights and direct the proceeds of any recoveries to the United States. All payments under the Consent Decree and proceeds from the Trust will be divided 75% to EPA and 25% to DOI and NOAA as natural resource damage trustees.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Linnton Plywood Association,* D.J. Ref. No. 90–11–2–06787/3. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $18.75 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $8.75.

Susan Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–27074 Filed 11–14–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

USDOL Extends the Due Date for Comments on Labor Capacity-Building Efforts Under the Dominican Republic-Central America-United States Free Trade Agreement

AGENCIES: Office of the Secretary of Labor.

ACTION: Change of due date.

SUMMARY: On October 28, 2014, the U.S. Department of Labor issued a **Federal Register** Notice (79 FR 64217) asking the public for comments to assist the Secretary of Labor in preparing a report required by the U.S. Congress. The report will include a summary of public comments on: (a) The labor capacity-building efforts under Chapter 16 (''the Labor Chapter'') and Annex 16.5 of the Dominican Republic-Central America-United States Free Trade Agreement (''CAFTA–DR''); and (b) efforts made by the CAFTA–DR countries to implement the labor obligations under the Labor Chapter and recommendations contained in a paper entitled, ''The Labor Dimension in Central America and the Dominican Republic—Building on Progress: Strengthening Compliance and Enhancing Capacity'' (the ''White Paper''). The comment period established for responses to this request was to end at 5:00 p.m. EST on November 10, 2014. The comment period is being extended to 5:00 p.m. EST, on November 28, 2014.

SUPPLEMENTARY INFORMATION: For information on the nature of comments being requested and requirements for making submissions, please refer to the guidance provided in 79 FR 64217, published on October 28, 2014. This **Federal Register** Notice can be accessed at the United States Government's **Federal Register** Web site at: *https://www.federalregister.gov/articles/2014/10/28/2014-25535/request-for-comments-on-labor-capacity-building-efforts-under-the-dominican-republic-central.*

FOR FURTHER INFORMATION CONTACT: Mr. James Rude, Office of Trade and Labor Affairs, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–5303, Washington, DC 20210. Email: *Rude.James@DOL.Gov,* Telephone: (202) 693–4806.

Signed at Washington, DC, the 10th day of November 2014.

Carol Pier,

Deputy Undersecretary for International Affairs, U.S. Department of Labor.

ILAB ELECTRONIC CLEARANCE FORM

[FRN announcing extension of public comment period for CAFTA–DR report]

	Office and name	Review date	Response
Drafter:	Rude	11/6	Clear with revisions
Clearers:	ILAB/OTLA—Josh Kagan	11/5/14	Clear with attached revisions.
	ILAB/OTLA—Sue Hahn	11/5/14	Clear. Agree with Josh's changes.
	SOL—Matt Levin	.....	Choose an item.
	ILAB/OTLA—Greg Schoepfle	11/6/14	Clear.
Approver:	ILAB/ODUS—Thomas Richards	11/6/14	Clear.

ILAB ELECTRONIC CLEARANCE FORM—Continued

[FRN announcing extension of public comment period for CAFTA–DR report]

	Office and name	Review date	Response
Info:	ILAB/OIR—Chantenia Gay ILAB/OCFT—Eileen Muiraggui		

File path: ..*2014-11-05 Revised FRN for CAFTA-DR report.*

[FR Doc. 2014–27049 Filed 11–14–14; 8:45 am]

BILLING CODE 4510–28–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (14–104)]

Notice of Intent To Grant an Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant an exclusive license.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant an exclusive license in the United States to practice the invention described and claimed in USPN 7,248,342, 3-Dimension Imaging Lidar, NASA Case No. GSC–14616–1 to Sigma Space Corporation, having its principal place of business in Lanham, Maryland. The patent rights in this invention have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Mr. Bryan A. Geurts, Chief Patent Counsel, Office of the Patent Counsel, Code 140.1, Goddard Space Flight Center, Greenbelt, MD 20771, (301) 286–7351.

FOR FURTHER INFORMATION CONTACT: Alfred T. Mecum, Innovative Partnerships Program Office/504, Goddard Space Flight Center, Greenbelt, MD 20771 (301) 286–5810. Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov/.*

Sumara M. Thompson-King,

General Counsel.

[FR Doc. 2014–27073 Filed 11–14–14; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (14–103)]

Notice of Intent To Grant a Partially Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant partially exclusive license.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant a partially exclusive license in the United States to practice the inventions described and claimed in U.S. Patent No. 7,075,295 B2, ''Magnetic Field Response Sensor for Conductive Media,'' NASA Case No. LAR–16571–1; U.S. Patent No. 7,589,525 B2, ''Magnetic Field Response Sensor for Conductive Media,'' NASA Case No. LAR–16571–2; U.S. Patent No. 7,759,932 B2, ''Magnetic Field Response Sensor for Conductive Media,'' NASA Case No. LAR–16571–3; U.S. Patent No. 7,086,593 B2, ''Magnetic Field Response Measurement Acquisition System,'' NASA Case No. LAR–16908–1; U.S. Patent No. 7,047,807 B2, ''Flexible Framework for Capacitive Sensing,'' NASA Case No. LAR–16974–1; U.S. Patent No. 7,506,541 B2, ''System and Method for Wirelessly Determining Fluid Volume,'' NASA Case No. LAR–17116–1; U.S. Patent No. 7,255,004 B2, ''Wireless Fluid Level Measuring System,'' NASA Case No. LAR–17155–1; U.S. Patent No. 7,159,774 B2, ''Magnetic Field Response Measurement Acquisition System,'' NASA Case No. LAR–17280–1; U.S. Patent No. 8,430,327 B2, ''Wireless Sensing System Using Open-Circuit, Electrically-Conductive Spiral-Trace Sensor,'' NASA Case No. LAR–17294–1; and U.S. Patent No. 7,711,509 B2, ''Method of Calibrating a Fluid-Level Measurement System,'' NASA Case No. LAR–17480–1 to Textile Instruments, LLC having its principal place of business in Perrysburg, Ohio. The fields of use may be limited to, but not necessarily limited to, threads, fabrics, textiles, and paper products for monitoring human or animal vital signs. The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective partially exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: The prospective partially exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated partially exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, NASA Langley Research Center, MS 30, Hampton, VA 23681; (757) 864–3230 (phone), (757) 864–9190 (fax).

FOR FURTHER INFORMATION CONTACT: Robin W. Edwards, Patent Counsel, Office of Chief Counsel, NASA Langley Research Center, MS 30, Hampton, VA 23681; (757) 864–3230; Fax: (757) 864–9190. Information about other NASA

inventions available for licensing can be found online at *http://technology.nasa.gov.*

Sumara M. Thompson-King,

General Counsel.

[FR Doc. 2014–27072 Filed 11–14–14; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (14–114)]

Notice of Intent To Grant Partially Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant partially exclusive license.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant a partially exclusive license in the United States to practice the inventions described and claimed in U.S. Patent No. 6,109,270 entitled '' Multimodality Instrument for Tissue Characterization''; U.S. Patent No. 6,718,196 entitled ''Multimodality Instrument for Tissue Characterization''; and, U.S. Patent No. 6,976,013 entitled ''Body Sensing System'' to Perfint Healthcare Corporation USA, having its principal place of business at 8201 164th Avenue NE., Suite 200, Redmond, WA 98052. The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective partially exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: The prospective partially exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated partially exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, NASA Ames Research Center, Mail Stop 202A–4, Moffett Field, CA 94035–1000. (650) 604–5104; Fax (650) 604–2767.

FOR FURTHER INFORMATION CONTACT: Robert M. Padilla, Chief Patent Counsel, Office of Chief Counsel, NASA Ames Research Center, Mail Stop 202A–4, Moffett Field, CA 94035–1000. (650) 604–5104; Fax (650) 604–2767. Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov/.*

Sumara M. Thompson-King,

General Counsel.

[FR Doc. 2014–27071 Filed 11–14–14; 8:45 am]

BILLING CODE 7510–13–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 17, 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

Permit Application: 2015–014

1. Applicant

Drs. Vasilii V. Petrenko and Jeffrey P. Severinghaus, Scripps Institution of Oceanography, UC San Diego, 9500 Gilman Dr., La Jolla, CA.

Activity for Which Permit Is Requested

ASPA entry. Applicants wish to drill into the subglacial portion of the ASPA, from 100 to 150m in depth, to extract ice cores to investigate the extent of cosmic ray produced $\Delta^{14}C$ in glacial ice. No drilling fluids would be used so as to prevent endangering the biological values protected by the ASPA.

Location

ASPA 152, Lower Taylor Glacier and Blood Falls, McMurdo Dry Valleys, Victoria Land.

Dates

January 1–31, 2015.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–27108 Filed 11–14–14; 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 October 7, 2014 the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on November 9, 2014 to:

Permit No. 2015–009

Christopher Linder

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–27089 Filed 11–14–14; 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 October 9, 2014 the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on November 9, 2014 to:

Permit No. 2014–006

Eric Stangeland, Quark Expeditions

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–27090 Filed 11–14–14; 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 19, 2014 the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on November 5, 2014 to:

Permit No. 2015–006

John McKeon, President

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–27087 Filed 11–14–14; 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 April 25, 2014 the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on November 7, 2014 to:

Permit No. 2015–001

Dr. Robert Pitman

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–27088 Filed 11–14–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–285; NRC–2014–0249]

Omaha Public Power District; Fort Calhoun Station, Unit 1

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Renewed Facility Operating License No. DPR–40, issued to Omaha Public Power District (the licensee), for operation of the Fort Calhoun Station, Unit 1. The proposed amendment would revise a limited number of Technical Specification Surveillance Requirements by adding a note or footnote permitting a one-time extension from a refueling frequency (i.e., at least once per 18 months) to a maximum of 28 months.

DATES: Submit comments by December 17, 2014]. Requests for a hearing or petition for leave to intervene must be filed by January 16, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0249. 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.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Carl F. Lyon, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2296, email: *Fred.Lyon@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0249 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0249.
- *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 (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section

- *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.

B. Submitting Comments

Please include Docket ID NRC–2014–0249 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to Renewed Facility Operating License No. DPR–40, issued to Omaha Public Power District, for operation of the Fort Calhoun Station, Unit 1, located in Washington County, Nebraska.

The proposed amendment would revise a limited number of Technical Specification Surveillance Requirements by adding a note or footnote permitting a one-time extension from a refueling frequency (i.e., at least once per 18 months) to a maximum of 28 months. These surveillance requirements include (1) manual containment isolation actuation, (2) manual recirculation actuation and recirculation actuation logic, (3) steam generator level calibration, (4) visual examination of the high-efficiency particulate air and charcoal filters in the containment recirculating air cooling and filtering system, (5) emergency diesel generators, and (6) residual heat removal system integrity. An extension is necessary because these tests will expire before the next refueling outage begins on April 11, 2015.

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The requested action is a one-time extension to the performance interval of certain TS surveillance requirements. The performance of the surveillances, or the failure to perform the surveillances, is not a precursor to an accident. Performing the surveillances or failing to perform the surveillances does not affect the probability of an accident. Therefore, the proposed delay in performance of the surveillance requirements in this amendment request does not increase the probability of an accident previously evaluated.

A delay in performing the surveillances does not result in a system being unable to perform its required function. Additionally, the defense-in-depth of the system design provides additional confidence that the safety function is maintained. In the case of this one-time extension request, the relatively short period of additional time that the systems and components will be in service before the next performance of the surveillance will not affect the ability of those systems to operate as designed. Therefore, the systems required to mitigate accidents will remain capable of performing their required function.

No new failure modes have been introduced because of this action and the consequences remain consistent with previously evaluated accidents.

Therefore, the proposed delay in performance of the surveillance requirement in this amendment request does not involve a significant increase in the consequences of an accident.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment does not involve a physical alteration of any system, structure, or component (SSC), or a change in the way any SSC is operated. The proposed amendment does not involve operation of any SSCs in a manner or configuration different from those previously recognized or evaluated. No new failure mechanisms will be introduced by the onetime surveillance extension being requested.

Therefore, the proposed change does not create the possibility of a new or different kind, of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment is a one-time extension of the performance-interval of certain TS surveillance requirements. Extending the surveillance requirements does not involve a modification of any TS Limiting Conditions for Operation. Extending the surveillance frequency does not involve a change to any limit on accident consequences specified in the license or regulations. Extending the surveillance frequency does not involve a change to how accidents are mitigated or a significant increase in the consequences of an accident. Extending the surveillance frequency does not involve a change in a methodology used to evaluate the consequences of an accident. Extending the surveillance frequency does not involve a change in any operating procedure or process.

The systems and components involved in this request have exhibited reliable operation based on the results of the most recent performances of their 18-month surveillance requirements and the associated functional surveillances. Based on the limited additional period of time that the systems and components will be in service before the surveillance is next performed, as well as FCS operating experience provides reasonable assurance these surveillances will be successful when performed. Thus, it is reasonable to conclude that the margin of safety associated with the surveillance requirement will not be affected by the requested extension.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three

standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves a No Significant Hazards Consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who desires to participate as a party in the proceeding must file a written request for hearing or a petition for leave to intervene specifying the contentions which the person seeks to have litigated in the hearing with respect to the license amendment request. Requests for hearing and petitions for leave to intervene shall be filed in accordance with the NRC's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*.

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The hearing request or petition must specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner intends to rely at the hearing, together with references to those specific sources and documents. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who does not satisfy these requirements for at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Hearing requests or petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings

unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated November 7, 2014, which is publicly available under ADAMS Accession No. ML14311A158.

Attorney for licensee: David A. Repka, Esq., Winston & Strawn, 1700 K Street NW., Washington, DC 20006–3817.

NRC Branch Chief: Michael T. Markley.

Dated at Rockville, Maryland, this 10th day of November 2014.

For the Nuclear Regulatory Commission.

Carl F. Lyon, Project Manager,

Plant Licensing Branch IV–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–27198 Filed 11–14–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 04008943; NRC–2008–0208]

Renewed Materials License, Operating License SUA–1534, Crow Butte Resources, Inc., Crow Butte Uranium In-Situ Recovery Project

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued a renewed license to Crow Butte Resources, Inc. (CBR) for its Crow Butte Uranium *In-Situ* Recovery (ISR) Project in Dawes County, Nebraska. Under conditions listed in the renewed license, the Source and Materials License SUA–1534 authorizes CBR to operate its facilities as proposed in its license renewal application, as amended, and to possess uranium source and byproduct material at the Crow Butte Uranium ISR Project.

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 access publicly available documents online in the NRC Library 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 notice (if that document is available in ADAMS) is provided the first time that a document is referenced. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table under the **SUPPLEMENTARY INFORMATION** 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: Ronald A. Burrows, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–6443; email: *Ronald.Burrows@nrc.gov.*

SUPPLEMENTARY INFORMATION: Part 40 of Title 10 of the *Code of Federal Regulations* (10 CFR) authorizes the NRC to issue a renewed license to Crow Butte Resources, Inc. (CBR) for its Crow Butte Uranium *In-Situ* Recovery (ISR) Project in Dawes County, Nebraska. Renewed Source and Byproduct Materials License SUA–1534 authorizes CBR to operate its facilities as proposed in its license renewal application, as amended, and to possess uranium source and byproduct material at the Crow Butte Uranium ISR Project, subject to conditions set forth in renewed License SUA–1534.

In accordance with 10 CFR 2.390 of the NRC's ''Rules of Practice,'' the details with respect to this action, including the Safety Evaluation Report and accompanying documentation and license, are available electronically in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of the NRC's public documents. The ADAMS accession numbers for the documents related to this document are:

1	License Renewal Application (LRA), November 27, 2007	ML073480264
2	LRA Revision, August 28, 2008	ML082410902
3	LRA Revision, May 12, 2009	ML091470116
4	LRA Revision, July 13, 2009	ML091980473
5	LRA Revision, September 17, 2010	ML102640195
6	LRA Revision, September 28, 2010	ML102740030
7	LRA Revision, February 8, 2012	ML120450518
8	LRA Revision, April 19, 2012	ML121170487
9	LRA Revision, August 16, 2012	ML12235A355
10	LRA Revision, August 30, 2012	ML12250A421
11	LRA Revision, October 4, 2012	ML12285A075
12	LRA Revision, March 4, 2014	ML14064A143
13	LRA Revision, May 15, 2014	ML14135A414
14	Final Environmental Assessment for the Renewal of the U.S. Nuclear Regulatory Commission License No. SUA–1534 For Crow Butte Resources, Inc., Crow Butte Project, Nebraska, NE, October 2014.	ML14288A517
15	NRC Safety Evaluation Report, August 2014	ML14149A433
16	Source Materials License, Crow Butte Project, November 5, 2014	ML13324A101

Dated at Rockville, Maryland, this 5th day of November, 2014.

For the Nuclear Regulatory Commission.

Larry W. Camper,

Director, Division of Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2014–27197 Filed 11–14–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0001]

Sunshine Act Meeting Notice

DATE: Weeks of November 17, 24, December 1, 8, 15, 22, 2014.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of November 17, 2014

Thursday, November 20, 2014

9:30 a.m. Briefing on Project Aim 2020 (Closed—Ex. 2)

Week of November 24, 2014—Tentative

There are no meetings scheduled for the week of November 24, 2014.

Week of December 1, 2014—Tentative

There are no meetings scheduled for the week of December 1, 2014.

Week of December 8, 2014—Tentative

Thursday, December 11, 2014

9:30 a.m. Briefing on Equal Employment Opportunity, Diversity, and Small Business Programs (Public Meeting) (Contact: Larniece McKoy Moore, 301–415–1942)

This meeting will be Web cast live at the Web address—*http://www.nrc.gov/*.

Week of December 15, 2014—Tentative

Tuesday, December 16, 2014

9:00 a.m. Update on Research and Test Reactor Initiatives (Public Meeting) (Contact: Alexander Adams, 301–415–1127)

This meeting will be Web cast live at the Web address—*http://www.nrc.gov/* .

Week of December 22, 2014—Tentative

There are no meetings scheduled for the week of December 22, 2014.

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Glenn Ellmers at (301) 415–0442 or via email at *Glenn.Ellmers@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Patricia.Jimenez@nrc.gov* or *Brenda.Akstulewicz@nrc.gov*.

Dated: November 13, 2014.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2014–27289 Filed 11–13–14; 4:15 pm]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency has prepared an information collection for OMB review and approval and has requested public review and comment on the submission. Comments are being solicited on the need for the information; the accuracy of the Agency's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within 60 calendar-days of publication of this Notice.

ADDRESSES: Copies of the subject form may be obtained from the Agency Submitting Officer.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: Essie Bryant, Record Manager, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527; (202) 336–8563.

Summary Form Under Review

Type of Request: New form.

Title: Investment Funds Department Questionnaire.

Form Number: OPIC–256.

Frequency of Use: Once per investor per Call for Proposals.

Type of Respondents: Business or other institution (except farms); individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 131.25 hours (0.75 hours per response).

Number of Responses: 175 per year.

Federal Cost: $6,683.25.

Authority for Information Collection: Sections 231, 234(b), and 239(d) of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The questionnaire is the principal document used by OPIC to determine the investor's and the project's eligibility for OPIC funding, and to collect information for financial underwriting analysis.

Dated: November 7, 2014.

Nichole Cadiente,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2014–26931 Filed 11–14–14; 8:45 am]

BILLING CODE M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on Wednesday, November 19, 2014 at 10:00 a.m., in the Auditorium, Room L–002.

The subject matter of the Open Meeting will be:

- The Commission will consider whether to adopt Regulation Systems Compliance and Integrity (Regulation SCI) under the Securities Exchange Act of 1934 (''Exchange Act'') and conforming amendments to Regulation ATS under the Exchange Act.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted, or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: November 12, 2014.

Brent J. Fields,

Secretary.

[FR Doc. 2014–27240 Filed 11–13–14; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73571; File No. SR–BATS–2014–040]

Self-Regulatory Organizations; BATS Exchange Inc.; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, Modifying Rule 21.7 of BATS Exchange, Inc.

November 10, 2014.

I. Introduction

On September 12, 2014, BATS Exchange, Inc., (''BATS'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section

19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change amending BATS Rule 21.7. The proposed rule change was published for comment in the **Federal Register** on September 30, 2014.[3] On October 10, 2014, the Exchange filed Amendment No. 1 to the proposed rule change.[4] The Commission received no comments on the proposal. This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposal

BATS proposes to amend BATS Rule 21.7 (''Market Opening Procedures'') to modify the process by which the Exchange's equity options trading platform (''BATS Options'') opens trading at the beginning of the day and after trading halts. Specifically, the BATS proposal would modify the Opening Process[5] set forth in BATS Rule 21.7 as follows: (1) Orders in the Opening Process will be executed based on time priority instead of price-time priority; (2) certain orders that are not executed during the Opening Process will be treated as if they had been entered by a User[6] rather than canceled; and (3) add certain clarifying language to BATS Rule 21.7 in order to make the Opening Process more clear.[7] The Exchange is not proposing to amend the process by which orders are entered or the Opening Price is determined or validated.

Currently, after establishing an Opening Price that is also a Valid Price,[8] orders and quotes in the Exchange's System[9] that are priced equal to or more aggressively than the Opening Price will be matched based on price-time priority and in accordance with BATS Rule 21.8. Under the current process, all orders and quotes or portions thereof that are matched pursuant to the Opening Process will be executed at the Opening Price. Further, under the current rule, orders that meet the following criteria which are not executed during the Opening Process are cancelled: (i) Limit orders that are priced equal to or more aggressively than the Opening Price; and (ii) market orders.[10] Where the Exchange currently opens trading in a series pursuant to BATS Rule 21.7(a)(1)(D) (where there is no NBBO Midpoint, no Print, and no Previous Close at a Valid Price) (a ''Contingent Open'') and there is at least one price level at which at least one contract of a limit order could be executed, the System similarly cancels all orders that are priced equal to or more aggressively than the midpoint of the most aggressively priced bid and the most aggressively priced offer.[11] The Exchange states that under its current Opening Process, limit orders and quotes that are not executed during the Opening Process or cancelled become eligible for trading on BATS Options immediately following the completion of the Opening Process.[12]

The Exchange proposes to amend its rules in order to match orders for execution in the Opening Process based on time priority rather than price-time priority and in accordance with BATS Rule 21.9. The Exchange believes that handling orders in time priority makes more sense than price-time priority for the Opening Process because, according to the Exchange, the price of an order is not particularly important to the Opening Process, so long as the order is priced at or more aggressively than the Opening Price, which can only be one of three prices: The midpoint of the NBBO; the last regular way print disseminated to the OPRA Plan[13] after 9:30 a.m.; or the last regular way transaction from the previous trading day as disseminated pursuant to OPRA.[14] According to the Exchange, because the Opening Price is always based on a price-taking process rather than a price-forming process, there is no reason to reward a more aggressive order with priority in the Opening Process.[15] Therefore, the Exchange proposes that all orders and quotes that are priced equal to or more aggressively than the Opening Price will be matched based only on time priority and will be matched until there is no remaining volume or there is an imbalance of orders that are not executed in whole or in part, at which point all matched orders and quotes will be executed at the Opening Price.[16]

The Exchange also proposes to handle all orders that are not executed in the Opening Process in time priority. Specifically, the Exchange proposes to handle such orders in time sequence, beginning with the order with the oldest time stamp and may, in whole or in part, place such orders on the BATS Options Book,[17] cancel the orders, execute the orders, or route the orders in accordance with BATS Rule 21.9.[18] According to the Exchange, all orders that were eligible for execution in the Opening Process that were not executed will be processed ahead of any orders received after the conclusion of the Opening Process.[19] If an order is placed on the BATS Options Book, it will then be subject to the standard price-time priority and subject to BATS Rule 21.8.[20] According to the Exchange, the proposed functionality will apply to all orders, including both those orders that are not executed under proposed BATS Rule 21.7(a)(3) and orders in a series that is opening subject to a Contingent Open.[21] The Exchange states that although it currently cancels any orders that are not executed in the Opening Process that are priced more aggressively than the Opening Price, the Exchange now proposes to simply enter these orders onto the BATS Options Book as described above in order to minimize the number of orders that are cancelled and must be reentered by Users.[22] The Exchange notes that all order protections, including Trade-Through[23] protection and a BATS Market Order[24] collar, will apply to orders entered pursuant to proposed BATS Rules 21.7(a)(3) and 21.7(a)(4).

The Exchange also proposes to eliminate the current functionality that cancels orders that are not executed during the Opening Process that fit the following criteria: (i) Limit orders that are priced equal to or more aggressively than the Opening Price; and (ii) market

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 73203 (September 24, 2014), 79 FR 58845 (''Notice'').

[4] In Amendment No. 1, the Exchange further clarified the process by which the Exchange's equity options trading platform opens trading at the beginning of the day and after trading halts. Amendment No. 1 has been placed in the public comment file for SR–BATS–2014–040 at *http://www.sec.gov/comments/sr-bats-2014-040/bats2014040-1.pdf* (*See* letter from Anders Franzon, VP, Associate General Counsel, BATS, to Secretary, Commission, dated October 16, 2014) and is also available on the Exchange's Web site.

[5] *See* BATS Rule 21.7(a) (defining ''Opening Process'').

[6] *See* BATS Rule 16.1(a)(63) (defining ''User'').

[7] The Exchange also proposes to add titles to BATS Rule 21.7(a)(1), (2), (3), and (4).

[8] *See* BATS Rule 21.7(a)(2) (defining ''Valid Price'').

[9] *See* BATS Rule 1.5(aa) (defining ''System'').

[10] *See* Notice, *supra* note 3, at 58845.

[11] *See id.*

[12] *See id.* The Exchange also notes that, under its current Opening Process, where there are no orders in a series that are matched at the Opening Price, the System will open the series for trading. *See id.* at 58845–58846.

[13] *See* BATS Rule 27.1(15) (defining ''OPRA Plan'').

[14] *See* Notice, *supra* note 3, at 58846. *See also* BATS Rule 27.1(14) (defining ''OPRA'').

[15] *See* Notice, *supra* note 3, at 58846.

[16] *See id.*

[17] *See* BATS Rule 16.1(a)(9) (defining ''BATS Options Book'').

[18] *See* Notice, *supra* note 3, at 58846.

[19] *See* Amendment No. 1 at 3.

[20] *See* Notice, *supra* note 3, at 58846.

[21] *See id.*

[22] *See id.*

[23] *See* BATS Rule 27.1(22) (defining ''Trade-Through'').

[24] *See* BATS Rule 21.1(d)(5) (defining ''BATS Market Order'').

orders.[25] Further, the Exchange proposes to eliminate the current functionality for a series subject to a Contingent Open where, if there is at least one price level at which at least one contract of a limit order can be executed, the System will cancel all orders that are priced equal to or more aggressively than the midpoint of the most aggressively priced bid and the most aggressively priced offer.[26] According to BATS, for many Users, cancelling orders that were entered for participation in the Opening Process negates the advantages of allowing orders to be entered prior to the beginning of regular way trading and the Opening Process.[27]

Finally, the Exchange proposes certain clarifying changes to its Opening Process rules. For example, the Exchange proposes to add language to Rule 21.7(a)(3) stating that the Opening Process will be performed after the establishment of an Opening Price that is a Valid Price[28] and that matches will occur until there is no remaining volume or there is an imbalance of orders.[29] The Exchange believes that both of these concepts are implicit in the rule.[30]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[31] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[32] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The proposed rule change is designed to modify the Exchange's Opening Process for options listed on the Exchange to ensure that BATS Options opens trading in options contracts in a fair and orderly manner. As noted above, the Exchange believes that handling orders in time priority (as opposed to price-time priority) will create a more orderly opening and makes more sense because the price of the order is not particularly important to the Opening Process, provided the order is priced at or more aggressively than the Opening Price. Under such circumstances, the Exchange believes that there is no reason to reward a more aggressive order with priority in the Opening Process. In addition, the Exchange also believes that entering orders in time sequence based on the time of receipt instead of canceling certain orders will create a more orderly opening because Users will be able to enter orders and quotes prior to the opening of trading and be assured that such orders will either participate in the Opening Process or be handled as if they were entered immediately following the Opening Process. The Exchange believes that these changes will provide market makers and Users greater control and flexibility with respect to entering orders and quotes because they will no longer have to reenter orders that may have been canceled because they were not executed in the opening process.

The Commission believes that the proposed rule change is designed to facilitate the opening of options trading on BATS Options in a fair and orderly manner. Further, the Commission believes that the proposal could benefit investors by providing Users with certainty that orders that are entered prior to the Opening Process will not be cancelled based on market conditions outside of a User's control. The Commission further notes that all order protections, including Trade-Through protection and the BATS Market Order collar, will apply to orders entered pursuant to proposed BATS Rules 21.7(a)(3) and 21.7(a)(4).[33]

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[34] that the proposed rule change (SR–BATS–2014–040), as modified by Amendment No.1, is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–27065 Filed 11–14–14; 8:45 am]

BILLING CODE 8011–01–P

[25] *See* Notice, *supra* note 3, at 58846.

[26] *See id.* The Exchange notes that although not cancelling these orders might result in executions at a price that is not the same as the Opening Price that occurs as the orders are handled in time sequence (either on BATS Options or upon routing to another options exchange), these executions would be part of regular way trading and are distinct from the opening execution that occurs as a result of the Opening Process. *See id.*

[27] *See id.*

[28] *See* BATS Rule 21.7(a)(2) (defining ''Valid Price'').

[29] *See* Notice, *supra* note 3, at 58846.

[30] *See id.*

[31] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[32] 15 U.S.C. 78f(b)(5).

[33] *See* Notice, *supra* note 3 at 58846.

[34] 15 U.S.C. 78s(b)(2).

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73570; File No. SR–ICEEU–2014–21]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Clearance of New Energy Futures Contracts

November 10, 2014.

Pursuant to 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 28, 2014, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared primarily by ICE Clear Europe. ICE Clear Europe filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(4)(ii)[4] thereunder, so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the change is to modify certain aspects of the ICE Clear Europe Delivery Procedures in connection with the launch by the ICE Endex market of the ICE Endex Belgian ZTP Natural Gas Futures Contracts (the ''Belgian Natural Gas Contracts''), which will be cleared by ICE Clear Europe.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(ii).

proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICE Clear Europe has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the rule amendments is to modify certain aspects of the ICE Clear Europe Delivery Procedures in connection with the launch by the ICE Endex market of the Belgian Natural Gas Contracts, which will be cleared by ICE Clear Europe. ICE Clear Europe does not otherwise propose to amend its clearing rules or procedures in connection with the Belgian Natural Gas Contracts.

The amendments adopt a new Part H of the Delivery Procedures, which will be applicable to the Belgian Natural Gas Contracts in the case of physical delivery. The amendments provide, among other matters, specifications for delivery of natural gas under a Belgian Natural Gas Contract through the relevant Belgian transmission system, including relevant definitions and a detailed delivery timetable for the contracts. The amendments also address invoicing and payment for delivery and certain limitations on the liability of the Clearing House for performance or non-performance by the operator of the transmission system and provider of certain relating trading services. The amendments provide for calculation by the clearing house of buyer's and seller's security to cover delivery obligations and related liabilities, costs or charges, as well as procedures to address failed deliveries. The revised procedures also outline various documentation requirements for the relevant parties.

In addition, the Parts of the Delivery Procedures after new Part H have been renumbered and cross-references have been updated or corrected. Certain other typographical corrections have also been made in Parts D, E, F and G of the Delivery Procedures.

ICE Clear Europe believes that the changes described herein are consistent with the requirements of Section 17A of the Act [5] and the regulations thereunder applicable to it, including the standards under Rule 17Ad–22,[6] and are consistent with the prompt and accurate clearance of and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts and transactions, the safeguarding of securities and funds in the custody or control of ICE Clear Europe or for which it is responsible and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[7] The Belgian Natural Gas Contracts have similar characteristics to other ICE Endex and ICE Futures Europe energy contracts currently cleared by ICE Clear Europe, and ICE Clear Europe believes that its existing financial resources, risk management, systems and operational arrangements are sufficient to support clearing of such products (and address physical delivery under such contracts).

Specifically, ICE Clear Europe believes that it will be able to manage the risks associated with acceptance of the Belgian Natural Gas Contracts for clearing and physical delivery in such contracts. The Belgian Natural Gas Contracts present a similar risk profile to other ICE Endex contracts currently cleared by ICE Clear Europe, and ICE Clear Europe believes that its existing risk management and margin framework is sufficient for purposes of risk management of the Belgian Natural Gas Contracts and related deliveries.

Similarly, ICE Clear Europe has established appropriate standards for determining the eligibility of contracts submitted to the clearinghouse for clearing, and ICE Clear Europe believes that its existing systems are appropriately scalable to handle the Belgian Natural Gas Contracts, which are generally similar from an operational perspective to the other ICE Endex natural gas contracts currently cleared by ICE Clear Europe.

For the reasons noted above, ICE Clear Europe believes that the proposed rule change is consistent with the requirements of Section 17A of the Act [8] and regulations thereunder applicable to it.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed changes to the rules would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the Act. ICE Clear Europe is adopting the amendments to the Delivery Procedures in connection with the listing of new contracts for trading on the ICE Endex market. ICE Clear Europe believes that such contracts will provide additional opportunities for interested market participants to engage in trading activity relating to the Belgian natural gas market. ICE Clear Europe does not believe the adoption of related Delivery Procedures amendments would adversely affect access to clearing for clearing members or their customers, or otherwise adversely affect competition in clearing services.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed changes to the rules have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A) [9] of the Act and Rule 19b–4(f)(4)(ii) [10] thereunder because it effects a change in an existing service of a registered clearing agency that primarily affects the clearing operations of the clearing agency with respect to products that are not securities, including futures that are not security futures, swaps that are not security-based swaps or mixed swaps, and forwards that are not security forwards, and does not significantly affect any securities clearing operations of the clearing agency or any rights or obligations of the clearing agency with respect to securities clearing or persons using such securities-clearing service. 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–ICEEU–2014–21 on the subject line.

[5] 15 U.S.C. 78q–1.

[6] 17 CFR 240.17Ad–22.

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 15 U.S.C. 78q–1.

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(4)(ii).

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–ICEEU–2014–21. 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 filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at *https://www.theice.com/clear-europe/regulation#rule-filings.*

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–ICEEU–2014–21 and should be submitted on or before December 8, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–27064 Filed 11–14–14; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14182 and #14183]

Arizona Disaster #AZ–00040

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Arizona (FEMA–4203–DR), dated 11/05/2014.

Incident: Severe storms and flooding.

Incident Period: 09/07/2014 through 09/09/2014.

Effective Date: 11/05/2014.

Physical Loan Application Deadline Date: 01/05/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 08/05/2015.

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 President's major disaster declaration on 11/05/2014, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications 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: La Paz, Maricopa.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14182B and for economic injury is 14183B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–27169 Filed 11–14–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14180 and #14181]

Nevada Disaster #NV–00032

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Nevada (FEMA—4202—DR), dated 11/05/2014.

Incident: Severe Storms and Flooding.

Incident Period: 09/07/2014 through 09/09/2014.

Effective Date: 11/05/2014.

Physical Loan Application Deadline Date: 01/05/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 08/05/2015.

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 President's major disaster declaration on 11/05/2014, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications 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: MOAPA BAND of PAIUTES RESERVATION.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14180B and for economic injury is 14181B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–27171 Filed 11–14–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14184]

Washington Disaster #WA–00051 Declaration of Economic Injury

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Washington, dated 11/07/2014.

Incident: Mercer Island E. Coli Water Contamination.

Incident Period: 09/27/2014 through 10/11/2014.

DATES: *Effective Date:* 11/07/2014.

EIDL Loan Application Deadline Date: 08/07/2015.

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 EIDL declaration, applications for economic injury 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: King.

Contiguous Counties:

Washington: Chelan, Kitsap, Kittitas, Pierce, Snohomish, Yakima.

The Interest Rates are:

	Percent
Businesses and 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 economic injury is 141840.

The State which received an EIDL Declaration # is Washington.

(Catalog of Federal Domestic Assistance Number 59002)

Dated: November 7, 2014.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2014–27179 Filed 11–14–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Quarterly Public Meeting of National Women's Business Council

AGENCY: National Women's Business Council, Small Business Administration.

ACTION: Notice of open public meeting.

DATES: The meeting will be held on December 8th, 2014 from 2:00 p.m. to 4:00 p.m. EST.

ADDRESSES: The meeting will take place virtually via a livestream and teleconference.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), the U.S. Small Business Administration (SBA) announces the meeting of the National Women's Business Council. The National Women's Business Council is tasked with providing policy recommendations on issues of importance and impact to women entrepreneurs to the SBA, Congress, and the White House.

The business portion will include remarks from the Council Chair, Carla Harris; an update from each of the NWBC committees; and a preview of the formal recommendations the Council is making to the SBA, Congress, and the White House for improving the business climate for women entrepreneurs, as well as the Council's FY2015 agenda. The second half of the program will include a panel discussion related to the Council's Job Creation and Growth body of work. The panel will feature women entrepreneurs who have successfully scaled their businesses and can speak to the strategies and factors that led to their growth.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the general public; however advance notice of attendance is requested. To RSVP and confirm participation, the general public should use the following link: *http://bit.ly/nwbcmtg128.* Anyone wishing to make a presentation to the NWBC at this meeting must either email their interest to *info@nwbc.gov* or call the main office number at 202–205–3850.

For more information, please visit the National Women's Business Council Web site at *www.nwbc.gov.*

Dated: November 7, 2014.

Diana Doukas,

SBA Committee Management Officer.

[FR Doc. 2014–27176 Filed 11–14–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 8951]

Culturally Significant Objects Imported for Exhibition Determinations: ''Keir Collection of Art of the Islamic World'' Exhibitions

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibitions of ''Keir Collection of Art of the Islamic World,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Dallas Museum of Art, Dallas, TX, and at possible additional exhibitions or venues yet to be determined, from on about October 1, 2015, until on or about December 31, 2019, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: November 10, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–27132 Filed 11–14–14; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

North American Free Trade Agreement; Invitation for Applications for Inclusion on the Chapter 19 Roster

AGENCY: Office of the United States Trade Representative.

ACTION: Invitation for applications.

SUMMARY: Chapter 19 of the North American Free Trade Agreement (''NAFTA'') provides for the establishment of a roster of individuals to serve on binational panels convened to review final determinations in antidumping or countervailing duty (''AD/CVD'') proceedings and amendments to AD/CVD statutes of a NAFTA Party. The United States annually renews its selections for the Chapter 19 roster. Applications are invited from eligible individuals wishing to be included on the roster for the period April 1, 2015, through March 31, 2016.

DATES: Applications should be received no later than December 10, 2014.

ADDRESSES: Applications should be submitted (i) electronically to *www.regulations.gov,* docket number USTR–2014–0021 or (ii) by fax, to Sandy McKinzy at (202) 395–3640.

FOR FURTHER INFORMATION CONTACT: Arthur Tsao, Assistant General Counsel, Office of the United States Trade Representative, (202) 395–6987.

SUPPLEMENTARY INFORMATION:

Binational Panel Reviews Under NAFTA Chapter 19

Article 1904 of the NAFTA provides that a party involved in an AD/CVD proceeding may obtain review by a binational panel of a final AD/CVD determination of one NAFTA Party with respect to the products of another NAFTA Party. Binational panels decide whether such AD/CVD determinations are in accordance with the domestic laws of the importing NAFTA Party, and must use the standard of review that would have been applied by a domestic court of the importing NAFTA Party. A panel may uphold the AD/CVD determination, or may remand it to the national administering authority for action not inconsistent with the panel's decision. Panel decisions may be reviewed in specific circumstances by a three-member extraordinary challenge committee, selected from a separate roster composed of fifteen current or former judges.

Article 1903 of the NAFTA provides that a NAFTA Party may refer an amendment to the AD/CVD statutes of another NAFTA Party to a binational panel for a declaratory opinion as to whether the amendment is inconsistent with the General Agreement on Tariffs and Trade (''GATT''), the GATT Antidumping or Subsidies Codes, successor agreements, or the object and purpose of the NAFTA with regard to the establishment of fair and predictable conditions for the liberalization of trade. If the panel finds that the amendment is inconsistent, the two NAFTA Parties shall consult and seek to achieve a mutually satisfactory solution.

Chapter 19 Roster and Composition of Binational Panels

Annex 1901.2 of the NAFTA provides for the maintenance of a roster of at least 75 individuals for service on Chapter 19 binational panels, with each NAFTA Party selecting at least 25 individuals. A separate five-person panel is formed for each review of a final AD/CVD determination or statutory amendment. To form a panel, the two NAFTA Parties involved each appoint two panelists, normally by drawing upon individuals from the roster. If the Parties cannot agree upon the fifth panelist, one of the Parties, decided by lot, selects the fifth panelist from the roster. The majority of individuals on each panel must consist of lawyers in good standing, and the chair of the panel must be a lawyer.

Upon each request for establishment of a panel, roster members from the two involved NAFTA Parties will be requested to complete a disclosure form, which will be used to identify possible conflicts of interest or appearances thereof. The disclosure form requests information regarding financial interests and affiliations, including information regarding the identity of clients of the roster member and, if applicable, clients of the roster member's firm.

Criteria for Eligibility for Inclusion on Chapter 19 Roster

Section 402 of the NAFTA Implementation Act (Pub. L. 103–182, as amended (19 U.S.C. 3432)) (''Section 402'') provides that selections by the United States of individuals for inclusion on the Chapter 19 roster are to be based on the eligibility criteria set out in Annex 1901.2 of the NAFTA, and without regard to political affiliation. Annex 1901.2 provides that Chapter 19 roster members must be citizens of a NAFTA Party, must be of good character and of high standing and repute, and are to be chosen strictly on the basis of their objectivity, reliability, sound judgment, and general familiarity with international trade law. Aside from judges, roster members may not be affiliated with any of the three NAFTA Parties. Section 402 also provides that, to the fullest extent practicable, judges and former judges who meet the eligibility requirements should be selected.

Adherence to the NAFTA Code of Conduct for Binational Panelists

The ''Code of Conduct for Dispute Settlement Procedures Under Chapters 19 and 20'' (*see https://www.nafta-sec-alena.org/Default.aspx?tabid=99&language=en-US*), which was established pursuant to Article 1909 of the NAFTA, provides that current and former Chapter 19 roster members ''shall avoid impropriety and the appearance of impropriety and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement process is preserved.'' The Code of Conduct also provides that candidates to serve on chapter 19 panels, as well as those who are ultimately selected to serve as panelists, have an obligation to ''disclose any interest, relationship or matter that is likely to affect [their] impartiality or independence, or that might reasonably create an appearance of impropriety or an apprehension of bias.'' Annex 1901.2 of the NAFTA provides that roster members may engage in other business while serving as panelists, subject to the Code of Conduct and provided that such business does not interfere with the performance of the panelist's duties. In particular, Annex 1901.2 states that ''[w]hile acting as a panelist, a panelist may not appear as counsel before another panel.''

Procedures for Selection of Chapter 19 Roster Members

Section 402 establishes procedures for the selection by the Office of the United States Trade Representative (''USTR'') of the individuals chosen by the United States for inclusion on the Chapter 19 roster. The roster is renewed annually, and applies during the one-year period beginning April 1 of each calendar year.

Under Section 402, an interagency committee chaired by USTR prepares a preliminary list of candidates eligible for inclusion on the Chapter 19 Roster. After consultation with the Senate Committee on Finance and the House Committee on Ways and Means, USTR selects the final list of individuals chosen by the United States for inclusion on the Chapter 19 roster.

Remuneration

Roster members selected for service on a Chapter 19 binational panel will be remunerated at the rate of 800 Canadian dollars per day.

Applications

Eligible individuals who wish to be included on the Chapter 19 roster for the period April 1, 2015, through March 31, 2016, are invited to submit applications. Applications may be submitted either by fax to Sandy McKinzy at 202–395–3640 or electronically to *www.regulations.gov,* docket number USTR–2014–0021.

To submit an application via *www.regulations.gov,* enter docket number USTR–2014–0021 on the home page and click ''search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ''Notice'' under ''Document Type'' on the left side of the search-results page, and click on the link entitled ''Comment Now!.'' (For further information on using the *www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on the ''How to Use Regulations.gov'' on the bottom of the page.)

The *www.regulations.gov* site provides the option of providing comments by filling in a ''Type Comment'' field or by attaching a document. USTR prefers applications to be provided in an attached document. If a document is attached, please type ''Application for Inclusion on NAFTA Chapter 19 Roster'' in the ''Upload File'' field.

Applications must be typewritten, and should be headed ''Application for Inclusion on NAFTA Chapter 19 Roster.'' Applications should include the following information, and each section of the application should be numbered as indicated:

1. Name of the applicant.
2. Business address, telephone number, fax number, and email address.
3. Citizenship(s).
4. Current employment, including title, description of responsibility, and name and address of employer.
5. Relevant education and professional training.
6. Spanish language fluency, written and spoken.
7. Post-education employment history, including the dates and addresses of each prior position and a summary of responsibilities.
8. Relevant professional affiliations and certifications, including, if any, current bar memberships in good standing.
9. A list and copies of publications, testimony, and speeches, if any, concerning AD/CVD law. Judges or former judges should list relevant judicial decisions. Only one copy of publications, testimony, speeches, and decisions need be submitted.
10. Summary of any current and past employment by, or consulting or other work for, the Governments of the United States, Canada, or Mexico.
11. The names and nationalities of all foreign principals for whom the applicant is currently or has previously been registered pursuant to the Foreign Agents Registration Act, 22 U.S.C. 611 et seq., and the dates of all registration periods.
12. List of proceedings brought under U.S., Canadian, or Mexican AD/CVD law regarding imports of U.S., Canadian, or Mexican products in which the applicant advised or represented (for example, as consultant or attorney) any U.S., Canadian, or Mexican party to such proceeding and, for each such proceeding listed, the name and country of incorporation of such party.
13. A short statement of qualifications and availability for service on Chapter 19 panels, including information relevant to the applicant's familiarity with international trade law and willingness and ability to make time commitments necessary for service on panels.
14. On a separate page, the names, addresses, telephone and fax numbers of three individuals willing to provide information concerning the applicant's qualifications for service, including the applicant's character, reputation, reliability, judgment, and familiarity with international trade law.

Current Roster Members and Prior Applicants

Current members of the Chapter 19 roster who remain interested in inclusion on the Chapter 19 roster only need to indicate that they are reapplying and submit updates (if any) to their applications on file. Current members do not need to resubmit their applications. Individuals who have previously applied but have not been selected must submit new applications to reapply. If an applicant, including a current or former roster member, has previously submitted materials referred to in item 9, such materials need not be resubmitted.

Public Disclosure

Applications normally will not be subject to public disclosure and will not be posted publicly on *www.regulations.gov.* They may be referred to other federal agencies and Congressional Committees in the course of determining eligibility for the roster, and shared with foreign governments and the NAFTA Secretariat in the course of panel selection.

False Statements

Pursuant to section 402(c)(5) of the NAFTA Implementation Act, false statements by applicants regarding their personal or professional qualifications, or financial or other relevant interests that bear on the applicants' suitability for placement on the Chapter 19 roster or for appointment to binational panels, are subject to criminal sanctions under 18 U.S.C. 1001.

Privacy Act

The following statements are made in accordance with the Privacy Act of 1974, as amended (5 U.S.C. 552a). The authority for requesting information to be furnished is section 402 of the NAFTA Implementation Act. Provision of the information requested above is voluntary; however, failure to provide the information will preclude your consideration as a candidate for the NAFTA Chapter 19 roster. This information is maintained in a system of records entitled ''Dispute Settlement Panelists Roster.'' Notice regarding this system of records was published in the **Federal Register** on November 30, 2001. The information provided is needed, and will be used by USTR, other federal government trade policy officials concerned with NAFTA dispute settlement, and officials of the other NAFTA Parties to select well-qualified individuals for inclusion on the Chapter 19 roster and for service on Chapter 19 binational panels.

Juan Millan,

Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. 2014–27052 Filed 11–14–14; 8:45 am]

BILLING CODE 3290–F5–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–136]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary

is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before December 8, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0906 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels, (202) 267–7626, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on November 10, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0906.

Petitioner: Viking Unmanned Aerial Systems, Inc.

Section of 14 CFR Affected: part 21; 45.23(b); 61.113(a) and (b); 91.7(a); 91.9(b)(2); 91.103; 91.109; 91.119; 91.121; 91.151(a); 91.203(a) and (b); 91.405(a); 91.407(a)(1); 91.409(a)(2); and 91.417(a) and (b).

Description of Relief Sought: Viking Unmanned Aerial Systems, Inc. is requesting an exemption to allow commercial operation for its tethered aerial platform to conduct aerial photography and 3D mapping for the agriculture industry, tower and pipeline inspection, real estate photography, and movie and news video gathering.

[FR Doc. 2014–27078 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–138]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before December 8, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0888 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels, (202) 267–7626. 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on November 10, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0888.

Petitioner: Mike Johnson dba B.E.V. Roof Inspections.

Section of 14 CFR Affected: part 21, Subpart H; 45.23(b); 45.27; 61.113(a) and (b); 91.119(c); 91.121; 91.151(a); 91.405(a); 91.407(a)(1); 91.409(a)(1) and (2); and 91.417(a) and (b).

Description of Relief Sought: Mike Johnson dba B.E.V. Roof Inspections applies for an exemption to allow operation of a small unmanned aircraft system in order to conduct roof inspections at a lesser height of 75 feet or surrounding foliage/tree height from the ground surface to gather photo documentation of roof material to safely aid in the insurance claims process.

[FR Doc. 2014–27077 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–137]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before December 8, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0895 using any of the following methods:

- Government-wide rulemaking Web site: Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- Mail: Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- Fax: Fax comments to the Docket Management Facility at 202–493–2251.
- Hand Delivery: Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels, (202) 267–7626, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on November 10, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0895.

Petitioner: Aviation Unmanned.

Section of 14 CFR Affected: Part 21, Subpart H; §§ 45.23(b); 61.113(a) and (b); 61.133(a); 91.7(a) and (b); 91.105(a)(2) and (b); 91.109(a); 91.119; 91.203(a)(1) and (2); 91.207; 91.405(a); 91.407(a)(1); 91.409(a)(2); and 91.417(a).

Description of Relief Sought: Aviation Unmanned seeks exemption in order to commercially operate the Vanguard Defense Industries' ShadowHawk MK–II, a rotary, gas-powered unmanned aircraft system, for aerial inspections of utility powerlines and pipelines.

[FR Doc. 2014–27079 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–132]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before December 8, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0851 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Keira Jones (202) 267–4024, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on November 10, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0851.

Petitioner: U.S. Army Aeronautical Services Agency.

Section of 14 CFR Affected: 14 CFR 91.227(e)(1).

Description of Relief Sought: The U.S. Army Aeronautical Services Agency seeks relief from the total latency provision of 14 CFR 91.227(e)(1) for its

unmanned aircraft whose groundspeed will not exceed 200 knots.

[FR Doc. 2014–27075 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–112]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before December 8, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0801 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Keira Jones (202) 267–4024, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0801.

Petitioner: U.S. Army Aeronautical Services Agency.

Section of 14 CFR Affected: 14 CFR 91.227(e)(1).

Description of Relief Sought: The U.S. Army Aeronautical Services Agency seeks relief from the total latency provision of 14 CFR 91.227(e)(1) for several models of its rotary wing aircraft whose groundspeed will not exceed 200 knots. Army rotary wing aircraft use a MIL–STD–1553 bus for communications between the GPS receiver and ADS–B transmitter; this architecture is projected to exceed the total latency requirement of 14 CFR 91.227.

[FR Doc. 2014–27076 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Grand Forks County, North Dakota and Polk County, Minnesota

AGENCY: Federal Highway Administration (FHWA), North Dakota Department of Transportation (NDDOT), DOT.

ACTION: Rescind Notice of Intent.

SUMMARY: The FHWA is issuing this revised notice to advise the public that FHWA and NDDOT will not prepare an Environmental Impact Statement (EIS) for a proposed highway project in Grand Forks County, North Dakota and Polk County, Minnesota. A Notice of Intent to prepare an EIS was published in the **Federal Register** on May 17, 2013.

FOR FURTHER INFORMATION CONTACT: Sheri G. Lares, Environmental Program Manager and Planning Specialist, Federal Highway Administration, North Dakota Division Office, 4503 Coleman Street, Suite 205, Bismarck, North Dakota 58503, Telephone: (701) 221–9464. Terry Udland, Bridge Division, North Dakota Department of Transportation, 608 E. Boulevard Avenue, Bismarck, North Dakota 58505–0700, Telephone: (701) 328–1969.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Dakota and Minnesota Departments of Transportation, had proposed to prepare an EIS on a proposal to rehabilitate or replace the historic Sorlie Bridge over the Red River between Grand Forks, ND and East Grand Forks, MN. After further analysis of the bridge condition, it was determined that rehabilitation alternatives and replacement alternatives to be evaluated in the EIS for the structure were not warranted. Preliminary alternatives that will be analyzed through a Categorical Exclusion include various degrees of maintenance of the existing bridge.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: November 6, 2014.

Wendall L. Meyer,

Division Administrator, Federal Highway Administration, North Dakota Division Office.

[FR Doc. 2014–27104 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Juneau, Sauk, and Columbia Counties, Wisconsin

AGENCY: Federal Highway Administration (FHWA), Wisconsin Department of Transportation (WisDOT).

ACTION: Federal Notice of Intent to Prepare an Environmental Impact Statement (EIS).

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed freeway corridor improvement project on I–90/94 from Wisconsin Dells to Portage in Juneau, Sauk, and Columbia Counties in south-central Wisconsin.

FOR FURTHER INFORMATION CONTACT: Tracey Blankenship, Major Projects Program Manager, Federal Highway Administration, 525 Junction Road, Suite 8000, Madison, Wisconsin 53717–2157, Telephone: (608) 829–7510.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Wisconsin Department of Transportation (WisDOT), will prepare an Environmental Impact Statement (EIS) for proposed improvements in the I–90/94 corridor and adjacent local road systems from the US 12/WIS 16 interchange (2 miles north of Wisconsin Dells) to the I–39 interchange (south of Portage), approximately 25 miles. The project limits include operational areas of influence at each interchange. The purpose of this project is to address pavement and bridge structural needs; highway and roadside safety issues and design deficiencies; accommodate existing and projected traffic volumes; and improve the transportation system's ability to support local and regional tourism economies in the Wisconsin Dells area and northern Wisconsin. The EIS will evaluate a range of alternatives for the I–90/94 mainline and system interchanges, adjacent arterial roads, and connections to the local road network. This may result in full reconstruction and redesign of the I–90/94 corridor in this area and rebuilding existing interchanges. The EIS will be prepared in accordance with 23 USC 139, 23 CFR 771, and 40 CFR 1500–1508. Completion of the EIS is expected in 2018 and the Record of Decision (ROD) in 2019.

Public involvement is a critical component of the National Environmental Policy Act (NEPA) and will occur throughout the development of the draft and final Environmental Impact Statement. All environmental documents will be made available for review by federal and state resource agencies and the public. Specific efforts to encourage involvement by, and solicit comments from, minority and low-income populations in the project study area will be made, with public involvement meetings held throughout the environmental document process. Public notice will be given as to the time and place of public involvement meetings. A public hearing will be held after the completion of the Draft EIS.

Inquiries related to this study can be sent to *mark.westerveld@dot.wi.gov.* A public Web site will be maintained throughout the study to provide information about the project and allow for on-line public comment (*http://www.dot.wisconsin.gov/projects/swregion/9094/index.htm*). To ensure the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action and the EIS should be directed to the FHWA address provided above.

Projects receiving Federal funds must comply with Title VI of the Civil Rights Act, and Executive Order 12898 ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.'' Federal law prohibits discrimination on the basis of race, color, age, sex, or country of national origin in the implementation of this project. It is also Federal policy to identify and address any disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: November 7, 2014.

Johnny M. Gerbitz,

Field Operations Engineer, Federal Highway Administration, Madison, Wisconsin.

[FR Doc. 2014–27110 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[4910–RY]

Notice of Final Federal Agency Actions on the New York I–87 Access Improvement Project, Albany County, New York

AGENCY: Federal Highway Administration (FHWA), New York State Department of Transportation (NYSDOT).

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the New York: I–87 Access Improvement Project. Those actions grant approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before April 16, 2015. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Jonathan D. McDade, Division Administrator, Federal Highway Administration, Leo W. O'Brien Federal Building, Albany, New York 12207, Telephone (518) 431–4127.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing approvals for the following highway project in the State of New York: I–87 Access Improvement Project, Town of Colonie, Albany County, New York. The New York I–87 Access Improvement Project will consist of the construction of new Exit 4 ramps to complement the existing Exit 4 interchange, construction of new ramps to connect I–87 NB and SB to Albany-Shaker Road, replacement of the I–87 bridges over Albany-Shaker Road; removal of the existing Exit 4 SB Exit Ramp, existing SB C–D road between Exit 5 and Exit 4, and the Exit 4 SB Entrance Ramp; replacement of the existing Exit 5 SB Entrance Ramp; pavement widening on I–87 NB to construct an auxiliary lane between the existing Exit 4 NB Exit Ramp and Exit 5 NB Exit Ramp, and pavement widening and restriping for additional turn lanes and medians on Albany-Shaker Road.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the FHWA Final Environmental Impact Statement (FEIS) for the project, approved by FHWA in the Record of Decision (ROD) issued on September 15, 2014, and in other documents in the FHWA administrative record. The FEIS, ROD, and other documents in the FHWA administrative record file are available by contacting the FHWA at the addresses provided above. The FEIS and ROD can be viewed and downloaded from the project Web site at *http://www.dot.ny.gov/i87exit4.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (42 U.S.C. 4321–4355); Federal-Aid Highway Act (23 U.S.C. 109); Economic, social, and

environmental effects (23 U.S.C. 109(h)); Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (42 U.S.C. 4601); Public Hearings (23 U.S.C. 128).

2. Air: Clean Air Act (23 U.S.C. 109(j), 42 U.S.C. 7521(a)).

3. Noise: Standards [23 U.S.C. 109(i)].

4. Land: Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303).

5. Wildlife: Endangered Species Act (16 U.S.C. 1531–1544 and Section 1536), Fish and Wildlife Coordination Act (16 U.S.C. 661–667(d)), Migratory Bird Treaty Act (16 U.S.C. 703–712).

6. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470(f) et seq.); Archeological Resources Protection Act of 1977 (16 U.S.C. 470(aa)–11); Archeological and Historic Preservation Act (16 U.S.C. 469–469(c)); Native American Grave Protection and Repatriation Act (25 U.S.C. 3001–3013).

7. Social and Economic: Civil Rights Act of 1964 (42 U.S.C. 2000(d)–2000(d)(1)); American Indian Religious Freedom Act (42 U.S.C. 1996).

8. Wetlands and Water Resources: Safe Drinking Water Act (42 U.S.C. 300(f)–300(j)(6)); Federal Water Pollution Control Act of 1972, as amended by the Clean Water Act of 1977 & 1987 (33 U.S.C. 1251–1376).

9. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601–9675).

10. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: October 30, 2014.

Jonathan D. McDade,

Division Administrator, Albany, NY.

[FR Doc. 2014–27106 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0114]

National Emergency Medical Services Advisory Council (NEMSAC) and Federal Interagency Committee on Emergency Medical Services (FICEMS); Notice of Federal Advisory Committee Meeting

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Meeting Notice—National Emergency Medical Services Advisory Council and Federal Interagency Committee on Emergency Medical Services.

SUMMARY: The NHTSA announces meetings of NEMSAC and FICEMS to be held consecutively in the Metropolitan Washington, DC, area. This notice announces the date, time, and location of the meetings, which will be open to the public, as well as opportunities for public input to the NEMSAC and FICEMS. The purpose of NEMSAC, a nationally recognized council of emergency medical services representatives and consumers, is to advise and consult with DOT and the FICEMS on matters relating to emergency medical services (EMS). The purpose of FICEMS is to ensure coordination among Federal agencies supporting EMS and 9–1–1 systems.

DATES: The NEMSAC meeting will be held on December 3, 2014, from 8 a.m. to 5:00 p.m. EST, and on December 4, 2014, from 8 a.m. to 11:30 a.m. EST. A public comment period will take place on December 3, 2014 at approximately 1:15 p.m. EST and December 4, 2014 at approximately 10 a.m. EST. Written comments for the NEMSAC from the public must be received no later than December 1, 2014.

The FICEMS meeting will be held on December 4, 2014, from 1 p.m. to 4 p.m. EST. A public comment period will take place on December 4, 2014, at approximately 3:30 p.m. EST. Written comments for FICEMS from the public must be received no later than December 1, 2014.

ADDRESSES: The meetings will both be held at the Performance Institute Conference Center on the third floor of 901 New York Avenue NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Drew Dawson, Director, U.S. Department of Transportation, National Highway Traffic Safety Administration, Office of Emergency Medical Services, 1200 New Jersey Avenue SE., NTI–140, Washington, DC 20590, telephone 202–366–9966; email *Drew.Dawson@dot.gov.*

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App.). The NEMSAC is authorized under Section 31108 of the Moving Ahead with Progress in the 21st Century Act of 2012. The FICEMS is authorized under Section 10202 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU).

Tentative Agenda of the National EMS Advisory Council Meeting

The tentative NEMSAC agenda includes the following:

Wednesday, December 3, 2014 (8 a.m. to 5 p.m. EST)

(1) Opening Remarks
(2) Disclosure of Conflicts of Interests by Members
(3) Reports and Updates from the Departments of Transportation, Homeland Security, and Health & Human Services
(4) Presentation and Discussion on Federal Interagency EMS Preparedness for the Response to Ebola in the United States
(5) Presentation, Discussion and Possible Adoption of Reports and Recommendations from the following NEMSAC Workgroups:
  a. Patient Protection and Affordable Care Act
  b. Revision of the EMS Education Agenda for the Future
  c. FICEMS Strategic Planning Process
(6) Other Business of the Council
(7) Public Comment Period (1:15 p.m. to 2:00 p.m. EST)
(8) Workgroup Breakout Sessions (3 p.m. to 5 p.m. EST)

Thursday, December 4, 2014 (8 a.m. to 11:30 a.m. EST)

(1) Unfinished Business/Continued Discussion from Previous Day
(2) Public Comment Period (Approximately 10 a.m. EST)
(3) Possible Adoption of Recommendations to DOT and FICEMS
(4) Next Steps and Adjourn

On Wednesday, December 3, 2014, from 2:30 p.m. to 5 p.m. EST, the NEMSAC workgroups will meet in breakout sessions at the same location. These sessions are open for public attendance, but their agendas do not accommodate public comment.

Tentative Agenda of the Federal Interagency Committee on EMS Meeting

Thursday, December 4, 2014 (1 p.m. to 4 p.m. EST)

(1) Welcome, Introductions, Opening Remarks
(2) Review and Approval of Executive Summary of June 19, 2014 Meeting
(3) National EMS Advisory Council (NEMSAC) Report
(4) Strategic Planning Implementation
(5) Discussion of the EMS Agenda for the Future
(6) Technical Working Group (TWG) Committee Reports. This includes the Preparedness Committee, which will provide an update on interagency Ebola coordination and the Data Standardization Committee, which will provide a briefing on the National EMS Information System (NEMSIS).
(7) Presentation of New Initiative to Develop State and Local EMS Performance Measures
(8) Election of Chair and Vice-Chair for Calendar Year 2015
(9) Other FICEMS Business
(10) Public Comment Period (approximately 3:30 p.m. EST)
(11) Next Steps and Adjourn

Registration Information: These meetings will be open to the public; however, pre-registration is requested. Individuals wishing to attend must register online at *https://events.signup4.com/NEMSACandFICEMSJointMtg2014* no later than November 28, 2014. For assistance with registration, please contact Noah Smith at *Noah.Smith@dot.gov* or 202–366–5030. There will not be a teleconference option for these meetings.

Public Comment: Members of the public are encouraged to comment directly to the NEMSAC and FICEMS during designated public comment periods. In order to allow as many people as possible to speak, speakers are requested to limit their remarks to 5 minutes. Written comments from members of the public will be distributed to NEMSAC or FICEMS members at the meeting and should reach the NHTSA Office of EMS no later than December 1, 2014. Written comments may be submitted by either one of the following methods: (1) You may submit comments by email: *nemsac@dot.gov* or *ficems@dot.gov* or (2) you may submit comments by fax: (202) 366–7149.

A final agenda as well as meeting materials will be available to the public online through *www.EMS.gov* on or before November 28, 2014.

Jeffrey P. Michael,

Associate Administrator for Research and Program Development.

[FR Doc. 2014–27194 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket ID PHMSA–2014–0137]

Pipeline Safety: Random Drug Testing Rate, Contractor Management Information System Reporting, and Obtaining Drug and Alcohol Management Information System Sign-In Information

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of calendar year 2015 minimum annual percentage rate for random drug testing, reminder for operators to report contractor MIS data, and reminder of method for operators to obtain user name and password for electronic reporting.

SUMMARY: PHMSA has determined that the minimum random drug testing rate for covered employees will remain at 25 percent during calendar year 2015. Operators are reminded that drug and alcohol testing information must be submitted for contractors performing or ready to perform covered functions. For calendar year 2014 reporting, PHMSA will not attempt to mail the ''user name'' and ''password'' for the Drug and Alcohol Management Information System (DAMIS) to operators, but will make the user name and password available in the PHMSA Portal (*https://portal.phmsa.dot.gov/pipeline*).

DATES: Effective January 1, 2015, through December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Blaine Keener, Director of Safety Data Systems and Analysis, by telephone at 202–366–0970 or by email at *blaine.keener@dot.gov.*

SUPPLEMENTARY INFORMATION:

Notice of Calendar Year 2015 Minimum Annual Percentage Rate for Random Drug Testing

Operators of gas, hazardous liquid, and carbon dioxide pipelines and operators of liquefied natural gas facilities must randomly select and test a percentage of covered employees for prohibited drug use. Pursuant to 49 CFR 199.105(c)(2), (3), and (4), the PHMSA Administrator's decision on whether to change the minimum annual random drug testing rate is based on the reported random drug test positive rate for the pipeline industry. The data considered by the Administrator comes from operators' annual submissions of Management Information System (MIS) reports required by § 199.119(a). If the reported random drug test positive rate is less than one percent, the Administrator may continue the minimum random drug testing rate at 25 percent. In calendar year 2013, the random drug test positive rate was less than one percent. Therefore, the *PHMSA minimum annual random drug testing selection rate will remain at 25 percent for calendar year 2015.*

Reminder for Operators To Report Contractor MIS Data

On January 19, 2010, PHMSA published an Advisory Bulletin (75 FR 2926) implementing the annual collection of contractor MIS drug and alcohol testing data. An operator's report to PHMSA is not considered complete until an MIS report is submitted for each contractor that performed covered functions as defined in § 199.3.

Reminder of Method for Operators To Obtain User Name and Password for Electronic Reporting

In previous years, PHMSA attempted to mail the DAMIS user name and password to operator staff with responsibility for submitting DAMIS reports. Based on the number of phone calls to PHMSA each year requesting this information, the mailing process has not been effective. Pipeline operators have been submitting reports required by Parts 191 and 195 through the PHMSA Portal (*https://portal.phmsa.dot.gov/pipeline*) since 2011. Each company with an Office of Pipeline Safety issued Operator Identification Number should employ staff with access to the PHMSA Portal.

The user name and password required for an operator to access DAMIS and enter calendar year 2014 data will be available to all staff with access to the PHMSA Portal in late December 2014. When the DAMIS user name and password is available in the Portal, all registered users will receive an email to that effect. Operator staff with responsibility for submitting DAMIS reports should coordinate with registered Portal users to obtain the DAMIS user name and password. Registered Portal users for an operator typically include the U.S. Department of Transportation Compliance Officer and

staff or consultants with responsibility for submitting annual and incident reports on PHMSA F 7000- and 7100-series forms.

For operators that have failed to register staff in the PHMSA Portal for Part 191/195 reporting purposes, operator staff responsible for submitting DAMIS reports can register in the Portal by following the instructions at: *http://opsweb.phmsa.dot.gov/portal_message/PHMSA_Portal_Registration.pdf.*

Pursuant to §§ 199.119(a) and 199.229(a), operators with 50 or more covered employees, including both operator and contractor staff, are required to submit DAMIS reports annually. Operators with less than 50 total covered employees are required to report only upon written request from PHMSA. If an operator has submitted a calendar year 2012 or later DAMIS report with less than 50 total covered employees, the PHMSA Portal message may state that no calendar year 2014 DAMIS report is required. Some of these operators may have grown to more than 50 covered employees during calendar year 2014. The Portal message will include instructions for how these operators can obtain a calendar year 2014 DAMIS user name and password.

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60117, and 60118; 49 CFR 1.53.

Issued in Washington, DC, on November 12, 2014.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

[FR Doc. 2014–27091 Filed 11–14–14; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

November 10, 2014.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before December 17, 2014 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request may be found at *www.reginfo.gov.*

Internal Revenue Service (IRS)

OMB Number: 1545–0108.

Type of Review: Revision of a currently approved collection.

Title: Annual Summary and Transmittal of U.S. Information Returns.

Form: 1096.

Abstract: Form 1096 is used to transmit paper information returns (Forms 1099, 1098, 5498, and W–2G) to the IRS Service Centers. Under IRC section 6041 and related sections, a separate Form 1096 is used for each type of return sent to the service center by the payer. It is used by IRS to summarize and categorize the transmitted forms.

Affected Public: Private sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 1,297,269.

OMB Number: 1545–1204.

Type of Review: Extension without change of a currently approved collection.

Title: Low-Income Housing Credit Agencies Report of Noncompliance or Building Disposition.

Form: 8823.

Abstract: Form 8823 is used by housing agencies to report noncompliance with the low-income housing provisions of Code section 42.

Affected Public: State, Local, and Tribal Governments.

Estimated Annual Burden Hours: 303,200.

OMB Number: 1545–1374.

Type of Review: Revision of a currently approved collection.

Title: Qualified Electric Vehicle Credit.

Form: 8834.

Abstract: Form 8834 is used to claim any qualified electric vehicle passive activity credit allowed for the current tax. The data on Form 8834 will be used to determine that the credit is allowable and that it has been properly computed.

Affected Public: Private sector: Business or other for-profits.

Estimated Annual Burden Hours: 15,022.

OMB Number: 1545–1945.

Type of Review: Revision of a currently approved collection.

Title: 26 U.S. Code § 475—Mark-to-market Accounting Method for Dealers in Securities.

Abstract: Section 475 was added by section 13223(a) of the Revenue Reconciliation Act of 1993, Public Law 103–66, 107 Stat. 481, and is effective for all taxable years ending on or after December 31, 1993. The statutory requirements under 26 U.S.C. 475 are codified under 26 CFR Part 1, sections 1.475 et al. Information collection requirements under § 1.475(a)–4 sets forth an elective safe harbor that permits dealers in securities and dealers in commodities to elect to use the values of positions reported on certain financial statements as the fair market values of those positions for purposes of section 475 of the Internal Revenue Code (Code). This safe harbor is intended to reduce the compliance burden on taxpayers and to improve the administrability of the valuation requirement of section 475. The recordkeeping requirement under section 1.475(b)–4 are required to determine whether exemption from mark-to-market treatment is properly claimed, and will be used to make that determination upon audit of taxpayer's books and records. The information under section 1.475(c)–1(a)(3)(iii), is necessary to determine whether a consolidated group has elected to disregard inter-member transactions in determining a member's status as a dealer in securities.

Affected Public: Private sector: Businesses and other for-profits.

Estimated Annual Burden Hours: 52,182.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2014–27045 Filed 11–14–14; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Analysis to Support Electronic Funds Transfer and Remittance Mandate

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of

the Fiscal Service within the Department of the Treasury is soliciting comments concerning Analysis to Support Electronic Funds Transfer and Remittance Mandate.

DATES: Written comments should be received on or before January 16, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies should be directed to Bureau of the Fiscal Service, Dr. Olu Faokunla, Room 322, 401 14th Street SW., Washington DC 20227–0001, (202) 874–6027, or *Olu.Faokunla@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Title: Analysis to Support Electronic Funds Transfer and Remittance Mandate.

Abstract: As part of its eCollections Initiative, the Bureau of the Fiscal Service is proposing to amend Title 31 CFR Part 206 regulations governing federal payments and collections. The proposal offers significant efficiencies and cost savings to the federal government by mandating that all non-tax payments to the government and related remittance information be provided electronically. This proposed rule change is governed by the provisions of both Executive Order 12866 (EO 12866) and the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), which require the agency to conduct a cost-benefit analysis of regulatory alternatives and assessment of the economic impacts of the regulatory action on small entities. Fiscal Service seeks to obtain approval for a generic clearance to collect information and data from focus groups and telephone interviews to support the required economic analysis and assist in developing a Notice of Public Rulemaking.

Current Actions: No current actions are ongoing related to the collection.

Type of Review: New collection.

Affected Public: Individuals or households, business or other for-profit organizations, and farms.

Estimated Number of Respondents: (See table below).

Estimated Time per Respondent: (See table below).

Estimated Total Annual Burden Hours: (See table below).

	Respondents attending focus group	Respondents participating in phone interviews	Focus group recruitment calls	Phone interview recruitment calls
Estimated Number of Respondents	36	6	180	360
Estimated Time per Respondent (*Minutes*)	90	60	30	30
Estimated Total Annual Burden Hours	54	6	90	180

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: November 10, 2014.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2014–27026 Filed 11–14–14; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds—Company Name Change; Bituminous Casualty Corporation

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 3 to the Treasury Department Circular 570, 2014 Revision, published July 1, 2014, at 79 FR 37398.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6850.

SUPPLEMENTARY INFORMATION: Notice is hereby given by the Treasury that the above-named company formally changed its name as follows:

BITCO General Insurance Corporation (NAIC #20095). Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570 (''Circular''), 2014 Revision, to reflect this change.

The Circular may be viewed and downloaded through the Internet at *http://www.fms.treas.gov/c570.*

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room D22, Hyattsville, MD 20782.

Dated: November 12, 2014.

Kevin McIntyre,

Manager, Financial Accounting and Services Branch, Bureau of the Fiscal Service.

[FR Doc. 2014–27111 Filed 11–14–14; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of Three Individuals Pursuant to Executive Order 13611

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing the names of three individuals whose property and interests in property have been blocked on November 10, 2014 pursuant Executive Order 13611 of May 16, 2012, ''Blocking Property of Persons Threatening the Peace, Security, or Stability of Yemen'' (E.O. 13611).

DATES: The designation by the Director of OFAC of the three individuals identified in this notice, pursuant to E.O. 13611, was effective on November 10, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance and Evaluation, 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.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, Tel.: 202/622–0077.

Notice of OFAC Actions

On November 10, 2014, the Director of OFAC, in consultation with the Department of State, designated, pursuant to one or more of the criteria set forth in section 1 of E.O. 13611, three individuals whose property and interests in property are blocked pursuant to E.O. 13611. The listings of these individuals on OFAC's list of Specially Designated Nationals and Blocked Persons appear as follows:

1. SALEH, Ali Abdullah (a.k.a. SALIH, Ali Abdallah); DOB 21 Mar 1945; alt. DOB 21 Mar 1946; alt. DOB 21 Mar 1942; alt. DOB 21 Mar 1947; POB Bayt al-Ahmar, Sana'a Governorate, Yemen; alt. POB Sana'a, Yemen; nationality Yemen; Gender Male; Passport 00016161 (Yemen) issued 19 Jun 2012 expires 18 Jun 2018; Identification Number 01010744444 (Yemen); President of Yemen's General People's Congress party; Former President of the Republic of Yemen (individual) [YEMEN].
2. AL–HUTHI, Abd al-Khaliq (a.k.a. ABU–YUNUS; a.k.a. AL HUTHI, Abd-al-Khaliq Badr-al-Din; a.k.a. AL–HUTHI, 'Abd al-Khaliq Badr al-Din; a.k.a. AL–HUTHI, Abd-al-Khaliq); DOB 1984; Gender Male; Huthi military commander (individual) [YEMEN].
3. AL HAKIM, Abdullah Yahya (a.k.a. AL HAKIM, Abu Ali; a.k.a. AL–HAKIM, Abdallah; a.k.a. ALHAKIM, Abu Ali; a.k.a. AL–HAKIM, Abu-Ali; a.k.a. AL–MU'AYYAD, Abdallah), Dahyan, Sa'dah Governorate, Yemen; DOB 1985; alt. DOB 1984 to 1986; POB Dahyan, Yemen; alt. POB Sa'dah Governorate, Yemen; nationality Yemen; Gender Male; Huthi group second-in-command (individual) [YEMEN].

Dated: November 10, 2014.

Gregory T. Gatjanis,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–27103 Filed 11–14–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0594]

Agency Information Collection (Election To Apply Selected Reserve Services to Either Montgomery GI Bill-Active Duty or to the Montgomery GI Bill-Selected Reserve) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before December 17, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0594'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0594'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Election to Apply Selected Reserve Services to Either Montgomery GI Bill-Active Duty or to the Montgomery GI Bill-Selected Reserve.

OMB Control Number: 2900–0594.

Type of Review: Extension of a previously approved collection.

Abstract: Reservist who participant in the Montgomery GI Bill-Active Duty and served on active duty for two years followed by six years in the Selected Reserve must elect to apply the selected reserved credit either toward the Montgomery GI Bill-Active Duty or toward the Montgomery GI Bill-Selected Reserve benefits. Reservists must make this election in writing, which will take effect when the individual either negotiates a check or receives education benefits via direct deposit or electronic funds transfer under the program elected. VA uses the election to determine which benefit is payable based on the individual's Selected Reserve service.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on August 14, 2014, at page 48296.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,667 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 8,000.

Dated: November 10, 2014.

By direction of the Secretary:

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–27020 Filed 11–14–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0669]

Proposed Information Collection (Claim for Credit of Annual Leave) Activity: Comment Request

AGENCY: Human Resources Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Human Resources Management (HRM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of

information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to this notice. This notice solicits comments on information needed to process current and former employee's claims for restored annual leave charged on a non-workday while on military active duty.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before January 16, 2015.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Jean Hayes, Human Resources and Administration (05), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *jean.hayes@va.gov*. Please refer to ''OMB Control No. 2900–0669'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Jean Hayes at (202) 461–7863.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, HRM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of HRM's functions, including whether the information will have practical utility; (2) the accuracy of HRM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Claim for Credit of Annual Leave, VA Form 0862.

Type of Review: Extension of a currently approved collection.

OMB Control Number: 2900–0669.

Abstract: Current and former employee's who were charged annual leave on a non-workday while on active military duty complete VA Form 0862 to request restoration of annual leave. Those employees who separated or retired from VA will receive a lump sum payment for any reaccredited annual leave. The claimant must provide documentation supporting the period that he or she were on active military duty during the time for which they were charged annual leave on a non-workday.

Affected Public: Individuals or households and Federal Government.

Estimated Annual Burden: 3,375 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One–time.

Estimated Number of Respondents: 13,501.

Dated: November 10, 2014.

By direction of the Secretary.

Crystal Rennie,

Department of Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–27028 Filed 11–14–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0198]

Proposed Information Collection (Supporting Statement for VA Form 10–8678 Application for Annual Clothing Allowance); Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each extension collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed for Veterans, Veteran Representatives and health care providers to request reimbursement from the federal government for emergency services at a private institution.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before January 16, 2015.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov;* or Audrey Revere, Office of Regulatory and Administrative Affairs, Veterans Health Administration (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email: *Audrey.revere@va.gov.* Please refer to ''OMB Control No. 2900–0198'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Audrey Revere at (202) 461–5694.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles: Application for Annual Clothing Allowance.

OMB Control Number: 2900–0198.

Type of Review: Extension.

Abstract: The Department of Veterans Affairs (VA) through its Veterans Health Administration (VHA) administers an integrated program of benefits and services, established by law, for veterans, service personnel, and their dependents and/or beneficiaries. Information is requested by this form under the authority of 38 U.S.C., Section 1162, Clothing Allowance, which provides authority for the Secretary to pay a clothing allowance to veterans who because of a service-connected disability, wears or uses a prosthetic or orthopedic appliance (including a wheelchair) which tends to wear out or tear clothing or uses medication that causes irreparable damage to the outer garments. Entitlement to this benefit is granted by 38 CFR 3.810, Clothing Allowance, upon application by the eligible individual.

Affected Public: Individuals or Households.

Estimated Annual Burden: 1,120 burden hours.

Estimated Average Burden per Respondent: 6 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 6,720.

Dated: November 10, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–27034 Filed 11–14–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0108]

Agency Information Collection (Report of Income From Property or Business) Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before December 17, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0108'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0108'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Report of Income from Property or Business, VA Form 21–4185.

OMB Control Number: 2900–0108.

Type of Review: Extension of a currently approved collection.

Abstract: Claimants complete VA Form 21–4185 to report income and expenses that derived from rental property and/or operation of a business. VA uses the information to determine whether the claimant is eligible for VA benefits and, if eligibility exists, the proper rate of payment.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on August 28, 2014, at page 51399.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,500 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,700.

Dated: November 10, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–27036 Filed 11–14–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0580]

Agency Information Collection (Request for Transportation Expense Reimbursement): Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before December 17, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0580'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0580'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Title: Request for Transportation Expense Reimbursement (38 CFR 21.8370).

OMB Control Number: 2900–0580.

Type of Review: Extension of a currently approved collection.

Abstract: Children of Vietnam veterans born with spina bifida and receiving vocational training or seeking employment may request reimbursement for transportation expenses. To be eligible, the child must provide supportive documentation of actual expenses incurred for the travel. VA uses the information collected to determine if the child is unable to pursue training or employment without travel assistance.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on August 29, 2014, at page 51654.

Affected Public: Individuals or households.

Estimated Annual Burden: 63 hours.

Estimated Average Burden per Respondent: 6 minutes.

Frequency of Response: Monthly.

Estimated Number of Respondents: 50.

Estimated Total Annual Responses: 600.

Dated: November 10, 2014.

By direction of the Secretary:

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–27024 Filed 11–14–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 221 November 17, 2014

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specified Activities; Low-Energy Marine Geophysical Survey in the Ross Sea, January to February 2015; Notice

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD512

Takes of Marine Mammals Incidental to Specified Activities; Low-Energy Marine Geophysical Survey in the Ross Sea, January to February 2015

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

ACTION: Notice; proposed Incidental Harassment Authorization; request for comments.

SUMMARY: NMFS has received an application from the National Science Foundation (NSF) Division of Polar Programs, and Antarctic Support Contract (ASC) on behalf of Louisiana State University, for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to conducting a low-energy marine geophysical (seismic) survey in the Ross Sea, January to February 2015. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to NSF and ASC to incidentally harass, by Level B harassment only, 18 species of marine mammals during the specified activity.

DATES: Comments and information must be received no later than December 17, 2014.

ADDRESSES: Comments on the application should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is *ITP.Goldstein@noaa.gov.* NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 25-megabyte file size.

Instructions: All comments received are a part of the public record and will generally be posted to: *http://www.nmfs.noaa.gov/pr/permits/incidental/* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

A copy of the IHA application may be obtained by writing to the address specified above, telephoning the contact listed here (see **FOR FURTHER INFORMATION CONTACT**) or visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental/.* Documents cited in this notice may also be viewed by appointment, during regular business hours, at the aforementioned address.

NSF and ASC have prepared a ''Draft Initial Environmental Evaluation/Environmental Assessment to Perform Marine Geophysical Survey, Collect Bathymetric Measurements, and Conduct Coring by the RVIB *Nathaniel B. Palmer* in the Ross Sea'' (IEE/EA) in accordance with the National Environmental Policy Act (NEPA) and the regulations published by the Council of Environmental Quality (CEQ). It is posted at the foregoing site. NMFS has independently evaluated the IEE/EA and has prepared a separate NEPA analysis titled ''Draft Environmental Assessment on the Issuance of an Incidental Harassment Authorization to the National Science Foundation and Antarctic Support Contract to Take Marine Mammals by Harassment Incidental to a Low-Energy Marine Geophysical Survey in the Ross Sea, January to April 2015.'' Information in the NSF and ASC's IHA application, Draft IEE/EA, Draft EA and this notice of the proposed IHA collectively provide the environmental information related to proposed issuance of the IHA for public review and comment. NMFS will review all comments submitted in response to this notice as we complete the NEPA process, including a decision of whether to sign a Finding of No Significant Impact (FONSI), prior to a final decision on the IHA request.

FOR FURTHER INFORMATION CONTACT: Howard Goldstein or Jolie Harrison, Office of Protected Resources, NMFS, 301–427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA, (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by United States citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Section 101(a)(5)(D) of the MMPA establishes a 45-day time limit for NMFS's review of an application, followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the public comment period, NMFS must either issue or deny the authorization.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On July 15, 2014, NMFS received an application from NSF and ASC requesting that NMFS issue an IHA for the take, by Level B harassment only, of small numbers of marine mammals incidental to conducting a low-energy marine seismic survey in International Waters (i.e., high seas) in the Ross Sea during January to February 2015. The IHA application includes an addendum which includes incidental take requests for marine mammals related to icebreaking activities.

The research would be conducted by Louisiana State University. NSF and ASC plan to use one source vessel, the RVIB *Nathaniel B. Palmer* (*Palmer*), and a seismic airgun array and hydrophone streamer to collect seismic data in the Ross Sea. The vessel would be operated by ASC, which operates the United

States Antarctic Program (USAP) under contract with NSF. In support of the USAP, NSF and ASC plan to use conventional low-energy, seismic methodology to perform marine-based studies in the Ross Sea, including evaluation of the timing and duration of two grounding events (i.e., advances of grounded ice) to the outer and middle shelf of the Whales Deep Basin, a West Antarctic Ice Sheet paleo ice stream trough in the eastern Ross Sea (see Figures 1 and 2 of the IHA application). The studies would involve a low-energy seismic survey, acquiring core samples from the seafloor, and performing radiocarbon dating of benthic foraminifera to meet a number of research goals. In addition to the proposed operations of the seismic airgun array and hydrophone streamer(s), NSF and ASC intend to operate a single-beam echosounder, multi-beam echosounder, acoustic Doppler current profiler (ADCP), and sub-bottom profiler continuously throughout the survey.

Acoustic stimuli (i.e., increased underwater sound) generated during the operation of the seismic airgun array and from icebreaking activities may have the potential to cause behavioral disturbance for marine mammals in the proposed survey area. This is the principal means of marine mammal taking associated with these activities, and NSF and ASC have requested an authorization to take 18 species of marine mammals by Level B harassment. Take is not expected to result from the use of the single-beam echosounder, multi-beam echosounder, ADCP, and sub-bottom profiler, as the brief exposure of marine mammals to one pulse, or small numbers of signals, to be generated by these instruments in this particular case is not likely to result in the harassment of marine mammals. Also, NMFS does not expect take to result from collision with the source vessel because it is a single vessel moving at a relatively slow, constant cruise speed of 5 knots ([kts]; 9.3 kilometers per hour [km/hr]; 5.8 miles per hour [mph]) during seismic acquisition within the survey, for a relatively short period of time (approximately 27 operational days). It is likely that any marine mammal would be able to avoid the vessel.

Description of the Proposed Specified Activity

Overview

NSF and ASC propose to use one source vessel, the *Palmer,* a two GI airgun array and one hydrophone streamer to conduct the conventional seismic survey as part of the NSF-funded research project ''Timing and Duration of LGM and post-LGM Grounding Events in the Whales Deep Paleo Ice Streams, Eastern Ross Sea Continental Shelf.'' In addition to the airguns, NSF and ASC intend to conduct a bathymetric survey and core sampling from the *Palmer* during the proposed low-energy seismic survey.

Dates and Duration

The *Palmer* is expected to depart from McMurdo Station on approximately January 24, 2015 and arrive at Hobart, Australia on approximately March 20, 2015. Research operations would be conducted over a span of 27 days (from approximately January 24 to February 26, 2015). At the end of the proposed research operations, the *Palmer* would resume other operational activities, and transit to Hobart, Australia. The total distance the *Palmer* would travel in the region to conduct the proposed research activities (i.e., seismic survey, bathymetric survey, transit to coring locations and McMurdo Station) represents approximately 12,000 km (6,479.5 nmi). Some minor deviation from this schedule is possible, depending on logistics and weather (e.g., the cruise may depart earlier or be extended due to poor weather; or there could be additional days of airgun operations if collected data are deemed to be of substandard quality).

Specified Geographic Region

The proposed project and survey sites are located in selected regions of the Ross Sea (located north of the Ross Ice Shelf) and focus on the Whales Deep Basin trough (encompassing the region between 76 to 78° South, and between 165 to 170° West) (see Figure 2 of the IHA application). Figure 2 also illustrates the general bathymetry of the proposed study area and the previously collected data with respect to seismic units and dated cores. The proposed low-energy seismic survey would be conducted in International Waters. Figure 2 of the IHA application illustrates the general bathymetry of the proposed study area near the Ross Ice Shelf. Water depths in the survey area are between 100 to 1,000 m. The proposed low-energy seismic survey would be within an area of approximately 3,882 km^2 (1,131.8 nmi^2). This estimate is based on the maximum number of kilometers for the low-energy seismic survey (1,750 km) multiplied by the area ensonified around the planned tracklines (1.109 km × 2). The ensonified area is based on the predicted rms radii (m) based on modeling and empirical measurements (assuming 100% use of the two 105 in^3 GI airguns in 100 to 1,000 m water depths), which was calculated to be 1,109 m (3,638.5 ft) (see Appendix B of the IHA application).

If icebreaking is required during the course of the research activities in the Antarctica region, it is expected to occur on a limited basis. The research activities and associated contingencies are designed to avoid areas of heavy sea ice condition, and the Ross Sea region is typically clear during the January to February time period due to a large polynya which routinely forms in front of the Ross Ice Shelf.

Researchers would work to minimize time spent breaking ice. The proposed science operations are more difficult to conduct in icy conditions because the ice noise degrades the quality of the geophysical and ADCP data. Also, time spent breaking ice takes away from time supporting research. Logistically, if the vessel were in heavy ice conditions, researchers would not tow the airgun array and streamer, as this would likely damage equipment and generate noise interference. It is possible that the low-energy seismic survey can be performed in low ice conditions if the *Palmer* could generate an open path behind the vessel.

Because the *Palmer* is not rated to routinely break multi-year ice, operations would generally avoid transiting through older ice (i.e., 2 years or older, thicker than 1 m). If sea ice is encountered during the cruise, it is anticipated the *Palmer* would proceed primarily through one year sea ice, and possibly some new, very thin ice, and would follow leads wherever possible. Satellite imagery from the Ross Sea region (*http://www.iup.physik.uni-bremen.de:8084/ssmis/*) documents that sea ice is at its minimum extent during the month of February.

Based on the proposed tracklines, estimated transit to the proposed study area from McMurdo Station, and expected ice conditions (using historical sea ice extent), it is estimated that the *Palmer* may need to break ice along a distance of approximately 500 km (269.9 nmi) or less. Based on the ship's speed of 5 knots under moderate ice conditions, 500 km represents approximately 54 hours of icebreaking operations. It is noted that typical transit through areas of primarily open water containing brash or pancake ice are not considered icebreaking for the purposes of this assessment.

Detailed Description of the Proposed Specified Activity

NSF and ASC propose to conduct a low-energy seismic survey in the Ross

Sea from January to February 2015. In addition to the low-energy seismic survey, scientific research activities would include conducting a bathymetric profile survey of the seafloor using transducer-based instruments such as a multi-beam echosounder and sub-bottom profiler; acquiring bottom imaging, using underwater camera systems; and collecting approximately 32 core samples from the seafloor using various methods and equipment. Water depths in the survey area are 100 to 1,000 meters (m) (328.1 to 3,280.1 feet [ft]). The proposed low-energy seismic survey is scheduled to occur for a total of approximately 200 hours over the course of the entire cruise, which would be for approximately 27 operational days in January to February 2015. The proposed research activities would bisect approximately 25,500 km^2 (7,434.6 nmi^2) in the Ross Sea region (see Figure 2 of the IHA application). The proposed low-energy seismic survey would be conducted during the day (from nautical twilight-dawn to nautical twilight-dusk) and night, and for up to 100 hours of continuous operations at a time. Note that there would be 24-hour or near 24-hour daylight in the proposed study area between January 24 and February 26, 2015 (*http://www.timeanddate.com/sun/antarctica/mcmurdo?month=2&year=2015*). The operation hours and survey length would include equipment testing, ramp-up, line changes, and repeat coverage. Some minor deviation from these dates would be possible, depending on logistics and weather. The Principal Investigator is Dr. Philip Bart of the Louisiana State University (Baton Rouge).

Grounding events in the Whales Deep Basin are represented by seismically resolvable Grounding Zone Wedges. During the proposed activities in the Ross Sea, researchers would acquire additional seismic data and multi-beam bathymetry and imaging to precisely define the depositional and erosional limits of the outer and middle shelf Grounding Zone Wedges. The proposed collection of benthic samples and resulting analyses would test the hypothesis and counter hypothesis regarding the West Antarctic Ice Sheet retreat as it relates to the Whales Deep Basin paleo ice stream through: (1) Radiocarbon dating in situ benthic foraminifera isolated from diamict deposited on the Grounding Zone Wedges foreset; (2) ramped pyrolysis of acid insoluble organic isolated from diatom ooze overlying Grounding Zone Wedges diamict; (3) calculating the duration of the two grounding events; and (4) extracting pore-water from the Grounding Zone Wedges diamict to determine salinity and $\delta^{18}O$ values to test a numerical model prediction regarding the West Antarctic Ice Sheet retreat.

The procedures to be used for the survey would be similar to those used during previous low-energy seismic surveys by NSF and would use conventional seismic methodology. The proposed survey would involve one source vessel, the *Palmer.* NSF and ASC would deploy a two Sercel Generator Injector (GI) airgun array (each with a discharge volume of 105 in^3 [1,720 cm^3], in one string, with a total volume of 210 in^3 [3,441.3 cm^3]) as an energy source, at a tow depth of up to 3 to 4 m (9.8 to 13.1 ft) below the surface (more information on the airguns can be found in Appendix B of the IHA application). A third airgun would serve as a ''hot spare'' to be used as a back-up in the event that one of the two operating airguns malfunctions. The airguns in the array would be spaced approximately 3 m (9.8 ft) apart and 15 to 40 m (49.2 to 131.2 ft) astern of the vessel. The receiving system would consist of one or two 100 m (328.1 ft) long, 24-channel, solid-state hydrophone streamer(s) towed behind the vessel. Data acquisition is planned along a series of predetermined lines, all of which would be in water depths 100 to 1,000 m. As the GI airguns are towed along the survey lines, the hydrophone streamer(s) would receive the returning acoustic signals and transfer the data to the onboard processing system. All planned seismic data acquisition activities would be conducted by technicians provided by NSF and ASC, with onboard assistance by the scientists who have proposed the study. The vessel would be self-contained, and the crew would live aboard the vessel for the entire cruise.

The weather, sea, and ice conditions would be closely monitored, including the presence of pack ice that could hinder operation of the airgun array and streamer(s) as well as conditions that could limit visibility. If situations are encountered which pose a risk to the equipment, impede data collection, or require the vessel to stop forward progress, the equipment would be shut-down and retrieved until conditions improve. In general, the airgun array and streamer(s) could be retrieved in less than 30 minutes.

The planned seismic survey (including equipment testing, start-up, line changes, repeat coverage of any areas, and equipment recovery) would consist of approximately 1,750 kilometers (km) (944.9 nautical miles [nmi]) of transect lines (including turns) in the study area in the Ross Sea (see Figures 1 and 2 of the IHA application). In addition to the operation of the airgun array, a single-beam and multi-beam echosounder, ADCP, and a sub-bottom profiler would also likely be operated from the *Palmer* continuously throughout the cruise. There would be additional airgun operations associated with equipment testing, ramp-up, and possible line changes or repeat coverage of any areas where initial data quality is sub-standard. In NSF and ASC's estimated take calculations, 25% has been added for those additional operations. The portion of the cruise planned for after the low-energy seismic survey in the Ross Sea is not associated with the project; it is associated with McMurdo Station support and would occur regardless of the low-energy seismic survey (i.e., no science activities would be conducted). In addition, the *Palmer* would transit approximately 3,980 km (2,149 nmi) to Australia after the planned support activities for McMurdo Station.

TABLE 1—PROPOSED LOW-ENERGY SEISMIC SURVEY ACTIVITIES IN THE ROSS SEA

Survey length (km)	Total duration (hr) [1]	Airgun array total volume	Time between airgun shots (distance)	Streamer length (m)
1,750 (944.9 nmi)	~200	2 × 105 in^3 (2 × 1,720 cm^3)	5 to 10 seconds (12.5 to 25 m or 41 to 82 ft).	100 (328.1 ft).

[1] Airgun operations are planned for no more than 100 continuous hours at a time.

Vessel Specifications

The *Palmer,* a research vessel owned by Edison Chouest Offshore, Inc. and operated by NSF and ACS (under a long-term charter with Edison Chouest Offshore, Inc.), would tow the two GI airgun array, as well as the hydrophone streamer. When the *Palmer* is towing the airgun array and the relatively short hydrophone streamer, the turning rate of the vessel while the gear is deployed is approximately 20 degrees per minute, which is much higher than the limit of 5 degrees per minute for a seismic vessel towing a streamer of more typical length (much greater than 1 km [0.5 nmi]). Thus, the maneuverability of the vessel is not limited much during operations with the streamer.

The U.S.-flagged vessel, built in 1992, has a length of 94 m (308.5 ft); a beam of 18.3 m (60 ft); a maximum draft of 6.8 m (22.5 ft); and a gross tonnage of 6,174. The ship is powered by four Caterpillar 3608 diesel engines (3,300 brake horsepower [hp] at 900 rotations per minute [rpm]) and a 1,400 hp flush-mounted, water jet azimuthing bowthruster. Electrical power is provided by four Caterpillar 3512, 1,050 kiloWatt (kW) diesel generators. The GI airgun compressor onboard the vessel is manufactured by Borsig-LMF Seismic Air Compressor. The *Palmer's* operation speed during seismic acquisition is typically approximately 9.3 km/hr (5 kts) (varying between 7.4 to 11.1 km/hr [4 to 6 kts]). When not towing seismic survey gear, the *Palmer* typically cruises at 18.7 km/hr (10.1 kts) and has a maximum speed of 26.9 km/hr (14.5 kts). The *Palmer* has an operating range of approximately 27,780 km (15,000 nmi) (the distance the vessel can travel without refueling), which is approximately 70 to 75 days. The vessel can accommodate 37 scientists and 22 crew members.

The vessel also has two locations as likely observation stations from which Protected Species Observers (PSO) would watch for marine mammals before and during the proposed airgun operations. Observing stations would be at the bridge level, with a PSO's eye level approximately 16.5 m (54.1 ft) above sea level and an approximately 270° view around the vessel, and an aloft observation tower that is approximately 24.4 m (80.1 ft) above sea level, is protected from the weather and has an approximately 360° view around the vessel. More details of the *Palmer* can be found in the IHA application and online at: *http://www.nsf.gov/geo/plr/support/nathpalm.jsp* and *http://www.usap.gov/vesselScienceAndOperations/contentHandler.cfm?id=1561*

Acoustic Source Specifications—Seismic Airguns

The *Palmer* would deploy an airgun array, consisting of two 105 in^3 Sercel GI airguns as the primary energy source and a 100 m streamer(s) containing hydrophones. The airgun array would have a supply firing pressure of 2,000 pounds per square inch (psi) and 2,200 psi when at high pressure stand-by (i.e., shut-down). The regulator would be adjusted to ensure that the maximum pressure to the GI airguns is 2,000 psi, but there are times when the GI airguns may be operated at pressures as low as 1,750 to 1,800 psi. Seismic pulses for the GI airguns would be emitted at intervals of approximately 5 seconds. There would be between 360 and 720 shots per hour and the relative linear distance between the shots would be between 15 to 30 m (49.2 to 98.4 ft). During firing, a brief (approximately 0.03 second) pulse sound is emitted; the airguns would be silent during the intervening periods. The dominant frequency components range from two to 188 Hertz (Hz).

The GI airguns would fire the compressed air volume in unison in harmonic mode. The GI airguns would be used in harmonic mode, that is, the volume of the injector chamber (I) of each GI airgun is equal to that of its generator chamber (G): 105 in^3 (1,721 cm^3) for each airgun. The generator chamber of each GI airgun in the primary source is the one responsible for introducing the sound pulse into the ocean. The injector chamber injects air into the previously-generated bubble to maintain its shape, and does not introduce more sound into the water. In harmonic mode, the injector volume is designed to destructively interfere with the reverberations of the generator (source component). Firing the airguns in harmonic mode maximizes resolution in the data and minimizes any excess noise in the water column or data caused by the reverberations (or bubble pulses). The two GI airguns would be spaced approximately 3 m (9.8 ft) apart, side-by-side, between 15 and 40 m (49.2 and 131.2 ft) behind the *Palmer,* at a depth of up to 3 to 4 m during the low-energy seismic survey.

The Nucleus modeling software used at Lamont-Doherty Earth Observatory of Columbia University (L–DEO) does not include GI airguns as part of its airgun library, however signatures and mitigation models have been obtained for two 105 in^3 G airguns that are close approximations. A tow depth of 4 m is assumed and would result in the largest radii. For the two 105 in^3 airgun array, the source output (downward) is 234.1 dB re 1 μPam 0-to-peak and 239.8 dB re 1 μPam for peak-to-peak. These numbers were determined applying the aforementioned G-airgun approximation to the GI airgun and using signatures filtered with DFS V out-256 Hz 72 dB/octave. The dominant frequency range would be 20 to 150 Hz for a pair of GI airguns towed at 4 m depth.

During the low-energy seismic survey, the vessel would attempt to maintain a constant cruise speed of approximately 5 knots. The airguns would operate continuously for no more than 100 hours at a time based on operational constraints. The total duration of the airgun operations would not exceed 200 hours. The relatively short, 24-channel hydrophone streamer would provide operational flexibility to allow the low-energy seismic survey to proceed along the designated cruise tracklines. The design of the seismic equipment is to achieve high-resolution images with the ability to correlate to the ultra-high frequency sub-bottom profiling data and provide cross-sectional views to pair with the seafloor bathymetry.

Metrics Used in This Document

This section includes a brief explanation of the sound measurements frequently used in the discussions of acoustic effects in this document. Sound pressure is the sound force per unit area, and is usually measured in micropascals (μPa), where 1 pascal (Pa) is the pressure resulting from a force of one newton exerted over an area of one square meter. Sound pressure level (SPL) is expressed as the ratio of a measured sound pressure and a reference level. The commonly used reference pressure level in underwater acoustics is 1 μPa, and the units for SPLs are dB re 1 μPa. SPL (in decibels [dB]) = 20 log (pressure/reference pressure).

SPL is an instantaneous measurement and can be expressed as the peak, the peak-to-peak (p-p), or the root mean square (rms). Root mean square, which is the square root of the arithmetic average of the squared instantaneous pressure values, is typically used in discussions of the effects of sounds on vertebrates and all references to SPL in this document refer to the root mean square unless otherwise noted. SPL does not take the duration of a sound into account.

Characteristics of the Airgun Pulses

Airguns function by venting high-pressure air into the water, which creates an air bubble. The pressure signature of an individual airgun

consists of a sharp rise and then fall in pressure, followed by several positive and negative pressure excursions caused by the oscillation of the resulting air bubble. The oscillation of the air bubble transmits sounds downward through the seafloor, and the amount of sound transmitted in the near horizontal directions is reduced. However, the airgun array also emits sounds that travel horizontally toward non-target areas.

The nominal downward-directed source levels of the airgun arrays used by NSF and ASC on the *Palmer* do not represent actual sound levels that can be measured at any location in the water. Rather, they represent the level that would be found 1 m (3.3 ft) from a hypothetical point source emitting the same total amount of sound as is emitted by the combined GI airguns. The actual received level at any location in the water near the GI airguns would not exceed the source level of the strongest individual source. In this case, that would be about 228.3 dB re 1 μPam peak or 234.0 dB re 1 μPam peak-to-peak for the two 105 in^3 airgun array. However, the difference between rms and peak or peak-to-peak values for a given pulse depends on the frequency content and duration of the pulse, among other factors. Actual levels experienced by any organism more than 1 m from either GI airgun would be significantly lower.

Accordingly, L–DEO has predicted and modeled the received sound levels in relation to distance and direction from the two GI airgun array. A detailed description of L–DEO's modeling for this survey's marine seismic source arrays for protected species mitigation is provided in the NSF/USGS PEIS. These are the nominal source levels applicable to downward propagation. The NSF/USGS PEIS discusses the characteristics of the airgun pulses. NMFS refers the reviewers to that document for additional information.

Predicted Sound Levels for the Airguns

To determine buffer and exclusion zones for the airgun array to be used, received sound levels have been modeled by L–DEO for a number of airgun configurations, including two 105 in^3 G airguns, in relation to distance and direction from the airguns (see Figure 2 in Appendix B of the IHA application). The model does not allow for bottom interactions, and is most directly applicable to deep water. Because the model results are for G airguns, which have more energy than GI airguns of the same size, those distances overestimate (by approximately 10%) the distances for the two 105 in^3 GI airguns. Although the distances are overestimated, no adjustments for this have been made to the radii distances in Table 2 (below). Based on the modeling, estimates of the maximum distances from the GI airguns where sound levels of 190, 180, and 160 dB re 1 μPa (rms) are predicted to be received in intermediate water are shown in Table 2 (see Table 1 of Appendix B of the IHA application).

Empirical data concerning the 190, 180, and 160 dB (rms) distances were acquired for various airgun arrays based on measurements during the acoustic verification studies conducted by L–DEO in the northern Gulf of Mexico (GOM) in 2003 (Tolstoy *et al.,* 2004) and 2007 to 2008 (Tolstoy *et al.,* 2009; Diebold *et al.,* 2010). Results of the 18 and 36 airgun array are not relevant for the two GI airguns to be used in the proposed low-energy seismic survey because the airgun arrays are not the same size or volume. The empirical data for the 6, 10, 12, and 20 airgun arrays indicate that, for deep water, the L–DEO model tends to overestimate the received sound levels at a given distance (Tolstoy *et al.,* 2004). For the two G airgun array, measurements were obtained only in shallow water. When compared to measurements in acquired in deep water, mitigation radii provided by the L–DEO model for the proposed airgun operations were found to be conservative. The acoustic verification surveys also showed that distances to given received levels vary with water depth; these are larger in shallow water, while intermediate/slope environments show characteristics intermediate between those of shallow water and those of deep water environments, and documented the influence of a sloping seafloor. The only measurements obtained for intermediate depths during either survey were for the 36-airgun array in 2007 to 2008 (Diebold *et al.,* 2010). Following results obtained at this site and earlier practice, a correction factor of 1.5, irrespective of distance to the airgun array, is used to derive intermediate-water radii from modeled deep-water radii. Estimates of the maximum distances from the GI airguns where sound levels of 160, 180, and 190 dB (rms) are predicted to be received in intermediate water are 739, 74, and 24 m (2,424.5, 242.8, 78.7 ft), respectively, are obtained from L–DEO's model results in deep water, which after multiplication by the correction factor of 1.5 are 1,109, 111, and 36 m (3,638.5, 364.2, and 118.1 ft) (see Table 1 of Appendix B of IHA application)

Measurements were not made for a two GI airgun array in intermediate and deep water; however, NSF and ASC proposes to use the buffer and exclusion zones predicted by L–DEO's model for the proposed GI airgun operations in intermediate water, although they are likely conservative given the empirical results for the other arrays. Using the L–DEO model, Table 2 (below) shows the distances at which three rms sound levels are expected to be received from the two GI airguns. The 160 dB re 1 μPam (rms) is the threshold specified by NMFS for potential Level B (behavioral) harassment from impulsive noise for both cetaceans and pinnipeds. The 180 and 190 dB re 1 μPam (rms) distances are the safety criteria for potential Level A harassment as specified by NMFS (2000) and are applicable to cetaceans and pinnipeds, respectively. If marine mammals are detected within or about to enter the appropriate exclusion zone, the airguns would be shut-down immediately. Table 2 summarizes the predicted distances at which sound levels (160, 180, and 190 dB [rms]) are expected to be received from the two airgun array (each 105 in^3) operating in intermediate water (100 to 1,000 m [328.1 to 3,280 ft]) depths.

TABLE 2—PREDICTED AND MODELED (TWO 105 in^3 GI AIRGUN ARRAY) DISTANCES TO WHICH SOUND LEVELS ≥160, 180, AND 190 dB RE 1 μPA (rms) COULD BE RECEIVED IN DEEP WATER DURING THE PROPOSED LOW-ENERGY SEISMIC SURVEY IN THE ROSS SEA, JANUARY TO FEBRUARY 2015

Source and total volume	Tow depth (m)	Water depth (m)	Predicted rms radii distances (m) for 2 GI airgun array		
			160 dB	180 dB	190 dB
Two GI Airguns (105 in^3).	3 to 4	Intermediate (100 to 1,000).	1,109 (3,638.5 ft).	111 (364.2 ft)	36 (118.1 ft) *100 would be used for pinnipeds as described in NSF/USGS PEIS*.

Based on the NSF/USGS PEIS and Record of Decision, for situations which incidental take of marine mammals is anticipated, NSF and ASC have proposed exclusion zones of 100 m for cetaceans and pinnipeds for all low-energy acoustic sources in water depths greater than 100 m. While NMFS views the 100 m exclusion zone for pinnipeds appropriate, NMFS has proposed to require an exclusion zone of 111 m for cetaceans based on the predicted and modeled values by L–DEO and to be more protective for marine mammals.

NMFS expects that acoustic stimuli resulting from the proposed operation of the two GI airgun array has the potential to harass marine mammals. NMFS does not expect that the movement of the *Palmer,* during the conduct of the low-energy seismic survey, has the potential to harass marine mammals because the relatively slow operation speed of the vessel (approximately 5 kts; 9.3 km/hr; 5.8 mph) during seismic data acquisition should allow marine mammals to avoid the vessel.

Bathymetric Survey

Along with the low-energy airgun operations, other additional geophysical (detailed swath bathymetry) measurements focused on a specific study area within the Ross Sea would be made using hull-mounted sonar system instruments. The proposed bathymetric research would bisect approximately 8,300 km² (2,419.9 nmi²) in the Ross Sea Region (see Figure 2 of the IHA application). In addition, several other transducer-based instruments onboard the vessel would be operated continuously during the cruise for operational and navigational purposes. During bathymetric survey operations, when the vessel is not towing seismic equipment, its average speed would be approximately 10.1 kts (18.8 km/hr). Operating characteristics for the instruments to be used are described below.

Single-Beam Echosounder (Knudsen 3260)—The hull-mounted CHIRP sonar would be operated continuously during all phases of the cruise. This instrument is operated at 12 kHz for bottom-tracking purposes or at 3.5 kHz in the sub-bottom profiling mode. The sonar emits energy in a 30° beam from the bottom of the ship.

Single-Beam Echosounder (Bathy 2000)—The hull-mounted sonar characteristics of the Bathy 2000 are similar to the Knudsen 3260. Only one hull-mounted echosounder can be operated at a time, and this source would be operated instead of the Knudsen 3260 only if needed (i.e., only one would be in continuous operation during the cruise). The specific model to be used is expected to be selected by the scientific researchers. This was also the preferred instrument for many previous low-energy seismic surveys on the *Palmer.*

Multi-Beam Sonar (Simrad EM120)—The hull-mounted multi-beam sonar would be operated continuously during the cruise. This instrument operates at a frequency of 12 kHz, has an estimated maximum source energy level of 242 dB re 1μPa (rms), and emits a very narrow (<2°) beam fore to aft and 150° in cross-track. The multi-beam system emits a series of nine consecutive 15 ms pulses.

Acoustic Doppler Current Profiler (ADCP Teledyne RDI VM–150)—The hull-mounted ADCP would be operated continuously throughout the cruise. The ADCP operates at a frequency of 150 kHz with an estimated acoustic output level at the source of 223.6 dB re 1μPa (rms). Sound energy from the ADCP is emitted as a 30° conically-shaped beam.

Acoustic Doppler Current Profiler (ADCP Ocean Surveyor OS–38)—The characteristics of this backup hull-mounted ADCP unit are similar to the Teledyne VM–150 and would be continuously operated.

Acoustic Locator (Pinger)—A pinger would be deployed with certain instruments (e.g., camera) and equipment (e.g., corers) so these devices can be located in the event they become detached from their lines. A pinger typically operates at a frequency of 12 kHz, generates a 5 ms pulse per second, and has an acoustical output of 162 dB re 1 μPa (rms). A maximum total of 32 coring samples would be obtained using these devices and ranging from 1.5 to 3 hours per sample and require approximately 62 hours per sample. Therefore, it is estimated that the pinger would operate a total of 62 hours.

Passive Instruments—During the low-energy seismic survey in the Ross Sea, underwater imagery would be obtained through deployment of a benthos bottom camera and towing benthic camera system (during the coring activities). In addition, numerous (approximately 50) expendable bathythermograph (XBTs) probes would also be released (and none would be recovered) over the course of the cruise to obtain temperature data necessary to calculate sound velocity profiles used by the multi-beam sonar.

Core Sampling

The primary sampling goals involve the acquisition of sediment cores for analysis. The coring locations would be determined using data generated by the low-energy seismic survey.

It is anticipated that cores would be advanced at a total of 32 coring locations using several different types of equipment designed to meet research specific objectives. Proposed sediment coring activities include: box coring at 3 locations, gravity coring at 3 locations, jumbo piston coring at 4 locations, Kasten coring at 11 locations, and standard piston coring at 11 locations. The proposed coring activities are summarized in Table 3 (see below). The small diameter coring devices would collect sediment from the seafloor at 32 sample locations. At each sampling location up to 176 cm² (27.3 in²) of seafloor would be disturbed by deployment of the coring devices, yielding a cumulative total of approximately 0.6 m² (6.5 ft²) disturbance during the proposed project (see Figure 2 of the IHA application).

TABLE 3—PROPOSED CORING ACTIVITIES IN THE ROSS SEA

Sampling device	Core diameter (cm)	Core length (m)	Number of cores
Box Core (Rectangular Profile)	10	0.5	3
Gravity Core	7.5	3	3
Jumbo Piston Core	12.7	12	4
Kasten Core	15	6	11
Standard Piston Core	8.9	9	11

From the sediment cores, the in situ foraminifera and ramped pyrolysis radiocarbon data would be used to conduct a detailed comparison of acid insoluble organic versus foraminifera radiocarbon dates. The grounding-event

duration data generated would provide a test of the two radiocarbon dating strategies. Resolving which of the two interpretations of how near-surface sedimentology and stratigraphy of Glomar Challenger Basin Grounding Zone Wedges stratigraphy in eastern Ross Sea relates to post-Last Glacial Maximum grounding-line migration is the goal of the proposed research; determining which of the strategies is more accurate and/or what offsets exist between the two dating strategies used to support these interpretations is important because constraining the timing of recent grounding events is essential to predict what factors might cause the current stability (i.e., a pause in grounding-line migration) to end with additional West Antarctic Ice Sheet retreat.

Icebreaking

Icebreaking is considered by NMFS to be a continuous sound and NMFS estimates that harassment occurs when marine mammals are exposed to continuous sounds at a received sound level of 120 dB SPL or above. Potential takes of marine mammals may ensue from icebreaking activity in which the *Palmer* is expected to engage in Antarctic waters (i.e., along the Ross Sea region, between 76 to 78° South, between 165 to 170° West). While breaking ice, the noise from the ship, including impact with ice, engine noise, and propeller cavitation, would exceed 120 dB (rms) continuously. If icebreaking does occur in Antarctic waters, NMFS, NSF and ASC expect it would occur on a limited basis during transit and non-seismic operations to gain access to coring or other sampling locations and not during seismic airgun operations. The research activities and associated contingencies are designed to avoid areas of heavy sea ice condition, and the Ross Sea region is typically clear during the January to February time period. If the *Palmer* breaks ice during transit within the Antarctic waters (within the Ross Sea or other areas of the Southern Ocean), airgun operations would not be conducted concurrently.

In 2008, acousticians from Scripps Institution of Oceanography Marine Physical Laboratory and University of New Hampshire Center for Coastal and Ocean Mapping conducted measurements of SPLs of the U.S. Coast Guard Cutter (USCGC) *Healy* icebreaking under various conditions (Roth and Schmidt, 2010). The results indicated that the highest mean SPL (185 dB) was measured at survey speeds of 4 to 4.5 kts in conditions of 5/10 ice and greater. Mean SPL under conditions where the ship was breaking heavy ice by backing and ramming was actually lower (180 dB). In addition, when backing and ramming, the vessel is essentially stationary, so the ensonified area is limited for a short period (on the order of minutes to tens of minutes) to the immediate vicinity of the vessel until the ship breaks free and once again makes headway.

The 120 dB received sound level radius around the *Healy* while icebreaking was estimated by researchers (USGS, 2010). Using a practical spreading model, a source level of 185 dB decays to 120 dB in about 21.54 km (11.6 nmi). This model is corroborated by Roth and Schmidt (2010). Therefore, as the ship travels through the ice, a swath 43.08 km (23.3 nmi ft) wide would be subject to sound levels greater than or equal to 120 dB. This results in potential exposure of 21, 540 km^2 (6,280.1 nmi^2) to sounds greater than or equal to 120 dB from icebreaking.

Data characterizing the sound levels generated by icebreaking activities conducted by the *Palmer* are not available; therefore, data for noise generating from an icebreaking vessel such as the USCGC *Healy* would be used as a proxy. It is noted that the *Palmer* is a smaller vessel and has less icebreaking capability than the U.S. Coast Guard's other polar icebreakers, being only capable of breaking ice up to 1 m thick at speeds of 3 kts (5.6 km/hr or 3 nmi). Therefore, the sound levels that may be generated by the *Palmer* are expected to be lower than the conservative levels estimated and measured for the USCGC *Healy.* Researchers would work to minimize time spent breaking ice as science operations are more difficult to conduct in icy conditions since the ice noise degrades the quality of the seismic and ADCP data and time spent breaking ice takes away from time supporting scientific research. Logistically, if the vessel were in heavy ice conditions, researchers would not tow the airgun array and streamer, as this would likely damage equipment and generate noisy data. It is possible that the low-energy seismic survey can be performed in low ice conditions if the *Palmer* could generate an open path behind the vessel.

Because the *Palmer* is not rated to break multi-year ice routinely, operations generally avoid transiting through older ice (i.e., 2 years or older, thicker than 1 m). If sea ice is encountered during the cruise, it is anticipated the *Palmer* would proceed primarily through one year sea ice, and possibly some new, very thin ice, and would follow leads wherever possible. Based on historical sea ice extent and the proposed cruise tracklines, it is estimated by NSF and ASC that the *Palmer* may actively break up ice to a distance of 500 km (270 nmi). Based on a ship's speed of 5 kts under moderate ice conditions, this distance represents approximately 54 hours of icebreaking operations. It is noted that typical transit through areas primarily open water and containing brash ice or pancake ice would not be considered icebreaking.

Description of the Marine Mammals in the Specified Geographic Area of the Proposed Specified Activity

Various international and national Antarctic research programs (e.g., Antarctic Pack Ice Seals Program, Commission for the Conservation of Antarctic Marine Living Resources, Japanese Whale Research Program under Special Permit in the Antarctic, and NMFS National Marine Mammal Laboratory), academic institutions (e.g., University of Canterbury, Tokai University, Virginia Institute of Marine Sciences, University of Genova), and other organizations (e.g., National Institute of Water and Atmospheric Research Ltd., Institute of Cetacean Research, Nippon Kaiyo Co., Ltd., H.T. Harvey & Associates, Center for Whale Research) have conducted scientific cruises and/or examined data on marine mammal sightings along the coast of Antarctica, Southern Ocean, and Ross Sea, and these data were considered in evaluating potential marine mammals in the proposed action area. Records from the International Whaling Commission's International Decade of Cetacean Research (IDCR), Southern Ocean Collaboration Program (SOC), and Southern Ocean Whale and Ecosystem Research (IWC–SOWER) circumpolar cruises were also considered.

The marine mammals that generally occur in the proposed action area belong to three taxonomic groups: Mysticetes (baleen whales), odontocetes (toothed whales), and pinnipeds (seals and sea lions). The marine mammal species that could potentially occur within the Southern Ocean in proximity to the proposed action area in the Ross Sea include 20 species of cetaceans and 7 species of pinnipeds.

The Ross Sea and surrounding Southern Ocean is a feeding ground for a variety of marine mammals. In general, many of the species present in the sub-Antarctic study area may be present or migrating through the Southern Ocean in the Ross Sea during the proposed low-energy seismic survey. Many of the species that may be potentially present in the study area

seasonally migrate to higher latitudes near Antarctica. In general, most large whale species (except for the killer whale) migrate north in the middle of the austral winter and return to Antarctica in the early austral summer.

The five species of pinnipeds that are found in the Southern Ocean and most likely be present in the proposed study area include the crabeater (*Lebodon carcinophagus*), leopard (*Hydrurga leptonyx*), Ross (*Ommatophoca rossii*), Weddell (*Leptonychotes weddellii*), and southern elephant (*Mirounga leonina*) seal. Many of these pinniped species breed on either the pack ice or subantarctic islands. Crabeater seals are more common in the northern regions of the Ross Sea, concentrated in the pack ice over the Antarctic Slope Front. Leopard seals are often seen during the austral summer off the Adelie penguin (*Pygoscelis adeliae*) rookeries of Ross Island. Ross seals are often found in pack ice and open waters, they seem to prefer dense consolidated pack ice rather than the open pack ice that is frequented by crabeater seals. The Weddell seal is considered to be common and frequently encountered in the Ross Sea. Southern elephant seals may enter the Ross Sea in the austral summer from breeding and feeding grounds further to the north. They are considered uncommon in the Ross Sea. The southern elephant seal and Antarctic fur seal have haul-outs and rookeries that are located on subantarctic islands and prefer beaches. Antarctic (*Arctocephalus gazella*) and Subantarctic (*Arctocephalus tropicalis*) fur seals preferred habitat is not in the proposed study area, and thus it is not considered further in this document.

Marine mammal species likely to be encountered in the proposed study area that are listed as endangered under the U.S. Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*), includes the southern right (*Eubalaena australis*), humpback (*Megaptera novaeangliae*), sei (*Balaenoptera borealis*), fin (*Balaenoptera physalus*), blue (*Balaenoptera musculus*), and sperm (*Physeter macrocephalus*) whale.

In addition to the 13 species known to occur in the Ross Sea, there are 7 cetacean species with ranges that are known to potentially occur in the waters of the proposed study area: southern right, Cuvier's beaked (*Ziphius cavirostris*), Gray's beaked (*Mesoplodon grayi*), Hector's beaked (*Mesoplodon hectori*), and spade-toothed beaked (*Mesoplodon traversii*) whale, southern right whale dolphin (*Lissodelphis peronii*), and spectacled porpoise (*Phocoena dioptrica*). However, these species have not been sighted and are not expected to occur where the proposed activities would take place. These species are not considered further in this document. Table 4 (below) presents information on the habitat, occurrence, distribution, abundance, population, and conservation status of the species of marine mammals that may occur in the proposed study area during January to February 2015.

TABLE 4—THE HABITAT, OCCURRENCE, RANGE, REGIONAL ABUNDANCE, AND CONSERVATION STATUS OF MARINE MAMMALS THAT MAY OCCUR IN OR NEAR THE PROPOSED LOW-ENERGY SEISMIC SURVEY AREA IN THE ROSS SEA

[See text and Tables 6 and 7 in NSF and ASC's IHA application for further details]

Species	Habitat	Occurrence	Range	Population estimate	ESA [1]	MMPA [2]
Mysticetes:						
Southern right whale (*Eubalaena australis*).	Coastal, pelagic	Rare	Circumpolar 20 to 55° South	8,000 [3] to 15,000 [4]	EN	D
Humpback whale (*Megaptera novaeangliae*).	Pelagic, near-shore waters, and banks.	Common	Cosmopolitan	35,000 to 40,000 [3]—Worldwide 9,484 [5]—Scotia Sea and Antarctica Peninsula.	EN	D
Minke whale (*Balaenoptera acutorostrata* including dwarf sub-species).	Pelagic and coastal.	Common	Circumpolar—Southern Hemisphere to 65° South.	NA	NL	NC
Antarctic minke whale (*Balaenoptera bonaerensis*).	Pelagic, ice floes	Common	7° South to ice edge (usually 20 to 65° South).	Several 100,000 [3]—Worldwide 18,125 [5]—Scotia Sea and Antarctica Peninsula.	NL	NC
Sei whale (*Balaenoptera borealis*).	Primarily off-shore, pelagic.	Uncommon.	Migratory, Feeding Concentration 40 to 50° South.	80,000 [3]—Worldwide	EN	D
Fin whale (*Balaenoptera physalus*).	Continental slope, pelagic.	Common	Cosmopolitan, Migratory	140,000 [3]—Worldwide 4,672 [5]—Scotia Sea and Antarctica Peninsula.	EN	D
Blue whale (*Balaenoptera musculus;* including pygmy blue whale [*Balaenoptera musculus brevicauda*]).	Pelagic, shelf, coastal.	Uncommon.	Migratory Pygmy blue whale—North of Antarctic Convergence 55° South.	8,000 to 9,000 [3]—Worldwide 1,700 [6]—Southern Ocean	EN	D
Odontocetes:						
Sperm whale (*Physeter macrocephalus*).	Pelagic, deep sea	Common	Cosmopolitan, Migratory	360,000 [3]—Worldwide 9,500 [3]—Antarctic	EN	D
Arnoux's beaked whale (*Berardius arnuxii*).	Pelagic	Common	Circumpolar in Southern Hemisphere, 24 to 78° South.	NA	NL	NC
Cuvier's beaked whale (*Ziphius cavirostris*).	Pelagic	Rare	Cosmopolitan	NA	NL	NC
Southern bottlenose whale (*Hyperoodon planifrons*).	Pelagic	Common	Circumpolar—30° South to ice edge.	500,000 [3]—South of Antarctic Convergence.	NL	NC
Gray's beaked whale (*Mesoplodon grayi*).	Pelagic	Rare	30° South to Antarctic waters	NA	NL	NC
Hector's beaked whale (*Mesoplodon hectori*).	Pelagic	Rare	Circumpolar—cool temperate waters of Southern Hemisphere.	NA	NL	NC
Spade-toothed beaked whale (*Mesoplodon traversii*).	Pelagic	Rare	Circumantarctic	NA	NL	NC
Strap-toothed beaked whale (*Mesoplodon layardii*).	Pelagic	Common	30° South to Antarctic Convergence.	NA	NL	NC
Killer whale (*Orcinus orca*)	Pelagic, shelf, coastal, pack ice.	Common	Cosmopolitan	80,000 [3]—South of Antarctic Convergence. 25,000 [7]—Southern Ocean	NL	NC
Long-finned pilot whale (*Globicephala melas*).	Pelagic, shelf, coastal.	Common	Circumpolar—19 to 68° South in Southern Hemisphere.	200,000 [3 8]—South of Antarctic Convergence.	NL	NC

TABLE 4—THE HABITAT, OCCURRENCE, RANGE, REGIONAL ABUNDANCE, AND CONSERVATION STATUS OF MARINE MAMMALS THAT MAY OCCUR IN OR NEAR THE PROPOSED LOW-ENERGY SEISMIC SURVEY AREA IN THE ROSS SEA—Continued

[See text and Tables 6 and 7 in NSF and ASC's IHA application for further details]

Species	Habitat	Occurrence	Range	Population estimate	ESA [1]	MMPA [2]
Southern right whale dolphin (*Lissodelphis peronii*).	Pelagic	Rare	12 to 65° South	NA	NL	NC
Hourglass dolphin (*Lagenorhynchus cruciger*).	Pelagic, ice edge	Common	33° South to pack ice	144,000 [3]—South of Antarctic Convergence.	NL	NC
Spectacled porpoise (*Phocoena dioptrica*).	Coastal, pelagic	Rare	Circumpolar—Southern Hemisphere.	NA	NL	NC
Pinnipeds:						
Crabeater seal (*Lobodon carcinophaga*).	Coastal, pack ice	Common	Circumpolar—Antarctic	5,000,000 to 15,000,000 [3 9]—Worldwide.	NL	NC
Leopard seal (*Hydrurga leptonyx*).	Pack ice, sub-Antarctic islands.	Common	Sub-Antarctic islands to pack ice	220,000 to 440,000 [3 10]—Worldwide	NL	NC
Ross seal (*Ommatophoca rossii*).	Pack ice, smooth ice floes, pelagic.	Common	Circumpolar—Antarctic	130,000 [3] 20,000 to 220,000 [14]—Worldwide	NL	NC
Weddell seal (*Leptonychotes weddellii*).	Fast ice, pack ice, sub-Antarctic islands.	Common	Circumpolar—Southern Hemisphere.	500,000 to 1,000,000 [3 11]—Worldwide.	NL	NC
Southern elephant seal (*Mirounga leonina*).	Coastal, pelagic, sub-Antarctic waters.	Uncommon.	Circumpolar—Antarctic Convergence to pack ice.	640,000 [12] to 650,000 [3]—Worldwide 470,000—South Georgia Island [14]	NL	NC
Antarctic fur seal (*Arctocephalus gazella*).	Shelf, rocky habitats.	Rare	Sub-Antarctic islands to pack ice edge.	1,600,000 [13] to 3,000,000 [3]—Worldwide.	NL	NC
Subantarctic fur seal (*Arctocephalus tropicalis*).	Shelf, rocky habitats.	Rare	Subtropical front to sub-Antarctic islands and Antarctica.	Greater than 310,000 [3]—Worldwide	NL	NC

NA = Not available or not assessed.
[1] U.S. Endangered Species Act: EN = Endangered, T = Threatened, DL = Delisted, NL = Not listed.
[2] U.S. Marine Mammal Protection Act: D = Depleted, S = Strategic, NC = Not Classified.
[3] Jefferson *et al.,* 2008.
[4] Kenney, 2009.
[5] Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) survey area (Reilly *et al.,* 2004).
[6] Sears and Perrin, 2009.
[7] Ford, 2009.
[8] Olson, 2009.
[9] Bengston, 2009.
[10] Rogers, 2009.
[11] Thomas and Terhune, 2009.
[12] Hindell and Perrin, 2009.
[13] Arnould, 2009.
[14] Academic Press, 2009.

Refer to sections 3 and 4 of NSF and ASC's IHA application for detailed information regarding the abundance and distribution, population status, and life history and behavior of these other marine mammal species and their occurrence in the proposed action area. The IHA application also presents how NSF and ASC calculated the estimated densities for the marine mammals in the proposed study area. NMFS has reviewed these data and determined them to be the best available scientific information for the purposes of the proposed IHA.

Potential Effects of the Proposed Specified Activity on Marine Mammals

This section includes a summary and discussion of the ways that the types of stressors associated with the specified activity (e.g., seismic airgun operation, vessel movement, gear deployment, and icebreaking) have been observed to impact marine mammals. This discussion may also include reactions that we consider to rise to the level of a take and those that we do not consider to rise to the level of take (for example, with acoustics, we may include a discussion of studies that showed animals not reacting at all to sound or exhibiting barely measureable avoidance). This section is intended as a background of potential effects and does not consider either the specific manner in which this activity would be carried out or the mitigation that would be implemented, and how either of those would shape the anticipated impacts from this specific activity. The ''Estimated Take by Incidental Harassment'' section later in this document would include a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis'' section will include the analysis of how this specific activity will impact marine mammals and will consider the content of this section, the ''Estimated Take by Incidental Harassment'' section, the ''Proposed Mitigation'' section, and the ''Anticipated Effects on Marine Mammal Habitat'' section to draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals and from that on the affected marine mammal populations or stocks.

When considering the influence of various kinds of sound on the marine environment, it is necessary to understand that different kinds of marine life are sensitive to different frequencies of sound. Based on available behavioral data, audiograms have been derived using auditory evoked potentials, anatomical modeling, and other data, Southall *et al.* (2007) designate ''functional hearing groups'' for marine mammals and estimate the lower and upper frequencies of functional hearing of the groups. The functional groups and the associated frequencies are indicated below (though animals are less sensitive to sounds at the outer edge of their functional range and most sensitive to sounds of frequencies within a smaller range somewhere in the middle of their functional hearing range):

• Low-frequency cetaceans (13 species of mysticetes): Functional hearing is estimated to occur between approximately 7 Hz and 30 kHz;

• Mid-frequency cetaceans (32 species of dolphins, six species of larger toothed whales, and 19 species of beaked and bottlenose whales): Functional hearing is estimated to occur between approximately 150 Hz and 160 kHz;

• High-frequency cetaceans (eight species of true porpoises, six species of river dolphins, *Kogia* spp., the franciscana [*Pontoporia blainvillei*], and four species of cephalorhynchids): Functional hearing is estimated to occur between approximately 200 Hz and 180 kHz; and

• Phocid pinnipeds in water: Functional hearing is estimated to occur between approximately 75 Hz and 100 kHz;

• Otariid pinnipeds in water: Functional hearing is estimated to occur between approximately 100 Hz and 40 kHz.

As mentioned previously in this document, 18 marine mammal species (13 cetacean and 5 pinniped species) are likely to occur in the proposed low-energy seismic survey area. Of the 13 cetacean species likely to occur in NSF and ASC's proposed action area, 6 are classified as low-frequency cetaceans (humpback, minke, Antarctic minke, sei, fin, and blue whale), and 7 are classified as mid-frequency cetaceans (sperm, Arnoux's beaked, southern bottlenose, strap-toothed beaked, killer, and long-finned pilot whale, and hourglass dolphin) (Southall *et al.,* 2007). Of the 5 pinniped species likely to occur in NSF and ASC's proposed action area, all are classified as phocid pinnipeds (crabeater, leopard, Ross, Weddell, and southern elephant seal) (Southall *et al.,* 2007). A species functional hearing group is a consideration when we analyze the effects of exposure to sound on marine mammals.

Acoustic stimuli generated by the operation of the airguns, which introduce sound into the marine environment, may have the potential to cause Level B harassment of marine mammals in the proposed study area. The effects of sounds from airgun operations might include one or more of the following: Tolerance, masking of natural sounds, behavioral disturbance, temporary or permanent hearing impairment, or non-auditory physical or physiological effects (Richardson *et al.,* 1995; Gordon *et al.,* 2004; Nowacek *et al.,* 2007; Southall *et al.,* 2007). Permanent hearing impairment, in the unlikely event that it occurred, would constitute injury, but temporary threshold shift (TTS) is not an injury (Southall *et al.,* 2007). Although the possibility cannot be entirely excluded, it is unlikely that the proposed project would result in any cases of temporary or permanent hearing impairment, or any significant non-auditory physical or physiological effects. Based on the available data and studies described here, some behavioral disturbance is expected. A more comprehensive review of these issues can be found in the ''Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement prepared for Marine Seismic Research that is funded by the National Science Foundation and conducted by the U.S. Geological Survey'' (NSF/USGS, 2011) and L–DEO's ''Environmental Assessment of a Marine Geophysical Survey by the R/V *Marcus G. Langseth* in the Atlantic Ocean off Cape Hatteras, September to October 2014.''

Tolerance

Richardson *et al.* (1995) defines tolerance as the occurrence of marine mammals in areas where they are exposed to human activities or man-made noise. In many cases, tolerance develops by the animal habituating to the stimulus (i.e., the gradual waning of responses to a repeated or ongoing stimulus) (Richardson, *et al.,* 1995; Thorpe, 1963), but because of ecological or physiological requirements, many marine animals may need to remain in areas where they are exposed to chronic stimuli (Richardson, *et al.,* 1995).

Numerous studies have shown that pulsed sounds from airguns are often readily detectable in the water at distances of many kilometers. Several studies have shown that marine mammals at distances more than a few kilometers from operating seismic vessels often show no apparent response. That is often true even in cases when the pulsed sounds must be readily audible to the animals based on measured received levels and the hearing sensitivity of the marine mammal group. Although various baleen whales and toothed whales, and (less frequently) pinnipeds have been shown to react behaviorally to airgun pulses under some conditions, at other times marine mammals of all three types have shown no overt reactions. The relative responsiveness of baleen and toothed whales are quite variable.

Masking

The term masking refers to the inability of a subject to recognize the occurrence of an acoustic stimulus as a result of the interference of another acoustic stimulus (Clark *et al.,* 2009). Introduced underwater sound may, through masking, reduce the effective communication distance of a marine mammal species if the frequency of the source is close to that used as a signal by the marine mammal, and if the anthropogenic sound is present for a significant fraction of the time (Richardson *et al.,* 1995).

The airguns for the proposed low-energy seismic survey have dominant frequency components of 2 to 188 Hz. This frequency range fully overlaps the lower part of the frequency range of odontocete calls and/or functional hearing (full range about 150 Hz to 180 kHz). Airguns also produce a small portion of their sound at mid and high frequencies that overlap most, if not all, frequencies produced by odontocetes. While it is assumed that mysticetes can detect acoustic impulses from airguns and vessel sounds (Richardson *et al.,* 1995a), sub-bottom profilers, and most of the multi-beam echosounders would likely be detectable by some mysticetes based on presumed mysticete hearing sensitivity. Odontocetes are presumably more sensitive to mid to high frequencies produced by the multi-beam echosounders and sub-bottom profilers than to the dominant low frequencies produced by the airguns and vessel. A more comprehensive review of the relevant background information for odontocetes appears in Section 3.6.4.3, Section 3.7.4.3 and Appendix E of the NSF/USGS PEIS (2011).

Masking effects of pulsed sounds (even from large arrays of airguns) on marine mammal calls and other natural sounds are expected to be limited. Because of the intermittent nature and low duty cycle of seismic airgun pulses, animals can emit and receive sounds in the relatively quiet intervals between pulses. However, in some situations, reverberation occurs for much or the entire interval between pulses (e.g., Simard *et al.,* 2005; Clark and Gagnon, 2006) which could mask calls. Some baleen and toothed whales are known to continue calling in the presence of seismic pulses, and their calls can usually be heard between the seismic pulses (e.g., Richardson *et al.,* 1986; McDonald *et al.,* 1995; Greene *et al.,* 1999; Nieukirk *et al.,* 2004; Smultea *et al.,* 2004; Holst *et al.,* 2005a,b, 2006; and Dunn and Hernandez, 2009). However, Clark and Gagnon (2006) reported that fin whales in the North Atlantic Ocean went silent for an extended period starting soon after the onset of a seismic survey in the area. Similarly, there has been one report that sperm whales ceased calling when exposed to pulses from a very distant seismic ship (Bowles

et al., 1994). However, more recent studies found that they continued calling in the presence of seismic pulses (Madsen *et al.,* 2002; Tyack *et al.,* 2003; Smultea *et al.,* 2004; Holst *et al.,* 2006; and Jochens *et al.,* 2008). Dilorio and Clark (2009) found evidence of increased calling by blue whales during operations by a lower-energy seismic source (i.e., sparker). Dolphins and porpoises commonly are heard calling while airguns are operating (e.g., Gordon *et al.,* 2004; Smultea *et al.,* 2004; Holst *et al.,* 2005a, b; and Potter *et al.,* 2007). The sounds important to small odontocetes are predominantly at much higher frequencies than are the dominant components of airgun sounds, thus limiting the potential for masking.

Pinnipeds have the most sensitive hearing and/or produce most of their sounds in frequencies higher than the dominant components of airgun sound, but there is some overlap in the frequencies of the airgun pulses and the calls. However, the intermittent nature of airgun pules presumably reduces the potential for masking.

Marine mammals are thought to be able to compensate for masking by adjusting their acoustic behavior through shifting call frequencies, increasing call volume, and increasing vocalization rates. For example blue whales are found to increase call rates when exposed to noise from seismic surveys in the St. Lawrence Estuary (Dilorio and Clark, 2009). The North Atlantic right whales (*Eubalaena glacialis*) exposed to high shipping noise increased call frequency (Parks *et al.,* 2007), while some humpback whales respond to low-frequency active sonar playbacks by increasing song length (Miller *et al.,* 2000). In general, NMFS expects the masking effects of seismic pulses to be minor, given the normally intermittent nature of seismic pulses.

Behavioral Disturbance

Marine mammals may behaviorally react to sound when exposed to anthropogenic noise. Disturbance includes a variety of effects, including subtle to conspicuous changes in behavior, movement, and displacement. Reactions to sound, if any, depend on species, state of maturity, experience, current activity, reproductive state, time of day, and many other factors (Richardson *et al.,* 1995; Wartzok *et al.,* 2004; Southall *et al.,* 2007; Weilgart, 2007). These behavioral reactions are often shown as: Changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where noise sources are located; and/or flight responses (e.g., pinnipeds flushing into the water from haul-outs or rookeries). If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (e.g., Lusseau and Bejder, 2007; Weilgart, 2007).

The biological significance of many of these behavioral disturbances is difficult to predict, especially if the detected disturbances appear minor. However, the consequences of behavioral modification could be expected to be biologically significant if the change affects growth, survival, and/or reproduction. Some of these significant behavioral modifications include:

- Change in diving/surfacing patterns (such as those thought to be causing beaked whale stranding due to exposure to military mid-frequency tactical sonar);
- Habitat abandonment due to loss of desirable acoustic environment; and
- Cessation of feeding or social interaction.

The onset of behavioral disturbance from anthropogenic noise depends on both external factors (characteristics of noise sources and their paths) and the receiving animals (hearing, motivation, experience, demography) and is also difficult to predict (Richardson *et al.,* 1995; Southall *et al.,* 2007). Given the many uncertainties in predicting the quantity and types of impacts of noise on marine mammals, it is common practice to estimate how many mammals would be present within a particular distance of industrial activities and/or exposed to a particular level of sound. In most cases, this approach likely overestimates the numbers of marine mammals that would be affected in some biologically-important manner.

Baleen Whales—Baleen whales generally tend to avoid operating airguns, but avoidance radii are quite variable (reviewed in Richardson *et al.,* 1995; Gordon *et al.,* 2004). Whales are often reported to show no overt reactions to pulses from large arrays of airguns at distances beyond a few kilometers, even though the airgun pulses remain well above ambient noise levels out to much longer distances. However, baleen whales exposed to strong noise pulses from airguns often react by deviating from their normal migration route and/or interrupting their feeding and moving away. In the cases of migrating gray (*Eschrichtius robustus*) and bowhead (*Balaena mysticetus*) whales, the observed changes in behavior appeared to be of little or no biological consequence to the animals (Richardson, *et al.,* 1995). They simply avoided the sound source by displacing their migration route to varying degrees, but within the natural boundaries of the migration corridors.

Studies of gray, bowhead, and humpback whales have shown that seismic pulses with received levels of 160 to 170 dB re 1 μPa (rms) seem to cause obvious avoidance behavior in a substantial fraction of the animals exposed (Malme *et al.,* 1986, 1988; Richardson *et al.,* 1995). In many areas, seismic pulses from large arrays of airguns diminish to those levels at distances ranging from 4 to 15 km (2.2 to 8.1 nmi) from the source. A substantial proportion of the baleen whales within those distances may show avoidance or other strong behavioral reactions to the airgun array. Subtle behavioral changes sometimes become evident at somewhat lower received levels, and studies have shown that some species of baleen whales, notably bowhead, gray, and humpback whales, at times, show strong avoidance at received levels lower than 160 to 170 dB re 1 μPa (rms).

Researchers have studied the responses of humpback whales to seismic surveys during migration, feeding during the summer months, breeding while offshore from Angola, and wintering offshore from Brazil. McCauley *et al.* (1998, 2000a) studied the responses of humpback whales off western Australia to a full-scale seismic survey with a 16 airgun array (2,678 in^3) and to a single airgun (20 in^3) with source level of 227 dB re 1 μPa (p-p). In the 1998 study, they documented that avoidance reactions began at 5 to 8 km (2.7 to 4.3 nmi) from the array, and that those reactions kept most pods approximately 3 to 4 km (1.6 to 2.2 nmi) from the operating seismic boat. In the 2000 study, they noted localized displacement during migration of 4 to 5 km (2.2 to 2.7 nmi) by traveling pods and 7 to 12 km (3.8 to 6.5 nmi) by more sensitive resting pods of cow-calf pairs. Avoidance distances with respect to the single airgun were smaller but consistent with the results from the full array in terms of the received sound levels. The mean received level for initial avoidance of an approaching

airgun was 140 dB re 1 μPa (rms) for humpback pods containing females, and at the mean closest point of approach distance the received level was 143 dB re 1 μPa (rms). The initial avoidance response generally occurred at distances of 5 to 8 km (2.7 to 4.3 nmi) from the airgun array and 2 km (1.1 nmi) from the single airgun. However, some individual humpback whales, especially males, approached within distances of 100 to 400 m (328 to 1,312 ft), where the maximum received level was 179 dB re 1 μPa (rms).

Data collected by observers during several seismic surveys in the Northwest Atlantic showed that sighting rates of humpback whales were significantly greater during non-seismic periods compared with periods when a full array was operating (Moulton and Holst, 2010). In addition, humpback whales were more likely to swim away and less likely to swim towards a vessel during seismic vs. non-seismic periods (Moulton and Holst, 2010).

Humpback whales on their summer feeding grounds in southeast Alaska did not exhibit persistent avoidance when exposed to seismic pulses from a 1.64–L (100 in^3) airgun (Malme *et al.,* 1985). Some humpbacks seemed ''startled'' at received levels of 150 to 169 dB re 1 μPa. Malme *et al.* (1985) concluded that there was no clear evidence of avoidance, despite the possibility of subtle effects, at received levels up to 172 dB re 1 μPa (rms). However, Moulton and Holst (2010) reported that humpback whales monitored during seismic surveys in the Northwest Atlantic had lower sighting rates and were most often seen swimming away from the vessel during seismic periods compared with periods when airguns were silent.

Studies have suggested that South Atlantic humpback whales wintering off Brazil may be displaced or even strand upon exposure to seismic surveys (Engel *et al.,* 2004). The evidence for this was circumstantial and subject to alternative explanations (IAGC, 2004). Also, the evidence was not consistent with subsequent results from the same area of Brazil (Parente *et al.,* 2006), or with direct studies of humpbacks exposed to seismic surveys in other areas and seasons. After allowance for data from subsequent years, there was ''no observable direct correlation'' between strandings and seismic surveys (IWC, 2007: 236).

Reactions of migrating and feeding (but not wintering) gray whales to seismic surveys have been studied. Malme *et al.* (1986, 1988) studied the responses of feeding eastern Pacific gray whales to pulses from a single 100 in^3 airgun off St. Lawrence Island in the northern Bering Sea. They estimated, based on small sample sizes, that 50 percent of feeding gray whales stopped feeding at an average received pressure level of 173 dB re 1 μPa on an (approximate) rms basis, and that 10 percent of feeding whales interrupted feeding at received levels of 163 dB re 1 μPa (rms). Those findings were generally consistent with the results of experiments conducted on larger numbers of gray whales that were migrating along the California coast (Malme *et al.,* 1984; Malme and Miles, 1985), and western Pacific gray whales feeding off Sakhalin Island, Russia (Wursig *et al.,* 1999; Gailey *et al.,* 2007; Johnson *et al.,* 2007; Yazvenko *et al.,* 2007a, b), along with data on gray whales off British Columbia (Bain and Williams, 2006).

Various species of *Balaenoptera* (blue, sei, fin, and minke whales) have occasionally been seen in areas ensonified by airgun pulses (Stone, 2003; MacLean and Haley, 2004; Stone and Tasker, 2006), and calls from blue and fin whales have been localized in areas with airgun operations (e.g., McDonald *et al.,* 1995; Dunn and Hernandez, 2009; Castellote *et al.,* 2010). Sightings by observers on seismic vessels off the United Kingdom from 1997 to 2000 suggest that, during times of good sightability, sighting rates for mysticetes (mainly fin and sei whales) were similar when large arrays of airguns were shooting versus silent (Stone, 2003; Stone and Tasker, 2006). However, these whales tended to exhibit localized avoidance, remaining significantly further (on average) from the airgun array during seismic operations compared with non-seismic periods (Stone and Tasker, 2006). Castellote *et al.* (2010) reported that singing fin whales in the Mediterranean moved away from an operating airgun array.

Ship-based monitoring studies of baleen whales (including blue, fin, sei, minke, and humpback whales) in the Northwest Atlantic found that overall, this group had lower sighting rates during seismic vs. non-seismic periods (Moulton and Holst, 2010). Baleen whales as a group were also seen significantly farther from the vessel during seismic compared with non-seismic periods, and they were more often seen to be swimming away from the operating seismic vessel (Moulton and Holst, 2010). Blue and minke whales were initially sighted significantly farther from the vessel during seismic operations compared to non-seismic periods; the same trend was observed for fin whales (Moulton and Holst, 2010). Minke whales were most often observed to be swimming away from the vessel when seismic operations were underway (Moulton and Holst, 2010).

Data on short-term reactions by cetaceans to impulsive noises are not necessarily indicative of long-term or biologically significant effects. It is not known whether impulsive sounds affect reproductive rate or distribution and habitat use in subsequent days or years. However, gray whales have continued to migrate annually along the west coast of North America with substantial increases in the population over recent years, despite intermittent seismic exploration (and much ship traffic) in that area for decades (Appendix A in Malme *et al.,* 1984; Richardson *et al.,* 1995; Allen and Angliss, 2010). The western Pacific gray whale population did not seem affected by a seismic survey in its feeding ground during a previous year (Johnson *et al.,* 2007). Similarly, bowhead whales have continued to travel to the eastern Beaufort Sea each summer, and their numbers have increased notably, despite seismic exploration in their summer and autumn range for many years (Richardson *et al.,* 1987; Allen and Angliss, 2010). The history of coexistence between seismic surveys and baleen whales suggests that brief exposures to sound pulses from any single seismic survey are unlikely to result in prolonged effects.

Toothed Whales—Little systematic information is available about reactions of toothed whales to noise pulses. Few studies similar to the more extensive baleen whale/seismic pulse work summarized above have been reported for toothed whales. However, there are recent systematic studies on sperm whales (e.g., Gordon *et al.,* 2006; Madsen *et al.,* 2006; Winsor and Mate, 2006; Jochens *et al.,* 2008; Miller *et al.,* 2009). There is an increasing amount of information about responses of various odontocetes to seismic surveys based on monitoring studies (e.g., Stone, 2003; Smultea *et al.,* 2004; Moulton and Miller, 2005; Bain and Williams, 2006; Holst *et al.,* 2006; Stone and Tasker, 2006; Potter *et al.,* 2007; Hauser *et al.,* 2008; Holst and Smultea, 2008; Weir, 2008; Barkaszi *et al.,* 2009; Richardson *et al.,* 2009; Moulton and Holst, 2010).

Seismic operators and PSOs on seismic vessels regularly see dolphins and other small toothed whales near operating airgun arrays, but in general there is a tendency for most delphinids to show some avoidance of operating seismic vessels (e.g., Goold, 1996a,b,c; Calambokidis and Osmek, 1998; Stone, 2003; Moulton and Miller, 2005; Holst

et al., 2006; Stone and Tasker, 2006; Weir, 2008; Richardson *et al.,* 2009; Barkaszi *et al.,* 2009; Moulton and Holst, 2010). Some dolphins seem to be attracted to the seismic vessel and floats, and some ride the bow wave of the seismic vessel even when large arrays of airguns are firing (e.g., Moulton and Miller, 2005). Nonetheless, small toothed whales more often tend to head away, or to maintain a somewhat greater distance from the vessel, when a large array of airguns is operating than when it is silent (e.g., Stone and Tasker, 2006; Weir, 2008; Barry *et al.,* 2010; Moulton and Holst, 2010). In most cases, the avoidance radii for delphinids appear to be small, on the order of one km or less, and some individuals show no apparent avoidance. Captive bottlenose dolphins (*Tursiops truncatus*) and beluga whales (*Delphinapterus leucas*) exhibited changes in behavior when exposed to strong pulsed sounds similar in duration to those typically used in seismic surveys (Finneran *et al.,* 2000, 2002, 2005). However, the animals tolerated high received levels of sound before exhibiting aversive behaviors.

Results of porpoises depend on species. The limited available data suggest that harbor porpoises (*Phocoena phocoena*) show stronger avoidance of seismic operations than do Dall's porpoises (*Phocoenoides dalli*) (Stone, 2003; MacLean and Koski, 2005; Bain and Williams, 2006; Stone and Tasker, 2006). Dall's porpoises seem relatively tolerant of airgun operations (MacLean and Koski, 2005; Bain and Williams, 2006), although they too have been observed to avoid large arrays of operating airguns (Calambokidis and Osmek, 1998; Bain and Williams, 2006). This apparent difference in responsiveness of these two porpoise species is consistent with their relative responsiveness to boat traffic and some other acoustic sources (Richardson *et al.,* 1995; Southall *et al.,* 2007).

Most studies of sperm whales exposed to airgun sounds indicate that the sperm whale shows considerable tolerance of airgun pulses (e.g., Stone, 2003; Moulton *et al.,* 2005, 2006a; Stone and Tasker, 2006; Weir, 2008). In most cases the whales do not show strong avoidance, and they continue to call. However, controlled exposure experiments in the Gulf of Mexico indicate that foraging behavior was altered upon exposure to airgun sound (Jochens *et al.,* 2008; Miller *et al.,* 2009; Tyack, 2009). There are almost no specific data on the behavioral reactions of beaked whales to seismic surveys. However, some northern bottlenose whales (*Hyperoodon ampullatus*) remained in the general area and continued to produce high-frequency clicks when exposed to sound pulses from distant seismic surveys (Gosselin and Lawson, 2004; Laurinolli and Cochrane, 2005; Simard *et al.,* 2005). Most beaked whales tend to avoid approaching vessels of other types (e.g., Wursig *et al.,* 1998). They may also dive for an extended period when approached by a vessel (e.g., Kasuya, 1986), although it is uncertain how much longer such dives may be as compared to dives by undisturbed beaked whales, which also are often quite long (Baird *et al.,* 2006; Tyack *et al.,* 2006). Based on a single observation, Aguilar-Soto *et al.* (2006) suggested that foraging efficiency of Cuvier's beaked whales may be reduced by close approach of vessels. In any event, it is likely that most beaked whales would also show strong avoidance of an approaching seismic vessel, although this has not been documented explicitly. In fact, Moulton and Holst (2010) reported 15 sightings of beaked whales during seismic studies in the Northwest Atlantic; seven of those sightings were made at times when at least one airgun was operating. There was little evidence to indicate that beaked whale behavior was affected by airgun operations; sighting rates and distances were similar during seismic and non-seismic periods (Moulton and Holst, 2010).

There are increasing indications that some beaked whales tend to strand when naval exercises involving mid-frequency sonar operation are ongoing nearby (e.g., Simmonds and Lopez-Jurado, 1991; Frantzis, 1998; NOAA and USN, 2001; Jepson *et al.,* 2003; Hildebrand, 2005; Barlow and Gisiner, 2006; see also the ''Stranding and Mortality'' section in this notice). These strandings are apparently a disturbance response, although auditory or other injuries or other physiological effects may also be involved. Whether beaked whales would ever react similarly to seismic surveys is unknown. Seismic survey sounds are quite different from those of the sonar in operation during the above-cited incidents.

Odontocete reactions to large arrays of airguns are variable and, at least for delphinids, seem to be confined to a smaller radius than has been observed for the more responsive of some mysticetes. However, other data suggest that some odontocete species, including harbor porpoises, may be more responsive than might be expected given their poor low-frequency hearing. Reactions at longer distances may be particularly likely when sound propagation conditions are conducive to transmission of the higher frequency components of airgun sound to the animals' location (DeRuiter *et al.,* 2006; Goold and Coates, 2006; Tyack *et al.,* 2006; Potter *et al.,* 2007).

Pinnipeds—Pinnipeds are not likely to show a strong avoidance reaction to the airgun array. Visual monitoring from seismic vessels has shown only slight (if any) avoidance of airguns by pinnipeds, and only slight (if any) changes in behavior. In the Beaufort Sea, some ringed seals avoided an area of 100 m to (at most) a few hundred meters around seismic vessels, but many seals remained within 100 to 200 m (328 to 656 ft) of the trackline as the operating airgun array passed by (e.g., Harris *et al.,* 2001; Moulton and Lawson, 2002; Miller *et al.,* 2005.). Ringed seal (*Pusa hispida*) sightings averaged somewhat farther away from the seismic vessel when the airguns were operating than when they were not, but the difference was small (Moulton and Lawson, 2002). Similarly, in Puget Sound, sighting distances for harbor seals (*Phoca vitulina*) and California sea lions (*Zalophus californianus*) tended to be larger when airguns were operating (Calambokidis and Osmek, 1998). Previous telemetry work suggests that avoidance and other behavioral reactions may be stronger than evident to date from visual studies (Thompson *et al.,* 1998).

During seismic exploration off Nova Scotia, gray seals (*Halichoerus grypus*) exposed to noise from airguns and linear explosive charges did not react strongly (J. Parsons in Greene *et al.,* 1985). Pinnipeds in both water and air, sometimes tolerate strong noise pulses from non-explosive and explosive scaring devices, especially if attracted to the area for feeding and reproduction (Mate and Harvey, 1987; Reeves *et al.,* 1996). Thus pinnipeds are expected to be rather tolerant of, or habituate to, repeated underwater sounds from distant seismic sources, at least when the animals are strongly attracted to the area.

Hearing Impairment and Other Physical Effects

Exposure to high intensity sound for a sufficient duration may result in auditory effects such as a noise-induced threshold shift—an increase in the auditory threshold after exposure to noise (Finneran, Carder, Schlundt, and Ridgway, 2005). Factors that influence the amount of threshold shift include the amplitude, duration, frequency content, temporal pattern, and energy distribution of noise exposure. The magnitude of hearing threshold shift normally decreases over time following

cessation of the noise exposure. The amount of threshold shift just after exposure is called the initial threshold shift. If the threshold shift eventually returns to zero (i.e., the threshold returns to the pre-exposure value), it is called temporary threshold shift (TTS) (Southall *et al.,* 2007). Researchers have studied TTS in certain captive odontocetes and pinnipeds exposed to strong sounds (reviewed in Southall *et al.,* 2007). However, there has been no specific documentation of TTS let alone permanent hearing damage, i.e., permanent threshold shift (PTS), in free-ranging marine mammals exposed to sequences of airgun pulses during realistic field conditions.

Temporary Threshold Shift—TTS is the mildest form of hearing impairment that can occur during exposure to a strong sound (Kryter, 1985). While experiencing TTS, the hearing threshold rises and a sound must be stronger in order to be heard. At least in terrestrial mammals, TTS can last from minutes or hours to (in cases of strong TTS) days. For sound exposures at or somewhat above the TTS threshold, hearing sensitivity in both terrestrial and marine mammals recovers rapidly after exposure to the noise ends. Few data on sound levels and durations necessary to elicit mild TTS have been obtained for marine mammals, and none of the published data concern TTS elicited by exposure to multiple pulses of sound. Available data on TTS in marine mammals are summarized in Southall *et al.* (2007). Table 2 (above) presents the estimated distances from the *Palmer*'s airguns at which the received energy level (per pulse, flat-weighted) would be expected to be greater than or equal to 180 and 190 dB re 1 μPa (rms).

To avoid the potential for injury, NMFS (1995, 2000) concluded that cetaceans and pinnipeds should not be exposed to pulsed underwater noise at received levels exceeding 180 and 190 dB re 1 μPa (rms). NMFS believes that to avoid the potential for Level A harassment, cetaceans and pinnipeds should not be exposed to pulsed underwater noise at received levels exceeding 180 and 190 dB re 1 μPa (rms), respectively. The established 180 and 190 dB (rms) criteria are not considered to be the levels above which TTS might occur. Rather, they are the received levels above which, in the view of a panel of bioacoustics specialists convened by NMFS before TTS measurements for marine mammals started to become available, one could not be certain that there would be no injurious effects, auditory or otherwise, to marine mammals. NMFS also assumes that cetaceans and pinnipeds exposed to levels exceeding 160 dB re 1 μPa (rms) may experience Level B harassment.

For toothed whales, researchers have derived TTS information for odontocetes from studies on the bottlenose dolphin and beluga. The experiments show that exposure to a single impulse at a received level of 207 kPa (or 30 psi, p-p), which is equivalent to 228 dB re 1 Pa (p-p), resulted in a 7 and 6 dB TTS in the beluga whale at 0.4 and 30 kHz, respectively. Thresholds returned to within 2 dB of the pre-exposure level within 4 minutes of the exposure (Finneran *et al.,* 2002). For the one harbor porpoise tested, the received level of airgun sound that elicited onset of TTS was lower (Lucke *et al.,* 2009). If these results from a single animal are representative, it is inappropriate to assume that onset of TTS occurs at similar received levels in all odontocetes (*cf.* Southall *et al.,* 2007). Some cetaceans apparently can incur TTS at considerably lower sound exposures than are necessary to elicit TTS in the beluga or bottlenose dolphin.

For baleen whales, there are no data, direct or indirect, on levels or properties of sound that are required to induce TTS. The frequencies to which baleen whales are most sensitive are assumed to be lower than those to which odontocetes are most sensitive, and natural background noise levels at those low frequencies tend to be higher. As a result, auditory thresholds of baleen whales within their frequency band of best hearing are believed to be higher (less sensitive) than are those of odontocetes at their best frequencies (Clark and Ellison, 2004). From this, it is suspected that received levels causing TTS onset may also be higher in baleen whales than those of odontocetes (Southall *et al.,* 2007).

In pinnipeds, researchers have not measured TTS thresholds associated with exposure to brief pulses (single or multiple) of underwater sound. Initial evidence from more prolonged (non-pulse) exposures suggested that some pinnipeds (harbor seals in particular) incur TTS at somewhat lower received levels than do small odontocetes exposed for similar durations (Kastak *et al.,* 1999, 2005; Ketten *et al.,* 2001). The TTS threshold for pulsed sounds has been indirectly estimated as being an SEL of approximately 171 dB re 1 $\mu Pa^2 \cdot s$ (Southall *et al.,* 2007) which would be equivalent to a single pulse with a received level of approximately 181 to 186 dB re 1 μPa (rms), or a series of pulses for which the highest rms values are a few dB lower. Corresponding values for California sea lions and northern elephant seals (*Mirounga angustirostris*) are likely to be higher (Kastak *et al.,* 2005).

Permanent Threshold Shift—When PTS occurs, there is physical damage to the sound receptors in the ear. In severe cases, there can be total or partial deafness, whereas in other cases, the animal has an impaired ability to hear sounds in specific frequency ranges (Kryter, 1985). There is no specific evidence that exposure to pulses of airgun sound can cause PTS in any marine mammal, even with large arrays of airguns. However, given the possibility that mammals close to an airgun array might incur at least mild TTS, there has been further speculation about the possibility that some individuals occurring very close to airguns might incur PTS (e.g., Richardson *et al.,* 1995, p. 372*ff;* Gedamke *et al.,* 2008). Single or occasional occurrences of mild TTS are not indicative of permanent auditory damage, but repeated or (in some cases) single exposures to a level well above that causing TTS onset might elicit PTS.

Relationships between TTS and PTS thresholds have not been studied in marine mammals but are assumed to be similar to those in humans and other terrestrial mammals (Southall *et al.,* 2007). PTS might occur at a received sound level at least several dBs above that inducing mild TTS if the animal were exposed to strong sound pulses with rapid rise times. Based on data from terrestrial mammals, a precautionary assumption is that the PTS threshold for impulse sounds (such as airgun pulses as received close to the source) is at least 6 dB higher than the TTS threshold on a peak-pressure basis, and probably greater than 6 dB (Southall *et al.,* 2007). Given the higher level of sound necessary to cause PTS as compared with TTS, it is considerably less likely that PTS would occur. Baleen whales generally avoid the immediate area around operating seismic vessels, as do some other marine mammals.

Non-auditory Physiological Effects—Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to strong underwater sound include stress, neurological effects, bubble formation, resonance, and other types of organ or tissue damage (Cox *et al.,* 2006; Southall *et al.,* 2007). Studies examining such effects are limited. However, resonance effects (Gentry, 2002) and direct noise-induced bubble formations (Crum *et al.,* 2005) are implausible in the case of exposure to an impulsive broadband source like an airgun array. If seismic surveys disrupt diving patterns of deep-diving species, this might perhaps result in bubble formation and a form of the

bends, as speculated to occur in beaked whales exposed to sonar. However, there is no specific evidence of this upon exposure to airgun pulses.

In general, very little is known about the potential for seismic survey sounds (or other types of strong underwater sounds) to cause non-auditory physical effects in marine mammals. Such effects, if they occur at all, would presumably be limited to short distances and to activities that extend over a prolonged period. The available data do not allow identification of a specific exposure level above which non-auditory effects can be expected (Southall *et al.,* 2007), or any meaningful quantitative predictions of the numbers (if any) of marine mammals that might be affected in those ways. Marine mammals that show behavioral avoidance of seismic vessels, including most baleen whales, some odontocetes, and some pinnipeds, are especially unlikely to incur non-auditory physical effects.

Stranding and Mortality—When a living or dead marine mammal swims or floats onto shore and becomes ''beached'' or incapable of returning to sea, the event is termed a ''stranding'' (Geraci *et al.,* 1999; Perrin and Geraci, 2002; Geraci and Lounsbury, 2005; NMFS, 2007). The legal definition for a stranding under the MMPA is that ''(A) a marine mammal is dead and is (i) on a beach or shore of the United States; or (ii) in waters under the jurisdiction of the United States (including any navigable waters); or (B) a marine mammal is alive and is (i) on a beach or shore of the United States and is unable to return to the water; (ii) on a beach or shore of the United States and, although able to return to the water is in need of apparent medical attention; or (iii) in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance.''

Marine mammals are known to strand for a variety of reasons, such as infectious agents, biotoxicosis, starvation, fishery interaction, ship strike, unusual oceanographic or weather events, sound exposure, or combinations of these stressors sustained concurrently or in series. However, the cause or causes of most strandings are unknown (Geraci *et al.,* 1976; Eaton, 1979; Odell *et al.,* 1980; Best, 1982). Numerous studies suggest that the physiology, behavior, habitat relationships, age, or condition of cetaceans may cause them to strand or might pre-dispose them to strand when exposed to another phenomenon. These suggestions are consistent with the conclusions of numerous other studies that have demonstrated that combinations of dissimilar stressors commonly combine to kill an animal or dramatically reduce its fitness, even though one exposure without the other does not produce the same result (Chroussos, 2000; Creel, 2005; DeVries *et al.,* 2003; Fair and Becker, 2000; Foley *et al.,* 2001; Moberg, 2000; Relyea, 2005a, 2005b; Romero, 2004; Sih *et al.,* 2004).

Strandings Associated with Military Active Sonar—Several sources have published lists of mass stranding events of cetaceans in an attempt to identify relationships between those stranding events and military active sonar (Hildebrand, 2004; IWC, 2005; Taylor *et al.,* 2004). For example, based on a review of stranding records between 1960 and 1995, the International Whaling Commission (2005) identified ten mass stranding events and concluded that, out of eight stranding events reported from the mid-1980s to the summer of 2003, seven had been coincident with the use of mid-frequency active sonar and most involved beaked whales.

Over the past 12 years, there have been five stranding events coincident with military mid-frequency active sonar use in which exposure to sonar is believed to have been a contributing factor to strandings: Greece (1996); the Bahamas (2000); Madeira (2000); Canary Islands (2002); and Spain (2006). Refer to Cox *et al.* (2006) for a summary of common features shared by the strandings events in Greece (1996), Bahamas (2000), Madeira (2000), and Canary Islands (2002); and Fernandez *et al.,* (2005) for an additional summary of the Canary Islands 2002 stranding event.

Potential for Stranding from Seismic Surveys—Marine mammals close to underwater detonations of high explosives can be killed or severely injured, and the auditory organs are especially susceptible to injury (Ketten *et al.,* 1993; Ketten, 1995). However, explosives are no longer used in marine waters for commercial seismic surveys or (with rare exceptions) for seismic research. These methods have been replaced entirely by airguns or related non-explosive pulse generators. Airgun pulses are less energetic and have slower rise times, and there is no specific evidence that they can cause serious injury, death, or stranding even in the case of large airgun arrays. However, the association of strandings of beaked whales with naval exercises involving mid-frequency active sonar (non-pulse sound) and, in one case, the regional co-occurrence of an L–DEO seismic survey (Malakoff, 2002; Cox *et al.,* 2006), has raised the possibility that beaked whales exposed to strong ''pulsed'' sounds could also be susceptible to injury and/or behavioral reactions that can lead to stranding (e.g., Hildebrand, 2005; Southall *et al.,* 2007).

Specific sound-related processes that lead to strandings and mortality are not well documented, but may include:

(1) Swimming in avoidance of a sound into shallow water;

(2) A change in behavior (such as a change in diving behavior) that might contribute to tissue damage, gas bubble formation, hypoxia, cardiac arrhythmia, hypertensive hemorrhage or other forms of trauma;

(3) A physiological change such as a vestibular response leading to a behavioral change or stress-induced hemorrhagic diathesis, leading in turn to tissue damage; and

(4) Tissue damage directly from sound exposure, such as through acoustically-mediated bubble formation and growth or acoustic resonance of tissues.

Some of these mechanisms are unlikely to apply in the case of impulse sounds. However, there are indications that gas-bubble disease (analogous to ''the bends''), induced in supersaturated tissue by a behavioral response to acoustic exposure, could be a pathologic mechanism for the strandings and mortality of some deep-diving cetaceans exposed to sonar. The evidence for this remains circumstantial and associated with exposure to naval mid-frequency sonar, not seismic surveys (Cox *et al.,* 2006; Southall *et al.,* 2007).

Seismic pulses and mid-frequency sonar signals are quite different, and some mechanisms by which sonar sounds have been hypothesized to affect beaked whales are unlikely to apply to airgun pulses. Sounds produced by airgun arrays are broadband impulses with most of the energy below one kHz. Typical military mid-frequency sonar emits non-impulse sounds at frequencies of 2 to 10 kHz, generally with a relatively narrow bandwidth at any one time. A further difference between seismic surveys and naval exercises is that naval exercises can involve sound sources on more than one vessel. Thus, it is not appropriate to expect that the same effects to marine mammals would result from military sonar and seismic surveys. However, evidence that sonar signals can, in special circumstances, lead (at least indirectly) to physical damage and mortality (e.g., Balcomb and Claridge, 2001; NOAA and USN, 2001; Jepson *et al.,* 2003; Fernández *et al.,* 2004, 2005; Hildebrand 2005; Cox *et al.,* 2006)

suggests that caution is warranted when dealing with exposure of marine mammals to any high-intensity sound.

There is no conclusive evidence of cetacean strandings or deaths at sea as a result of exposure to seismic surveys, but a few cases of strandings in the general area where a seismic survey was ongoing have led to speculation concerning a possible link between seismic surveys and strandings. Suggestions that there was a link between seismic surveys and strandings of humpback whales in Brazil (Engel *et al.,* 2004) were not well founded (IAGC, 2004; IWC, 2007). In September 2002, there was a stranding of two Cuvier's beaked whales in the Gulf of California, Mexico, when the L–DEO vessel R/V *Maurice Ewing* was operating a 20 airgun (8,490 in^3) array in the general region. The link between the stranding and the seismic surveys was inconclusive and not based on any physical evidence (Hogarth, 2002; Yoder, 2002). Nonetheless, the Gulf of California incident plus the beaked whale strandings near naval exercises involving use of mid-frequency sonar suggests a need for caution in conducting seismic surveys in areas occupied by beaked whales until more is known about effects of seismic surveys on those species (Hildebrand, 2005). No injuries of beaked whales are anticipated during the proposed study because of:

(1) The high likelihood that any beaked whales nearby would avoid the approaching vessel before being exposed to high sound levels, and

(2) Differences between the sound sources to be used in the proposed study and operated by NSF and ASC and those involved in the naval exercises associated with strandings.

Potential Effects of Other Acoustic Devices and Sources

Multi-Beam Echosounder

NSF and ASC would operate the Simrad EM120 multi-beam echosounder from the source vessel during the planned study. Sounds from the multi-beam echosounder are very short pulses, occurring for approximately 15 ms, depending on water depth. Most of the energy in the sound pulses emitted by the multi-beam echosounder is at frequencies near 12 kHz, and the maximum source level is 242 dB re 1 μPa (rms). The beam is narrow (1 to 2°) in fore-aft extent and wide (150°) in the cross-track extent. Each ping consists of nine (in water greater than 1,000 m deep) consecutive successive fan-shaped transmissions (segments) at different cross-track angles. Any given mammal at depth near the trackline would be in the main beam for only one or two of the nine segments. Also, marine mammals that encounter the Simrad EM120 are unlikely to be subjected to repeated pulses because of the narrow fore–aft width of the beam and would receive only limited amounts of pulse energy because of the short pulses. Animals close to the ship (where the beam is narrowest) are especially unlikely to be ensonified for more than one 15 ms pulse (or two pulses if in the overlap area). Similarly, Kremser *et al.* (2005) noted that the probability of a cetacean swimming through the area of exposure when a multi-beam echosounder emits a pulse is small. The animal would have to pass the transducer at close range and be swimming at speeds similar to the vessel in order to receive the multiple pulses that might result in sufficient exposure to cause TTS.

Navy sonars that have been linked to avoidance reactions and stranding of cetaceans: (1) Generally have longer pulse duration than the Simrad EM120; and (2) are often directed close to horizontally, as well as omnidirectional, versus more downward and narrowly for the multi-beam echosounder. The area of possible influence of the multi-beam echosounder is much smaller—a narrow band below the source vessel. Also, the duration of exposure for a given marine mammal can be much longer for naval sonar. During NSF and ASC's operations, the individual pulses would be very short, and a given mammal would not receive many of the downward-directed pulses as the vessel passes by. Possible effects of a multi-beam echosounder on marine mammals are described below.

Stranding—In 2013, an International Scientific Review Panel investigated a 2008 mass stranding of approximately 100 melon-headed whales in a Madagascar lagoon system (Southall *et al.,* 2013) associated with the use of a high-frequency mapping system. The report indicated that the use of a 12 kHz multi-beam echosounder was the most plausible and likely initial behavioral trigger of the mass stranding event. This was the first time that a relatively high-frequency mapping sonar system has been associated with a stranding event. However, the report also notes that there were several site- and situation-specific secondary factors that may have contributed to the avoidance responses that lead to the eventual entrapment and mortality of the whales within the Loza Lagoon system (e.g., the survey vessel transiting in a north-south direction on the shelf break parallel to the shore may have trapped the animals between the sound source and the shore driving them towards the Loza Lagoon). The report concluded that for odontocete cetaceans that hear well in the 10 to 50 kHz range, where ambient noise is typically quite low, high-power active sonars operating in this range may be more easily audible and have potential effects over larger areas than low-frequency systems that have more typically been considered in terms of anthropogenic noise impacts (Southall *et al.,* 2013). However, the risk may be very low given the extensive use of these systems worldwide on a daily basis and the lack of direct evidence of such responses previously (Southall *et al.,* 2013).

Masking—Marine mammal communications would not be masked appreciably by the multi-beam echosounder signals, given the low duty cycle of the echosounder and the brief period when an individual mammal is likely to be within its beam. Furthermore, in the case of baleen whales, the multi-beam echosounder signals (12 kHz) generally do not overlap with the predominant frequencies in the calls (16 Hz to less than 12 kHz), which would avoid any significant masking (Richardson *et al.,* 1995).

Behavioral Responses—Behavioral reactions of free-ranging marine mammals to sonars, echosounders, and other sound sources appear to vary by species and circumstance. Observed reactions have included silencing and dispersal by sperm whales (Watkins *et al.,* 1985), increased vocalizations and no dispersal by pilot whales (Rendell and Gordon, 1999), and the previously-mentioned beachings by beaked whales. During exposure to a 21 to 25 kHz ''whale-finding'' sonar with a source level of 215 dB re 1 μPa, gray whales reacted by orienting slightly away from the source and being deflected from their course by approximately 200 m (656.2 ft) (Frankel, 2005). When a 38 kHz echosounder and a 150 kHz ADCP were transmitting during studies in the Eastern Tropical Pacific, baleen whales showed no significant responses, while spotted and spinner dolphins were detected slightly more often and beaked whales less often during visual surveys (Gerrodette and Pettis, 2005).

Captive bottlenose dolphins and a beluga whale exhibited changes in behavior when exposed to 1 second tonal signals at frequencies similar to those that would be emitted by the multi-beam echosounder used by NSF and ASC, and to shorter broadband pulsed signals. Behavioral changes typically involved what appeared to be deliberate attempts to avoid the sound

exposure (Schlundt *et al.,* 2000; Finneran *et al.,* 2002; Finneran and Schlundt, 2004). The relevance of those data to free-ranging odontocetes is uncertain, and in any case, the test sounds were quite different in duration as compared with those from a multi-beam echosounder.

Hearing Impairment and Other Physical Effects—Given several stranding events that have been associated with the operation of naval sonar in specific circumstances, there is concern that mid-frequency sonar sounds can cause serious impacts to marine mammals (see above). However, the multi-beam echosounder proposed for use by NSF and ASC is quite different than sonar used for Navy operations. Pulse duration of the multi-beam echosounder is very short relative to the naval sonar. Also, at any given location, an individual marine mammal would be in the beam of the multi-beam echosounder for much less time, given the generally downward orientation of the beam and its narrow fore-aft beamwidth; Navy sonar often uses near-horizontally-directed sound. Those factors would all reduce the sound energy received from the multi-beam echosounder rather drastically relative to that from naval sonar. NMFS believes that the brief exposure of marine mammals to one pulse, or small numbers of signals, from the multi-beam echosounder in this particular case is not likely to result in the harassment of marine mammals.

Single-Beam Echosounder

NSF and ASC would operate the Knudsen 3260 and Bathy 2000 single-beam echosounders from the source vessel during the planned study. Sounds from the single-beam echosounder are very short pulses, depending on water depth. Most of the energy in the sound pulses emitted by the singlebeam echosounder is at frequencies near 12 kHz for bottom-tracking purposes or at 3.5 kHz in the sub-bottom profiling mode. The sonar emits energy in a 30° beam from the bottom of the ship. Marine mammals that encounter the Knudsen 3260 or Bathy 2000 are unlikely to be subjected to repeated pulses because of the relatively narrow fore–aft width of the beam and would receive only limited amounts of pulse energy because of the short pulses. Animals close to the ship (where the beam is narrowest) are especially unlikely to be ensonified for more than one pulse (or two pulses if in the overlap area). Similarly, Kremser *et al.* (2005) noted that the probability of a cetacean swimming through the area of exposure when a single-beam echosounder emits a pulse is small. The animal would have to pass the transducer at close range and be swimming at speeds similar to the vessel in order to receive the multiple pulses that might result in sufficient exposure to cause TTS.

Navy sonars that have been linked to avoidance reactions and stranding of cetaceans: (1) Generally have longer pulse duration than the Knudsen 3260 or Bathy 2000; and (2) are often directed close to horizontally versus more downward for the echosounder. The area of possible influence of the single-beam echosounder is much smaller—a narrow band below the source vessel. Also, the duration of exposure for a given marine mammal can be much longer for naval sonar. During NSF and ASC's operations, the individual pulses would be very short, and a given mammal would not receive many of the downward-directed pulses as the vessel passes by. Possible effects of a single-beam echosounder on marine mammals are described below.

Masking—Marine mammal communications would not be masked appreciably by the single-beam echosounder signals given the low duty cycle of the echosounder and the brief period when an individual mammal is likely to be within its beam. Furthermore, in the case of baleen whales, the single-beam echosounder signals (12 or 3.5 kHz) do not overlap with the predominant frequencies in the calls (16 Hz to less than 12 kHz), which would avoid any significant masking (Richardson *et al.,* 1995).

Behavioral Responses—Behavioral reactions of free-ranging marine mammals to sonars, echosounders, and other sound sources appear to vary by species and circumstance. Observed reactions have included silencing and dispersal by sperm whales (Watkins *et al.,* 1985), increased vocalizations and no dispersal by pilot whales (Rendell and Gordon, 1999), and the previously-mentioned beachings by beaked whales. During exposure to a 21 to 25 kHz ''whale-finding'' sonar with a source level of 215 dB re 1 μPa, gray whales reacted by orienting slightly away from the source and being deflected from their course by approximately 200 m (656.2 ft) (Frankel, 2005). When a 38 kHz echosounder and a 150 kHz ADCP were transmitting during studies in the Eastern Tropical Pacific, baleen whales showed no significant responses, while spotted and spinner dolphins were detected slightly more often and beaked whales less often during visual surveys (Gerrodette and Pettis, 2005).

Captive bottlenose dolphins and a beluga whale exhibited changes in behavior when exposed to 1 second tonal signals at frequencies similar to those that would be emitted by the single-beam echosounder used by NSF and ASC, and to shorter broadband pulsed signals. Behavioral changes typically involved what appeared to be deliberate attempts to avoid the sound exposure (Schlundt *et al.,* 2000; Finneran *et al.,* 2002; Finneran and Schlundt, 2004). The relevance of those data to free-ranging odontocetes is uncertain, and in any case, the test sounds were quite different in duration as compared with those from a single-beam echosounder.

Hearing Impairment and Other Physical Effects—Given recent stranding events that have been associated with the operation of naval sonar, there is concern that mid-frequency sonar sounds can cause serious impacts to marine mammals (see above). However, the single-beam echosounder proposed for use by NSF and ASC is quite different than sonar used for Navy operations. Pulse duration of the single-beam echosounder is very short relative to the naval sonar. Also, at any given location, an individual marine mammal would be in the beam of the single-beam echosounder for much less time given the generally downward orientation of the beam and its narrow fore-aft beamwidth; Navy sonar often uses near-horizontally-directed sound. Those factors would all reduce the sound energy received from the single-beam echosounder rather drastically relative to that from naval sonar. NMFS believes that the brief exposure of marine mammals to one pulse, or small numbers of signals, from the single-beam echosounder in this particular case is not likely to result in the harassment of marine mammals.

Acoustic Doppler Current Profilers

NSF and ASC would operate the ADCP Teledyne RDI VM–150 and ADCP Ocean Surveyor OS–38 from the source vessel during the planned study. Most of the energy in the sound pulses emitted by the ADCPs operate at frequencies near 150 kHz, and the maximum source level is 223.6 dB re 1 μPa (rms). Sound energy from the ADCP is emitted as a 30° conically-shaped beam. Marine mammals that encounter the ADCPs are unlikely to be subjected to repeated pulses because of the relatively narrow fore–aft width of the beam and would receive only limited amounts of pulse energy because of the short pulses. Animals close to the ship (where the beam is narrowest) are especially unlikely to be ensonified for more than one 15 ms pulse (or two pulses if in the overlap area). Similarly,

Kremser *et al.* (2005) noted that the probability of a cetacean swimming through the area of exposure when the ADCPs emit a pulse is small. The animal would have to pass the transducer at close range and be swimming at speeds similar to the vessel in order to receive the multiple pulses that might result in sufficient exposure to cause TTS.

Navy sonars that have been linked to avoidance reactions and stranding of cetaceans: (1) Generally have longer pulse duration than the ADCPs; and (2) are often directed close to horizontally versus more downward for the ADCPs. The area of possible influence of the ADCPs is much smaller—a narrow band below the source vessel. Also, the duration of exposure for a given marine mammal can be much longer for naval sonar. During NSF and ASC's operations, the individual pulses would be very short, and a given mammal would not receive many of the downward-directed pulses as the vessel passes by. Possible effects of the ADCPs on marine mammals are described below.

Masking—Marine mammal communications would not be masked appreciably by the ADCP signals, given the low duty cycle of the ADCPs and the brief period when an individual mammal is likely to be within its beam. Furthermore, in the case of baleen whales, the ADCP signals (150 kHz) do not overlap with the predominant frequencies in the calls (16 Hz to less than 12 kHz), which would avoid any significant masking (Richardson *et al.,* 1995).

Behavioral Responses—Behavioral reactions of free-ranging marine mammals to sonars, echosounders, and other sound sources appear to vary by species and circumstance. Observed reactions have included silencing and dispersal by sperm whales (Watkins *et al.,* 1985), increased vocalizations and no dispersal by pilot whales (Rendell and Gordon, 1999), and the previously-mentioned beachings by beaked whales. During exposure to a 21 to 25 kHz ''whale-finding'' sonar with a source level of 215 dB re 1 μPa, gray whales reacted by orienting slightly away from the source and being deflected from their course by approximately 200 m (656.2 ft) (Frankel, 2005). When a 38 kHz echosounder and a 150 kHz ADCP were transmitting during studies in the Eastern Tropical Pacific, baleen whales showed no significant responses, while spotted and spinner dolphins were detected slightly more often and beaked whales less often during visual surveys (Gerrodette and Pettis, 2005).

Captive bottlenose dolphins and a beluga whale exhibited changes in behavior when exposed to 1 second tonal signals at frequencies similar to those that would be emitted by the ADCPs used by NSF and ASC, and to shorter broadband pulsed signals. Behavioral changes typically involved what appeared to be deliberate attempts to avoid the sound exposure (Schlundt *et al.,* 2000; Finneran *et al.,* 2002; Finneran and Schlundt, 2004). The relevance of those data to free-ranging odontocetes is uncertain, and in any case, the test sounds were quite different in duration as compared with those from an ADCP.

Hearing Impairment and Other Physical Effects—Given recent stranding events that have been associated with the operation of naval sonar, there is concern that mid-frequency sonar sounds can cause serious impacts to marine mammals (see above). However, the ADCPs proposed for use by NSF and ASC is quite different than sonar used for Navy operations. Pulse duration of the ADCPs is very short relative to the naval sonar. Also, at any given location, an individual marine mammal would be in the beam of the ADCPs for much less time given the generally downward orientation of the beam and its narrow fore-aft beamwidth; Navy sonar often uses near-horizontally-directed sound. Those factors would all reduce the sound energy received from the ADCPs rather drastically relative to that from naval sonar. NMFS believes that the brief exposure of marine mammals to one pulse, or small numbers of signals, from the ADCPs in this particular case is not likely to result in the harassment of marine mammals.

Coring Activities

During coring, the noise created by the mechanical action of the devices on the seafloor is expected to be perceived by nearby fish and other marine organisms and deter them from swimming toward the source. Coring activities would be highly localized and short-term in duration and would not be expected to significantly interfere with marine mammal behavior. The potential direct effects include temporary localized disturbance or displacement from associated sounds and/or physical movement/actions of the operations. Additionally, the potential indirect effects may consist of very localized and transitory/short-term disturbance of bottom habitat and associated prey in shallow-water areas as a result of coring and sediment sampling (NSF/USGS PEIS, 2011). NMFS believes that the brief exposure of marine mammals to noise created from the mechanical action of the devices for coring is not likely to result in the harassment of marine mammals.

A maximum total of 32 coring samples would be obtained using these devices and ranging from 1.5 to 3 hours per sample and it is estimated that the pinger would operate a total of 96 hours. The vessel would be stationary during core sampling deployment and recovery, so the likelihood of a collision or entanglement with a marine mammal is very low.

Vessel Movement and Collisions

Vessel movement in the vicinity of marine mammals has the potential to result in either a behavioral response or a direct physical interaction. Both scenarios are discussed below in this section.

Behavioral Responses to Vessel Movement—There are limited data concerning marine mammal behavioral responses to vessel traffic and vessel noise, and a lack of consensus among scientists with respect to what these responses mean or whether they result in short-term or long-term adverse effects. In those cases where there is a busy shipping lane or where there is a large amount of vessel traffic, marine mammals (especially low frequency specialists) may experience acoustic masking (Hildebrand, 2005) if they are present in the area (e.g., killer whales in Puget Sound; Foote *et al.,* 2004; Holt *et al.,* 2008). In cases where vessels actively approach marine mammals (e.g., whale watching or dolphin watching boats), scientists have documented that animals exhibit altered behavior such as increased swimming speed, erratic movement, and active avoidance behavior (Bursk, 1983; Acevedo, 1991; Baker and MacGibbon, 1991; Trites and Bain, 2000; Williams *et al.,* 2002; Constantine *et al.,* 2003), reduced blow interval (Ritcher *et al.,* 2003), disruption of normal social behaviors (Lusseau, 2003, 2006), and the shift of behavioral activities which may increase energetic costs (Constantine *et al.,* 2003, 2004). A detailed review of marine mammal reactions to ships and boats is available in Richardson *et al.,* (1995). For each of the marine mammal taxonomy groups, Richardson *et al.,* (1995) provides the following assessment regarding reactions to vessel traffic:

Toothed whales—''In summary, toothed whales sometimes show no avoidance reaction to vessels, or even approach them. However, avoidance can occur, especially in response to vessels of types used to chase or hunt the animals. This may cause temporary displacement, but we know of no clear

evidence that toothed whales have abandoned significant parts of their range because of vessel traffic.''

Baleen whales—''When baleen whales receive low-level sounds from distant or stationary vessels, the sounds often seem to be ignored. Some whales approach the sources of these sounds. When vessels approach whales slowly and non-aggressively, whales often exhibit slow and inconspicuous avoidance maneuvers. In response to strong or rapidly changing vessel noise, baleen whales often interrupt their normal behavior and swim rapidly away. Avoidance is especially strong when a boat heads directly toward the whale.''

Behavioral responses to stimuli are complex and influenced to varying degrees by a number of factors, such as species, behavioral contexts, geographical regions, source characteristics (moving or stationary, speed, direction, etc.), prior experience of the animal and physical status of the animal. For example, studies have shown that beluga whales' reaction varied when exposed to vessel noise and traffic. In some cases, beluga whales exhibited rapid swimming from ice-breaking vessels up to 80 km (43.2 nmi) away and showed changes in surfacing, breathing, diving, and group composition in the Canadian high Arctic where vessel traffic is rare (Finley *et al.,* 1990). In other cases, beluga whales were more tolerant of vessels, but responded differentially to certain vessels and operating characteristics by reducing their calling rates (especially older animals) in the St. Lawrence River where vessel traffic is common (Blane and Jaakson, 1994). In Bristol Bay, Alaska, beluga whales continued to feed when surrounded by fishing vessels and resisted dispersal even when purposefully harassed (Fish and Vania, 1971).

In reviewing more than 25 years of whale observation data, Watkins (1986) concluded that whale reactions to vessel traffic were ''modified by their previous experience and current activity: Habituation often occurred rapidly, attention to other stimuli or preoccupation with other activities sometimes overcame their interest or wariness of stimuli.'' Watkins noticed that over the years of exposure to ships in the Cape Cod area, minke whales changed from frequent positive interest (e.g., approaching vessels) to generally uninterested reactions; fin whales changed from mostly negative (e.g., avoidance) to uninterested reactions; fin whales changed from mostly negative (e.g., avoidance) to uninterested reactions; right whales apparently continued the same variety of responses (negative, uninterested, and positive responses) with little change; and humpbacks dramatically changed from mixed responses that were often negative to reactions that were often strongly positive. Watkins (1986) summarized that ''whales near shore, even in regions with low vessel traffic, generally have become less wary of boats and their noises, and they have appeared to be less easily disturbed than previously. In particular locations with intense shipping and repeated approaches by boats (such as the whale-watching areas of Stellwagen Bank), more and more whales had positive reactions to familiar vessels, and they also occasionally approached other boats and yachts in the same ways.''

Although the radiated sound from the *Palmer* would be audible to marine mammals over a large distance, it is unlikely that marine mammals would respond behaviorally (in a manner that NMFS would consider harassment under the MMPA) to low-level distant shipping noise as the animals in the area are likely to be habituated to such noises (Nowacek *et al.,* 2004). In light of these facts, NMFS does not expect the *Palmer's* movements to result in Level B harassment.

Vessel Strike—Ship strikes of cetaceans can cause major wounds, which may lead to the death of the animal. An animal at the surface could be struck directly by a vessel, a surfacing animal could hit the bottom of a vessel, or an animal just below the surface could be cut by a vessel's propeller. The severity of injuries typically depends on the size and speed of the vessel (Knowlton and Kraus, 2001; Laist *et al.,* 2001; Vanderlaan and Taggart, 2007).

The most vulnerable marine mammals are those that spend extended periods of time at the surface in order to restore oxygen levels within their tissues after deep dives (e.g., the sperm whale). In addition, some baleen whales, such as the North Atlantic right whale, seem generally unresponsive to vessel sound, making them more susceptible to vessel collisions (Nowacek *et al.,* 2004). These species are primarily large, slow moving whales. Smaller marine mammals (e.g., bottlenose dolphins) move quickly through the water column and are often seen riding the bow wave of large ships. Marine mammal responses to vessels may include avoidance and changes in dive pattern (NRC, 2003).

An examination of all known ship strikes from all shipping sources (civilian and military) indicates vessel speed is a principal factor in whether a vessel strike results in death (Knowlton and Kraus, 2001; Laist *et al.,* 2001; Jensen and Silber, 2003; Vanderlaan and Taggart, 2007). In assessing records in which vessel speed was known, Laist *et al.* (2001) found a direct relationship between the occurrence of a whale strike and the speed of the vessel involved in the collision. The authors concluded that most deaths occurred when a vessel was traveling in excess of 13 kts (24.1 km/hr, 14.9 mph).

NSF and ASC's proposed operation of one source vessel for the proposed low-energy seismic survey is relatively small in scale (i.e., a one vessel operation) compared to the number of other ships (e.g., fishing, tourist, and other vessels supporting McMurdo Station operations) transiting at higher speeds in the same areas on an annual basis. The probability of vessel and marine mammal interactions occurring during the proposed low-energy seismic survey is unlikely due to the *Palmer's* slow operational speed, which is typically 5 kts. Outside of seismic operations, the *Palmer's* cruising speed would be approximately 10.1 to 14.5 kts, which is generally below the speed at which studies have noted reported increases of marine mammal injury or death (Laist *et al.,* 2001).

As a final point, the *Palmer* has a number of other advantages for avoiding ship strikes as compared to most commercial merchant vessels, including the following: The *Palmer's* bridge and aloft observation tower offers good visibility to visually monitor for marine mammal presence; PSOs posted during operations scan the ocean for marine mammals and must report visual alerts of marine mammal presence to crew; and the PSOs receive extensive training that covers the fundamentals of visual observing for marine mammals and information about marine mammals and their identification at sea.

Entanglement

Entanglement can occur if wildlife becomes immobilized in survey lines, cables, nets, or other equipment that is moving through the water column. The proposed low-energy seismic survey would require towing approximately one or two 100 m cable streamers. While towing this size of an array carries some level of risk of entanglement for marine mammals due to the operational nature of the activity, entanglement is unlikely. Wildlife, especially slow moving individuals, such as large whales, have a low probability of becoming entangled due to slow speed of the survey vessel and onboard monitoring efforts. In May 2011, there was one recorded entrapment of an olive ridley sea turtle (*Lepidochelys olivacea*) in the R/V

Marcus G. Langseth's barovanes after the conclusion of a seismic survey off Costa Rica. There have been cases of baleen whales, mostly gray whales (Heyning, 1990), becoming entangled in fishing lines. The probability for entanglement of marine mammals is considered very low because of the vessel speed and the monitoring efforts onboard the survey vessel. Furthermore, there has been no history of marine mammal entanglement with seismic equipment used by the U.S. academic research fleet.

Icebreaking Activities

Icebreakers produce more noise while breaking ice than ships of comparable size due, primarily, to the sounds of propeller cavitating (Richardson *et al.,* 1995). Multi-year ice is expected to be encountered in the proposed action area. Icebreakers commonly back and ram into heavy ice until losing momentum to make way. The highest noise levels usually occur while backing full astern in preparation to ram forward through the ice. Overall the noise generated by an icebreaker pushing ice was 10 to 15 dB greater than the noise produced by the ship underway in open water (Richardson *et al.,* 1995). In general, the Antarctic and Southern Ocean is a noisy environment. Calving and grounding icebergs as well as the break-up of ice sheets, can produce a large amount of underwater noise. Little information is available about the increased sound levels due to icebreaking.

Cetaceans—Few studies have been conducted to evaluate the potential interference of icebreaking noise with marine mammal vocalizations. Erbe and Farmer (1998) measured masked hearing thresholds of a captive beluga whale. They reported that the recording of a Canadian Coast Guard Ship (CCGS) *Henry Larsen,* ramming ice in the Beaufort Sea, masked recordings of beluga vocalizations at a noise to signal pressure ratio of 18 dB, when the noise pressure level was eight times as high as the call pressure. Erbe and Farmer (2000) also predicted when icebreaker noise would affect beluga whales through software that combined a sound propagation model and beluga whale impact threshold models. They again used the data from the recording of the *Henry Larsen* in the Beaufort Sea and predicted that masking of beluga whale vocalizations could extend between 40 and 71 km (21.6 and 38.3 nmi) near the surface. Lesage *et al.* (1999) report that beluga whales changed their call type and call frequency when exposed to boat noise. It is possible that the whales adapt to the ambient noise levels and are able to communicate despite the sound. Given the documented reaction of belugas to ships and icebreakers it is highly unlikely that beluga whales would remain in the proximity of vessels where vocalizations would be masked.

Beluga whales have been documented swimming rapidly away from ships and icebreakers in the Canadian high Arctic when a ship approaches to within 35 to 50 km (18.9 to 27 nmi), and they may travel up to 80 km (43.2 nmi) from the vessel's track (Richardson *et al.,* 1995). It is expected that belugas avoid icebreakers as soon as they detect the ships (Cosens and Dueck, 1993). However, the reactions of beluga whales to ships vary greatly and some animals may become habituated to high levels of ambient noise (Erbe and Darmber, 2000).

There is little information about the effects of icebreaking ships on baleen whales. Migrating bowhead whales appeared to avoid an area around a drill site by greater than 25 km (13.5 mi) where an icebreaker was working in the Beaufort Sea. There was intensive icebreaking daily in support of the drilling activities (Brewer *et al.,* 1993). Migrating bowheads also avoided a nearby drill site at the same time of year where little icebreaking was being conducted (LGL and Greeneridge, 1987). It is unclear as to whether the drilling activities, icebreaking operations, or the ice itself might have been the cause for the whale's diversion. Bowhead whales are not expected to occur in the proximity of the proposed action area.

Pinnipeds—Brueggeman *et al.* (1992) reported on the reactions of seals to an icebreaker during activities at two prospects in the Chukchi Sea. Reactions of seals to the icebreakers varied between the two prospects. Most (67%) seals did not react to the icebreaker at either prospect. Reaction at one prospect was greatest during icebreaking activity (running/maneuvering/jogging) and was 0.23 km (0.12 nmi) of the vessel and lowest for animals beyond 0.93 km (0.5 nmi). At the second prospect however, seal reaction was lowest during icebreaking activity with higher and similar levels of response during general (non-icebreaking) vessel operations and when the vessel was at anchor or drifting. The frequency of seal reaction generally declined with increasing distance from the vessel except during general vessel activity where it remained consistently high to about 0.46 km (0.25 nmi) from the vessel before declining.

Similarly, Kanik *et al.* (1980) found that ringed (*Pusa hispida*) and harp seals (*Pagophilus groenlandicus*) often dove into the water when an icebreaker was breaking ice within 1 km (0.5 nmi) of the animals. Most seals remained on the ice when the ship was breaking ice 1 to 2 km (0.5 to 1.1 nmi) away.

The potential effects to marine mammals described in this section of the document do not take into consideration the proposed monitoring and mitigation measures described later in this document (see the ''Proposed Mitigation'' and ''Proposed Monitoring and Reporting'' sections) which, as noted are designed to effect the least practicable impact on affected marine mammal species and stocks.

Anticipated Effects on Marine Mammal Habitat

The proposed low-energy seismic survey is not anticipated to have any permanent impact on habitats used by the marine mammals in the proposed study area, including the food sources they use (i.e. fish and invertebrates). Additionally, no physical damage to any habitat is anticipated as a result of conducting airgun operations during the proposed low-energy seismic survey. While it is anticipated that the specified activity may result in marine mammals avoiding certain areas due to temporary ensonification, this impact to habitat is temporary and was considered in further detail earlier in this document, as behavioral modification. The main impact associated with the proposed activity would be temporarily elevated noise levels and the associated direct effects on marine mammals in any particular area of the approximately 3,882 km^2 proposed study area, previously discussed in this notice.

The *Palmer* is designed for continuous passage at 3 kts through ice 1 m thick. During the proposed project the *Palmer* would typically encounter first- or second-year ice while avoiding thicker ice floes, particularly large intact multi-year ice, whenever possible. In addition, the vessel would follow leads when possible while following the survey route. As the vessel passes through the ice, the ship causes the ice to part and travel alongside the hull. This ice typically returns to fill the wake as the ship passes. The effects are transitory (i.e., hours at most) and localized (i.e., constrained to a relatively narrow swath perhaps 10 m [32.1 ft] to each side of the vessel). The *Palmer's* maximum beam is 18.3 m (60 ft). Applying the maximum estimated amount of icebreaking (500 km), to the corridor opened by the ship, NSF and ASC anticipate that a maximum of approximately 18 km^2 (5.3 nmi^2) of ice may be disturbed. This represents an

inconsequential amount of the total ice present in the Southern Ocean.

Sea ice is important for pinniped life functions such as resting, breeding, and molting. Icebreaking activities may damage seal breathing holes and would also reduce the haul-out area in the immediate vicinity of the ship's track. Icebreaking along a maximum of 500 km of tracklines would alter local ice conditions in the immediate vicinity of the vessel. This has the potential to temporarily lead to a reduction of suitable seal haul-out habitat. However, the dynamic sea-ice environment requires that seals be able to adapt to changes in sea, ice, and snow conditions, and they therefore create new breathing holes and lairs throughout the winter and spring (Hammill and Smith, 1989). In addition, seals often use open leads and cracks in the ice to surface and breathe (Smith and Stirling, 1975). Disturbance of the ice would occur in a very small area relative to the Southern Ocean ice-pack and no significant impact on marine mammals is anticipated by icebreaking during the proposed low-energy seismic survey. The next section discusses the potential impacts of anthropogenic sound sources on common marine mammal prey in the proposed study area (i.e., fish and invertebrates).

Anticipated Effects on Fish

One reason for the adoption of airguns as the standard energy source for marine seismic surveys is that, unlike explosives, they have not been associated with large-scale fish kills. However, existing information on the impacts of seismic surveys on marine fish and invertebrate populations is limited. There are three types of potential effects of exposure to seismic surveys: (1) Pathological, (2) physiological, and (3) behavioral. Pathological effects involve lethal and temporary or permanent sub-lethal injury. Physiological effects involve temporary and permanent primary and secondary stress responses, such as changes in levels of enzymes and proteins. Behavioral effects refer to temporary and (if they occur) permanent changes in exhibited behavior (e.g., startle and avoidance behavior). The three categories are interrelated in complex ways. For example, it is possible that certain physiological and behavioral changes could potentially lead to an ultimate pathological effect on individuals (i.e., mortality).

The specific received sound levels at which permanent adverse effects to fish potentially could occur are little studied and largely unknown. Furthermore, the available information on the impacts of seismic surveys on marine fish is from studies of individuals or portions of a population; there have been no studies at the population scale. The studies of individual fish have often been on caged fish that were exposed to airgun pulses in situations not representative of an actual seismic survey. Thus, available information provides limited insight on possible real-world effects at the ocean or population scale. This makes drawing conclusions about impacts on fish problematic because, ultimately, the most important issues concern effects on marine fish populations, their viability, and their availability to fisheries.

Hastings and Popper (2005), Popper (2009), and Popper and Hastings (2009a,b) provided recent critical reviews of the known effects of sound on fish. The following sections provide a general synopsis of the available information on the effects of exposure to seismic and other anthropogenic sound as relevant to fish. The information comprises results from scientific studies of varying degrees of rigor plus some anecdotal information. Some of the data sources may have serious shortcomings in methods, analysis, interpretation, and reproducibility that must be considered when interpreting their results (see Hastings and Popper, 2005). Potential adverse effects of the program's sound sources on marine fish are noted.

Pathological Effects—The potential for pathological damage to hearing structures in fish depends on the energy level of the received sound and the physiology and hearing capability of the species in question. For a given sound to result in hearing loss, the sound must exceed, by some substantial amount, the hearing threshold of the fish for that sound (Popper, 2005). The consequences of temporary or permanent hearing loss in individual fish on a fish population are unknown; however, they likely depend on the number of individuals affected and whether critical behaviors involving sound (e.g., predator avoidance, prey capture, orientation and navigation, reproduction, etc.) are adversely affected.

Little is known about the mechanisms and characteristics of damage to fish that may be inflicted by exposure to seismic survey sounds. Few data have been presented in the peer-reviewed scientific literature. As far as NSF, ASC, and NMFS know, there are only two papers with proper experimental methods, controls, and careful pathological investigation implicating sounds produced by actual seismic survey airguns in causing adverse anatomical effects. One such study indicated anatomical damage, and the second indicated TTS in fish hearing. The anatomical case is McCauley *et al.* (2003), who found that exposure to airgun sound caused observable anatomical damage to the auditory maculae of pink snapper (*Pagrus auratus*). This damage in the ears had not been repaired in fish sacrificed and examined almost two months after exposure. On the other hand, Popper *et al.* (2005) documented only TTS (as determined by auditory brainstem response) in two of three fish species from the Mackenzie River Delta. This study found that broad whitefish (*Coregonus nasus*) exposed to five airgun shots were not significantly different from those of controls. During both studies, the repetitive exposure to sound was greater than would have occurred during a typical seismic survey. However, the substantial low-frequency energy produced by the airguns (less than 400 Hz in the study by McCauley *et al.* [2003] and less than approximately 200 Hz in Popper *et al.* [2005]) likely did not propagate to the fish because the water in the study areas was very shallow (approximately nine m in the former case and less than two m in the latter). Water depth sets a lower limit on the lowest sound frequency that would propagate (the ''cutoff frequency'') at about one-quarter wavelength (Urick, 1983; Rogers and Cox, 1988).

Wardle *et al.* (2001) suggested that in water, acute injury and death of organisms exposed to seismic energy depends primarily on two features of the sound source: (1) The received peak pressure, and (2) the time required for the pressure to rise and decay. Generally, as received pressure increases, the period for the pressure to rise and decay decreases, and the chance of acute pathological effects increases. According to Buchanan *et al.* (2004), for the types of seismic airguns and arrays involved with the proposed program, the pathological (mortality) zone for fish would be expected to be within a few meters of the seismic source. Numerous other studies provide examples of no fish mortality upon exposure to seismic sources (Falk and Lawrence, 1973; Holliday *et al.,* 1987; La Bella *et al.,* 1996; Santulli *et al.,* 1999; McCauley *et al.,* 2000a,b, 2003; Bjarti, 2002; Thomsen, 2002; Hassel *et al.,* 2003; Popper *et al.,* 2005; Boeger *et al.,* 2006).

An experiment of the effects of a single 700 in^3 airgun was conducted in Lake Meade, Nevada (USGS, 1999). The data were used in an Environmental Assessment of the effects of a marine reflection survey of the Lake Meade

fault system by the National Park Service (Paulson *et al.,* 1993, in USGS, 1999). The airgun was suspended 3.5 m (11.5 ft) above a school of threadfin shad in Lake Meade and was fired three successive times at a 30 second interval. Neither surface inspection nor diver observations of the water column and bottom found any dead fish.

For a proposed seismic survey in Southern California, USGS (1999) conducted a review of the literature on the effects of airguns on fish and fisheries. They reported a 1991 study of the Bay Area Fault system from the continental shelf to the Sacramento River, using a 10 airgun (5,828 in ^{3}) array. Brezzina and Associates were hired by USGS to monitor the effects of the surveys and concluded that airgun operations were not responsible for the death of any of the fish carcasses observed. They also concluded that the airgun profiling did not appear to alter the feeding behavior of sea lions, seals, or pelicans observed feeding during the seismic surveys.

Some studies have reported, some equivocally, that mortality of fish, fish eggs, or larvae can occur close to seismic sources (Kostyuchenko, 1973; Dalen and Knutsen, 1986; Booman *et al.,* 1996; Dalen *et al.,* 1996). Some of the reports claimed seismic effects from treatments quite different from actual seismic survey sounds or even reasonable surrogates. However, Payne *et al.* (2009) reported no statistical differences in mortality/morbidity between control and exposed groups of capelin eggs or monkfish larvae. Saetre and Ona (1996) applied a 'worst-case scenario' mathematical model to investigate the effects of seismic energy on fish eggs and larvae. They concluded that mortality rates caused by exposure to seismic surveys are so low, as compared to natural mortality rates, that the impact of seismic surveying on recruitment to a fish stock must be regarded as insignificant.

Physiological Effects—Physiological effects refer to cellular and/or biochemical responses of fish to acoustic stress. Such stress potentially could affect fish populations by increasing mortality or reducing reproductive success. Primary and secondary stress responses of fish after exposure to seismic survey sound appear to be temporary in all studies done to date (Sverdrup *et al.,* 1994; Santulli *et al.,* 1999; McCauley *et al.,* 2000a,b). The periods necessary for the biochemical changes to return to normal are variable and depend on numerous aspects of the biology of the species and of the sound stimulus.

Behavioral Effects—Behavioral effects include changes in the distribution, migration, mating, and catchability of fish populations. Studies investigating the possible effects of sound (including seismic survey sound) on fish behavior have been conducted on both uncaged and caged individuals (e.g., Chapman and Hawkins, 1969; Pearson *et al.,* 1992; Santulli *et al.,* 1999; Wardle *et al.,* 2001; Hassel *et al.,* 2003). Typically, in these studies fish exhibited a sharp startle response at the onset of a sound followed by habituation and a return to normal behavior after the sound ceased.

The Minerals Management Service (MMS, 2005) assessed the effects of a proposed seismic survey in Cook Inlet. The seismic survey proposed using three vessels, each towing two four-airgun arrays ranging from 24,580.6 to 40,967.7 cm ^{3} (1,500 to 2,500 in ^{3}). MMS noted that the impact to fish populations in the survey area and adjacent waters would likely be very low and temporary. MMS also concluded that seismic surveys may displace the pelagic fishes from the area temporarily when airguns are in use. However, fishes displaced and avoiding the airgun noise are likely to backfill the survey area in minutes to hours after cessation of seismic testing. Fishes not dispersing from the airgun noise (e.g., demersal species) may startle and move short distances to avoid airgun emissions.

In general, any adverse effects on fish behavior or fisheries attributable to seismic testing may depend on the species in question and the nature of the fishery (season, duration, fishing method). They may also depend on the age of the fish, its motivational state, its size, and numerous other factors that are difficult, if not impossible, to quantify at this point, given such limited data on effects of airguns on fish, particularly under realistic at-sea conditions.

Anticipated Effects on Invertebrates

The existing body of information on the impacts of seismic survey sound on marine invertebrates is very limited. However, there is some unpublished and very limited evidence of the potential for adverse effects on invertebrates, thereby justifying further discussion and analysis of this issue. The three types of potential effects of exposure to seismic surveys on marine invertebrates are pathological, physiological, and behavioral. Based on the physical structure of their sensory organs, marine invertebrates appear to be specialized to respond to particle displacement components of an impinging sound field and not to the pressure component (Popper *et al.,* 2001).

The only information available on the impacts of seismic surveys on marine invertebrates involves studies of individuals; there have been no studies at the population scale. Thus, available information provides limited insight on possible real-world effects at the regional or ocean scale. The most important aspect of potential impacts concerns how exposure to seismic survey sound ultimately affects invertebrate populations and their viability, including availability to fisheries.

Literature reviews of the effects of seismic and other underwater sound on invertebrates were provided by Moriyasu *et al.* (2004) and Payne *et al.* (2008). The following sections provide a synopsis of available information on the effects of exposure to seismic survey sound on species of decapod crustaceans and cephalopods, the two taxonomic groups of invertebrates on which most such studies have been conducted. The available information is from studies with variable degrees of scientific soundness and from anecdotal information. A more detailed review of the literature on the effects of seismic survey sound on invertebrates is provided in Appendix D of NSF/USGS's PEIS.

Pathological Effects—In water, lethal and sub-lethal injury to organisms exposed to seismic survey sound appears to depend on at least two features of the sound source: (1) The received peak pressure; and (2) the time required for the pressure to rise and decay. Generally, as received pressure increases, the period for the pressure to rise and decay decreases, and the chance of acute pathological effects increases. For the type of airgun array planned for the proposed program, the pathological (mortality) zone for crustaceans and cephalopods is expected to be within a few meters of the seismic source, at most; however, very few specific data are available on levels of seismic signals that might damage these animals. This premise is based on the peak pressure and rise/decay time characteristics of seismic airgun arrays currently in use around the world.

Some studies have suggested that seismic survey sound has a limited pathological impact on early developmental stages of crustaceans (Pearson *et al.,* 1994; Christian *et al.,* 2003; DFO, 2004). However, the impacts appear to be either temporary or insignificant compared to what occurs under natural conditions. Controlled field experiments on adult crustaceans

(Christian *et al.,* 2003, 2004; DFO, 2004) and adult cephalopods (McCauley *et al.,* 2000a,b) exposed to seismic survey sound have not resulted in any significant pathological impacts on the animals. It has been suggested that exposure to commercial seismic survey activities has injured giant squid (Guerra *et al.,* 2004), but the article provides little evidence to support this claim. Tenera Environmental (2011b) reported that Norris and Mohl (1983, summarized in Mariyasu *et al.,* 2004) observed lethal effects in squid (*Loligo vulgaris*) at levels of 246 to 252 dB after 3 to 11 minutes.

Andre *et al.* (2011) exposed four species of cephalopods (*Loligo vulgaris, Sepia officinalis, Octopus vulgaris,* and *Ilex coindetii*), primarily cuttlefish, to two hours of continuous 50 to 400 Hz sinusoidal wave sweeps at 157+/−5 dB re 1 μPa while captive in relatively small tanks. They reported morphological and ultrastructural evidence of massive acoustic trauma (i.e., permanent and substantial alterations [lesions] of statocyst sensory hair cells) to the exposed animals that increased in severity with time, suggesting that cephalopods are particularly sensitive to low frequency sound. The received SPL was reported as 157+/−5 dB re 1 μPa, with peak levels at 175 dB re 1 μPa. As in the McCauley *et al.* (2003) paper on sensory hair cell damage in pink snapper as a result of exposure to seismic sound, the cephalopods were subjected to higher sound levels than they would be under natural conditions, and they were unable to swim away from the sound source.

Physiological Effects—Physiological effects refer mainly to biochemical responses by marine invertebrates to acoustic stress. Such stress potentially could affect invertebrate populations by increasing mortality or reducing reproductive success. Primary and secondary stress responses (i.e., changes in haemolymph levels of enzymes, proteins, etc.) of crustaceans have been noted several days or months after exposure to seismic survey sounds (Payne *et al.,* 2007). It was noted however, than no behavioral impacts were exhibited by crustaceans (Christian *et al.,* 2003, 2004; DFO, 2004). The periods necessary for these biochemical changes to return to normal are variable and depend on numerous aspects of the biology of the species and of the sound stimulus.

Behavioral Effects—There is increasing interest in assessing the possible direct and indirect effects of seismic and other sounds on invertebrate behavior, particularly in relation to the consequences for fisheries. Changes in behavior could potentially affect such aspects as reproductive success, distribution, susceptibility to predation, and catchability by fisheries. Studies investigating the possible behavioral effects of exposure to seismic survey sound on crustaceans and cephalopods have been conducted on both uncaged and caged animals. In some cases, invertebrates exhibited startle responses (e.g., squid in McCauley *et al.,* 2000a,b). In other cases, no behavioral impacts were noted (e.g., crustaceans in Christian *et al.,* 2003, 2004; DFO 2004). There have been anecdotal reports of reduced catch rates of shrimp shortly after exposure to seismic surveys; however, other studies have not observed any significant changes in shrimp catch rate (Andriguetto-Filho *et al.,* 2005). Similarly, Parry and Gason (2006) did not find any evidence that lobster catch rates were affected by seismic surveys. Any adverse effects on crustacean and cephalopod behavior or fisheries attributable to seismic survey sound depend on the species in question and the nature of the fishery (season, duration, fishing method). More information on the potential effects of airguns on fish and invertebrates are reviewed in section 3.2.4.3, section 3.3.4.3, and Appendix D of the NSF/USGS PEIS.

Proposed Mitigation

In order to issue an Incidental Take Authorization (ITA) under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and the availability of such species or stock for taking for certain subsistence uses (where relevant).

NSF and ASC reviewed the following source documents and have incorporated a suite of appropriate mitigation measures into their project description.

(1) Protocols used during previous NSF and USGS-funded seismic research cruises as approved by NMFS and detailed in the ''Final Programmatic Environmental Impact Statement/Overseas Environmental Impact Statement for Marine Seismic Research Funded by the National Science Foundation or Conducted by the U.S. Geological Survey;''

(2) Previous IHA applications and IHAs approved and authorized by NMFS; and

(3) Recommended best practices in Richardson *et al.* (1995), Pierson *et al.* (1998), and Weir and Dolman, (2007).

To reduce the potential for disturbance from acoustic stimuli associated with the activities, NSF, ASC, and their designees have proposed to implement the following mitigation measures for marine mammals:

(1) Proposed exclusion zones around the sound source;

(2) Speed and course alterations;

(3) Shut-down procedures; and

(4) Ramp-up procedures.

Proposed Exclusion Zones—During pre-planning of the cruise, the smallest airgun array was identified that could be used and still meet the geophysical scientific objectives. NSF and ASC use radii to designate exclusion and buffer zones and to estimate take for marine mammals. Table 2 (presented earlier in this document) shows the distances at which one would expect to receive three sound levels (160, 180, and 190 dB) from the two GI airgun array. The 180 and 190 dB level shut-down criteria are applicable to cetaceans and pinnipeds, respectively, as specified by NMFS (2000). NSF and ASC used these levels to establish the exclusion and buffer zones.

Received sound levels have been modeled by L–DEO for a number of airgun configurations, including two 45 in^3 Nucleus G airguns, in relation to distance and direction from the airguns (see Figure 2 of Appendix B of the IHA application). In addition, propagation measurements of pulses from two GI airguns have been reported for shallow water (approximately 30 m [98.4 ft] depth) in the GOM (Tolstoy *et al.,* 2004). However, measurements were not made for the two GI airguns in deep water. The model does not allow for bottom interactions, and is most directly applicable to deep water. Based on the modeling, estimates of the maximum distances from the GI airguns where sound levels are predicted to be 190, 180, and 160 dB re 1 μPa (rms) in intermediate water were determined (see Table 2 above).

Empirical data concerning the 190, 180, and 160 dB (rms) distances were acquired for various airgun arrays based on measurements during the acoustic verification studies conducted by L–DEO in the northern GOM in 2003 (Tolstoy *et al.,* 2004) and 2007 to 2008 (Tolstoy *et al.,* 2009). Results of the 18 and 36 airgun arrays are not relevant for the two GI airguns to be used in the proposed low-energy seismic survey because the airgun arrays are not the same size or volume. The empirical data for the 6, 10, 12, and 20 airgun arrays indicate that, for deep water, the L–DEO

model tends to overestimate the received sound levels at a given distance (Tolstoy *et al.,* 2004). Measurements were not made for the two GI airgun array in deep water; however, NSF and ASC propose to use the safety radii predicted by L–DEO's model for the proposed GI airgun operations in intermediate water, although they are likely conservative given the empirical results for the other arrays.

Based on the modeling data, the outputs from the pair of 105 in^3 GI airguns proposed to be used during the low-energy seismic survey are considered a low-energy acoustic source in the NSF/USGS PEIS (2011) for marine seismic research. A low-energy seismic source was defined in the NSF/USGS PEIS as an acoustic source whose received level at 100 m is less than 180 dB. The NSF/USGS PEIS also established for these low-energy sources, a standard exclusion zone of 100 m for all low-energy sources in water depths greater than 100 m. This standard 100 m exclusion zone would be used during the proposed low-energy seismic survey. The 180 and 190 dB (rms) radii are shut-down criteria applicable to cetaceans and pinnipeds, respectively, as specified by NMFS (2000); these levels were used to establish exclusion zones. Therefore, the assumed 180 and 190 dB radii are 100 m for intermediate and deep water. If the PSO detects a marine mammal within or about to enter the appropriate exclusion zone, the airguns would be shut-down immediately.

Speed and Course Alterations—If a marine mammal is detected outside the exclusion zone and, based on its position and direction of travel (relative motion), is likely to enter the exclusion zone, changes of the vessel's speed and/or direct course would be considered if this does not compromise operational safety or damage the deployed equipment. This would be done if operationally practicable while minimizing the effect on the planned science objectives. For marine seismic surveys towing large streamer arrays, course alterations are not typically implemented due to the vessel's limited maneuverability. However, the *Palmer* would be towing a relatively short hydrophone streamer, so its maneuverability during operations with the hydrophone streamer would not be limited as vessels towing long streamers, thus increasing the potential to implement course alterations, if necessary. After any such speed and/or course alteration is begun, the marine mammal activities and movements relative to the seismic vessel would be closely monitored to ensure that the marine mammal does not approach within the exclusion zone. If the marine mammal appears likely to enter the exclusion zone, further mitigation actions would be taken, including further speed and/or course alterations, and/or shut-down of the airgun(s). Typically, during seismic operations, the source vessel is unable to change speed or course, and one or more alternative mitigation measures would need to be implemented.

Shut-down Procedures—If a marine mammal is detected outside the exclusion zone for the airgun(s) and the vessel's speed and/or course cannot be changed to avoid having the animal enter the exclusion zone, NSF and ASC would shut-down the operating airgun(s) before the animal is within the exclusion zone. Likewise, if a marine mammal is already within the exclusion zone when first detected, the seismic source would be shut-down immediately.

Following a shut-down, NSF and ASC would not resume airgun activity until the marine mammal has cleared the exclusion zone. NSF and ASC would consider the animal to have cleared the exclusion zone if:

- A PSO has visually observed the animal leave the exclusion zone, or
- A PSO has not sighted the animal within the exclusion zone for 15 minutes for species with shorter dive durations (i.e., small odontocetes and pinnipeds), or 30 minutes for species with longer dive durations (i.e., mysticetes and large odontocetes, including sperm, killer, and beaked whales).

Although power-down procedures are often standard operating practice for seismic surveys, they are not proposed to be used during this planned low-energy seismic survey because powering-down from two airguns to one airgun would make only a small difference in the exclusion zone(s) that probably would not be enough to allow continued one-airgun operations if a marine mammal came within the exclusion zone for two airguns.

Ramp-up Procedures—Ramp-up of an airgun array provides a gradual increase in sound levels, and involves a step-wise increase in the number and total volume of airguns firing until the full volume of the airgun array is achieved. The purpose of a ramp-up is to ''warn'' marine mammals in the vicinity of the airguns and to provide the time for them to leave the area, avoiding any potential injury or impairment of their hearing abilities. NSF and ASC would follow a ramp-up procedure when the airgun array begins operating after a specified period without airgun operations or when a shut-down has exceeded that period. NSF and ASC propose that, for the present cruise, this period would be approximately 15 minutes. SIO, L–DEO, and USGS have used similar periods (approximately 15 minutes) during previous low-energy seismic surveys.

Ramp-up would begin with a single GI airgun (105 in^3). The second GI airgun (105 in^3) would be added after 5 minutes. During ramp-up, the PSOs would monitor the exclusion zone, and if marine mammals are sighted, a shut-down would be implemented as though both GI airguns were operational.

If the complete exclusion zone has not been visible for at least 30 minutes prior to the start of operations in either daylight or nighttime, NSF and ASC would not commence the ramp-up. Given these provisions, it is likely that the airgun array would not be ramped-up from a complete shut-down during low light conditions, at night, or in thick fog, because the outer part of the exclusion zone for that array would not be visible during those conditions. If one airgun has been operating, ramp-up to full power would be permissible during low light, at night, or in poor visibility, on the assumption that marine mammals would be alerted to the approaching seismic vessel by the sounds from the single airgun and could move away if they choose. NSF and ASC would not initiate a ramp-up of the airguns if a marine mammal is sighted within or near the applicable exclusion zones.

Proposed Mitigation Conclusions

NMFS has carefully evaluated the applicant's proposed mitigation measures and has considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. NMFS's evaluation of potential measures included consideration of the following factors in relation to one another:

(1) The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals;

(2) The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and

(3) The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the

accomplishment of one or more of the general goals listed below:

(1) Avoidance of minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

(2) A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to received levels of airguns, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

(3) A reduction in the number of time (total number or number at biologically important time or location) individuals would be exposed to received levels of airguns, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

(4) A reduction in the intensity of exposures (either total number or number at biologically important time or location) to received levels of airguns, or other activities, or other activities expected to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).

(5) Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

(6) For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on NMFS's evaluation of the applicant's proposed measures, as well as other measures considered by NMFS or recommended by the public, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an ITA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for IHAs must include the suggested means of accomplishing the necessary monitoring and reporting that would result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. NSF and ASC submitted a marine mammal monitoring plan as part of the IHA application. It can be found in Section 13 of the IHA application. The plan may be modified or supplemented based on comments or new information received from the public during the public comment period.

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

(1) An increase in the probability of detecting marine mammals, both within the mitigation zone (thus allowing for more effective implementation of the mitigation) and in general to generate more data to contribute to the analyses mentioned below;

(2) An increase in our understanding of how many marine mammals are likely to be exposed to levels of sound (airguns) that we associate with specific adverse effects, such as behavioral harassment, TTS, or PTS;

(3) An increase in our understanding of how marine mammals respond to stimuli expected to result in take and how anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

- Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);
- Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information); and
- Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli.

(4) An increased knowledge of the affected species; and

(5) An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

Proposed Monitoring

NSF and ASC propose to sponsor marine mammal monitoring during the proposed project, in order to implement the proposed mitigation measures that require real-time monitoring and to satisfy the anticipated monitoring requirements of the IHA. NSF and ASC's proposed ''Monitoring Plan'' is described below this section. NSF and ASC understand that this monitoring plan would be subject to review by NMFS and that refinements may be required. The monitoring work described here has been planned as a self-contained project independent of any other related monitoring projects that may be occurring simultaneously in the same regions. NSF and ASC is prepared to discuss coordination of their monitoring program with any related work that might be done by other groups insofar as this is practical and desirable.

Vessel-Based Visual Monitoring

PSOs would be based aboard the seismic source vessel and would watch for marine mammals near the vessel during icebreaking activities, daytime airgun operations and during any ramp-ups of the airguns at night. PSOs would also watch for marine mammals near the seismic vessel for at least 30 minutes prior to the start of airgun operations and after an extended shut-down (i.e., greater than approximately 15 minutes for this proposed low-energy seismic survey). When feasible, PSOs would conduct observations during daytime periods when the seismic system is not operating (such as during transits) for comparison of sighting rates and behavior with and without airgun operations and between acquisition periods. Based on PSO observations, the airguns would be shut-down when marine mammals are observed within or about to enter a designated exclusion zone. The exclusion zone is a region in which a possibility exists of adverse effects on animal hearing or other physical effects.

During seismic operations in the Ross Sea, at least three PSOs would be based aboard the *Palmer.* At least one PSO would stand watch at all times while the *Palmer* is operating airguns during the proposed low-energy seismic survey; this procedure would also be followed when the vessel is in transit and conducting icebreaking. NSF and ASC would appoint the PSOs with NMFS's concurrence. The lead PSO would be experienced with marine mammal species in the Ross Sea and/or Southern Ocean, the second and third PSOs would receive additional specialized training from the lead PSO to ensure that they can identify marine mammal species commonly found in the Ross Sea and Southern Ocean. Observations would take place during ongoing daytime operations and ramp-ups of the airguns. During the majority

of seismic operations, at least one PSO would be on duty from observation platforms (i.e., the best available vantage point on the source vessel) to monitor marine mammals near the seismic vessel. PSO(s) would be on duty in shifts no longer than 4 hours in duration. Other crew would also be instructed to assist in detecting marine mammals and implementing mitigation requirements (if practical). Before the start of the low-energy seismic survey, the crew would be given additional instruction on how to do so.

The *Palmer* is a suitable platform for marine mammal observations and would serve as the platform from which PSOs would watch for marine mammals before and during seismic operations. Two locations are likely as observation stations onboard the *Palmer.* One observing station is located on the bridge level, with the PSO eye level at approximately 16.5 m (54.1 ft) above the waterline and the PSO would have a good view around the entire vessel. In addition, there is an aloft observation tower for the PSO approximately 24.4 m (80.1 ft) above the waterline that is protected from the weather, and affords PSOs an even greater view. The approximate view around the vessel from the bridge is 270° and from the aloft observation tower is 360°.

Standard equipment for PSOs would be reticle binoculars. Night-vision equipment would not be available or necessary as there would be 24-hour daylight or nautical twilight during the cruise. The PSOs would be in communication with ship's officers on the bridge and scientists in the vessel's operations laboratory, so they can advise promptly of the need for avoidance maneuvers or seismic source shut-down. During daylight, the PSO(s) would scan the area around the vessel systematically with reticle binoculars (e.g., 7 × 50 Fujinon FMTRC–SX) and the naked eye. These binoculars would have a built-in daylight compass. Estimating distances is done primarily with the reticles in the binoculars. The PSO(s) would be in direct (radio) wireless communication with ship's officers on the bridge and scientists in the vessel's operations laboratory during seismic operations, so they can advise the vessel operator, science support personnel, and the science party promptly of the need for avoidance maneuvers or a shut-down of the seismic source. PSOs would monitor for the presence pinnipeds and cetaceans during icebreaking activities, and would be limited to those marine mammal species in proximity to the ice margin habitat. Observations within the buffer zone would also include pinnipeds that may be present on the surface of the sea ice (i.e., hauled-out) and that could potentially dive into the water as the vessel approaches, indicating disturbance from noise generated by icebreaking activities).

When a marine mammal is detected within or about to enter the designated exclusion zone, the airguns would immediately be shut-down, unless the vessel's speed and/or course can be changed to avoid having the animal enter the exclusion zone. The PSO(s) would continue to maintain watch to determine when the animal is outside the exclusion zone by visual confirmation. Airgun operations would not resume until the animal is confirmed to have left the exclusion zone, or is not observed after 15 minutes for species with shorter dive durations (small odontocetes and pinnipeds) or 30 minutes for species with longer dive durations (mysticetes and large odontocetes, including sperm, killer, and beaked whales).

PSO Data and Documentation

PSOs would record data to estimate the numbers of marine mammals exposed to various received sound levels and to document apparent disturbance reactions or lack thereof. Data would be used to estimate numbers of animals potentially ''taken'' by harassment (as defined in the MMPA). They would also provide information needed to order a shut-down of the airguns when a marine mammal is within or near the exclusion zone. Observations would also be made during icebreaking activities as well as daylight periods when the *Palmer* is underway without seismic airgun operations (i.e., transits to, from, and through the study area) to collect baseline biological data.

When a sighting is made, the following information about the sighting would be recorded:

1. Species, group size, age/size/sex categories (if determinable), behavior when first sighted and after initial sighting, heading (if consistent), bearing and distance from seismic vessel, sighting cue, apparent reaction to the seismic source or vessel (e.g., none, avoidance, approach, paralleling, etc.), and behavioral pace.

2. Time, location, heading, speed, activity of the vessel (including number of airguns operating and whether in state of ramp-up or shut-down), sea state, wind force, visibility, and sun glare.

The data listed under (2) would also be recorded at the start and end of each observation watch, and during a watch whenever there is a change in one or more of the variables.

All observations, as well as information regarding ramp-ups or shut-downs would be recorded in a standardized format. Data would be entered into an electronic database. The data accuracy would be verified by computerized data validity checks as the data are entered and by subsequent manual checking of the database by the PSOs at sea. These procedures would allow initial summaries of data to be prepared during and shortly after the field program, and would facilitate transfer of the data to statistical, graphical, and other programs for further processing and archiving.

Results from the vessel-based observations would provide the following information:

1. The basis for real-time mitigation (airgun shut-down).

2. Information needed to estimate the number of marine mammals potentially taken by harassment, which must be reported to NMFS.

3. Data on the occurrence, distribution, and activities of marine mammals in the area where the seismic study is conducted.

4. Information to compare the distance and distribution of marine mammals relative to the source vessel at times with and without airgun operations and icebreaking activities.

5. Data on the behavior and movement patterns of marine mammals seen at times with and without airgun operations and icebreaking activities.

Proposed Reporting

NSF and ASC would submit a comprehensive report to NMFS within 90 days after the end of the cruise. The report would describe the operations that were conducted and sightings of marine mammals near the operations. The report submitted to NMFS would provide full documentation of methods, results, and interpretation pertaining to all monitoring. The 90-day report would summarize the dates and locations of seismic operations and all marine mammal sightings (i.e., dates, times, locations, activities, and associated seismic survey activities). The report would include, at a minimum:

- Summaries of monitoring effort—total hours, total distances, and distribution of marine mammals through the study period accounting for Beaufort sea state and other factors affecting visibility and detectability of marine mammals;
- Analyses of the effects of various factors influencing detectability of marine mammals including Beaufort sea state, number of PSOs, and fog/glare;

• Species composition, occurrence, and distribution of marine mammals sightings including date, water depth, numbers, age/size/gender, and group sizes, and analyses of the effects of airgun operations and icebreaking activities;

• Sighting rates of marine mammals during periods with and without airgun operations and icebreaking activities (and other variables that could affect detectability);

• Initial sighting distances versus airgun operations and icebreaking activity state;

• Closest point of approach versus airgun operations and icebreaking activity state;

• Observed behaviors and types of movements versus airgun operations and icebreaking activity state;

• Numbers of sightings/individuals seen versus airgun operations and icebreaking activity state; and

• Distribution around the source vessel versus airgun operations and icebreaking activity state.

The report would also include estimates of the number and nature of exposures that could result in ''takes'' of marine mammals by harassment or in other ways. NMFS would review the draft report and provide any comments it may have, and NSF and ASC would incorporate NMFS's comments and prepare a final report. After the report is considered final, it would be publicly available on the NMFS Web site at: *http://www.nmfs.noaa.gov/pr/permits/incidental/.*

Reporting Prohibited Take—In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by this IHA, such as an injury (Level A harassment), serious injury or mortality (e.g., ship-strike, gear interaction, and/or entanglement), NSF and ASC would immediately cease the specified activities and immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *Howard.Goldstein@noaa.gov.* The report must include the following information:

• Time, date, and location (latitude/longitude) of the incident;

• Name and type of vessel involved;

• Vessel's speed during and leading up to the incident;

• Description of the incident;

• Status of all sound source use in the 24 hours preceding the incident;

• Water depth;

• Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);

• Description of all marine mammal observations in the 24 hours preceding the incident;

• Species identification or description of the animal(s) involved;

• Fate of the animal(s); and

• Photographs or video footage of the animal(s) (if equipment is available).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with NSF and ASC to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. NSF and ASC may not resume their activities until notified by NMFS via letter or email, or telephone.

Reporting an Injured or Dead Marine Mammal with an Unknown Cause of Death—In the event that NSF and ASC discover an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition), NSF and ASC shall immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401, and/or by email to *Jolie.Harrison@noaa.gov* and *Howard.Goldstein@noaa.gov.* The report must include the same information identified in the paragraph above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS shall work with NSF and ASC to determine whether modifications in the activities are appropriate.

Reporting an Injured or Dead Marine Mammal Not Related to the Activities—In the event that NSF and ASC discover an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA (e.g., previously wounded animal, carcass with moderate or advanced decomposition, or scavenger damage), NSF and ASC shall report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401, and/or by email to *Jolie.Harrison@noaa.gov* and *Howard.Goldstein@noaa.gov,* within 24 hours of discovery. NSF and ASC shall provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS. Activities may continue while NMFS reviews the circumstances of the incident.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

TABLE 5—NMFS'S CURRENT UNDERWATER ACOUSTIC EXPOSURE CRITERIA

Impulsive (non-explosive) sound		
Criterion	Criterion definition	Threshold
Level A harassment (injury)	Permanent threshold shift (PTS) (Any level above that which is known to cause TTS).	180 dB re 1 μPa-m (root means square [rms]) (cetaceans). 190 dB re 1 μPa-m (rms) (pinnipeds).
Level B harassment	Behavioral disruption (for impulsive noise)	160 dB re 1 μPa-m (rms).
Level B harassment	Behavioral disruption (for continuous noise)	120 dB re 1 μPa-m (rms).

Level B harassment is anticipated and proposed to be authorized as a result of the proposed low-energy seismic survey in the Ross Sea. Acoustic stimuli (i.e., increased underwater sound) generated during the operation of the seismic airgun array and icebreaking activities are expected to result in the behavioral disturbance of some marine mammals. There is no evidence that the planned activities for which NSF and ASC seek the IHA could result in injury, serious injury, or mortality. The required mitigation and monitoring measures

would minimize any potential risk for injury, serious injury, or mortality.

The following sections describe NSF and ASC's methods to estimate take by incidental harassment and present the applicant's estimates of the numbers of marine mammals that could be affected during the proposed low-energy seismic survey in the Ross Sea. The estimates are based on a consideration of the number of marine mammals that could be harassed during the approximately 200 hours and 1,750 km of seismic airgun operations with the two GI airgun array to be used and 500 km of icebreaking activities.

During simultaneous operations of the airgun array and the other sound sources, any marine mammals close enough to be affected by the single and multi-beam echosounders, ADCP, or sub-bottom profiler would already be affected by the airguns. During times when the airguns are not operating, it is unlikely that marine mammals would exhibit more than minor, short-term responses to the echosounders, ADCPs, and sub-bottom profiler given their characteristics (e.g., narrow, downward-directed beam) and other considerations described previously. Therefore, for this activity, take was not authorized specifically for these sound sources beyond that which is already proposed to be authorized for airguns and icebreaking activities.

There are no stock assessments and very limited population information available for marine mammals in the Ross Sea. Published estimates of marine mammal densities are limited for the proposed low-energy seismic survey's action area. Available density estimates (using number of animals per km^2) from the Naval Marine Species Density Database (NMSDD) (NAVFAC, 2012) were used for one mysticete and one odontocete (i.e., sei whale and Arnoux's beaked whale). Densities for minke (including the dwarf sub-species) whales were unavailable and the densities for Antarctic minke whales were used as proxies, respectively.

For other mysticetes and odontocetes, reported sightings data from one previous research survey (i.e., International Whaling Commission Southern Ocean Whale and Ecosystem Research [IWC SOWER]) in the Ross Sea and vicinity were used to identify species that may be present in the proposed action area and to estimate densities. Available sightings data from the 2002 to 2003 IWC SOWER Circumpolar Cruise, Area V (Ensor *et al.,* 2003) were used to estimate densities for five mysticetes (i.e., humpback, Antarctic minke, minke, fin, and blue whale) and six odontocetes (i.e., sperm, southern bottlenose, strap-toothed beaked, killer, long-finned pilot whale and hourglass dolphin). Densities of pinnipeds (i.e., crabeater, leopard, Ross, Weddell, and southern elephant seal) were estimated using data from two surveys (NZAI, 2001; Pinkerton and Bradford-Grieve, n.d.) and dividing the estimated population of animals by the area of the Ross Sea (approximately 300,000 km^2 [87,466 nmi^2]). While these surveys were not specifically designed to quantify marine mammal densities, there was sufficient information to develop density estimates.

The densities used for purposes of estimating potential take do not take into account the patchy distributions of marine mammals in an ecosystem, at least on the moderate to fine scales over which they are known to occur. Instead, animals are considered evenly distributed throughout the assessed study area and seasonal movement patterns are not taken into account as none are available.

Some marine mammals that were present in the area during these surveys may not have been observed. Southwell *et al.* (2008) suggested a 20 to 40% sighting factor for pinnipeds, and the most conservative value from Southwell *et al.* (2008) was applied for cetaceans. Therefore, the estimated frequency of sightings data in this proposed IHA for cetaceans incorporates a correction factor of 5, which assumes only 20% of the animals present were reported due to sea and other environmental conditions that may have hindered observation, and therefore, there were 5 times more cetaceans actually present. The correction factor (20%) was intended to conservatively account for unobserved (i.e., not sighted and reported) animals.

The pinnipeds that may be present in the study area during the proposed action and are expected to be observed occur mostly near pack ice, coastal areas, and rocky habitats on the shelf, and are not prevalent in open sea areas where the low-energy seismic survey would be conducted. Because density estimates for pinnipeds in the sub-Antarctic and Antarctic regions typically represent individuals that have hauled-out of the water, those estimates are not necessarily representative of individuals that are in the water and could be potentially exposed to underwater sounds during the seismic airgun operations and icebreaking activities; therefore, the pinniped densities have been adjusted downward to account for this consideration. Take was not requested for Antarctic and Subantarctic seals because preferred habitat for these species is not within the proposed action area. Although there is some uncertainty about the representativeness of the data and the assumptions used in the calculations below, the approach used here is believed to be the best available approach, using the best available science.

TABLE 6—ESTIMATED DENSITIES AND POSSIBLE NUMBER OF MARINE MAMMAL SPECIES THAT MIGHT BE EXPOSED TO GREATER THAN OR EQUAL TO 160 dB (AIRGUN OPERATIONS) AND 120 dB (ICEBREAKING) DURING NSF AND ASC'S PROPOSED LOW-ENERGY SEISMIC SURVEY (APPROXIMATELY 500 km OF TRACKLINES/APPROXIMATELY 21,540 km^2 ENSONIFIED AREA FOR ICEBREAKING ACTIVITIES AND APPROXIMATELY 1,750 km OF TRACKLINES/APPROXIMATELY 3,882 km^2 [1.109 km × 2 × 1,750 km] ENSONIFIED AREA FOR AIRGUN OPERATIONS) IN THE ROSS SEA, JANUARY TO FEBRUARY 2015

Species	Density (number of animals/km^2) [1]	Calculated take from seismic airgun operations (i.e., estimated number of individuals exposed to sound levels ≥ 160 dB re 1 μPa) [2]	Calculated take from icebreaking operations (i.e., estimated number of individuals exposed to sound levels ≥ 120 dB re 1 μPa) [2]	Total requested take authorization	Abundance [3]	Approximate percentage of population estimate (requested take) [4]	Population trend [5]
Mysticetes:							
Southern right whale ..	NA	0	0	0	8,000 to 15,000	NA	Increasing at 7 to 8% per year.

TABLE 6—ESTIMATED DENSITIES AND POSSIBLE NUMBER OF MARINE MAMMAL SPECIES THAT MIGHT BE EXPOSED TO GREATER THAN OR EQUAL TO 160 dB (AIRGUN OPERATIONS) AND 120 dB (ICEBREAKING) DURING NSF AND ASC'S PROPOSED LOW-ENERGY SEISMIC SURVEY (APPROXIMATELY 500 km OF TRACKLINES/APPROXIMATELY 21,540 km^2 ENSONIFIED AREA FOR ICEBREAKING ACTIVITIES AND APPROXIMATELY 1,750 km OF TRACKLINES/APPROXIMATELY 3,882 km^2 [1.109 km × 2 × 1,750 km] ENSONIFIED AREA FOR AIRGUN OPERATIONS) IN THE ROSS SEA, JANUARY TO FEBRUARY 2015—Continued

Species	Density (number of animals/km^2) [1]	Calculated take from seismic airgun operations (i.e., estimated number of individuals exposed to sound levels ≥ 160 dB re 1 μPa) [2]	Calculated take from icebreaking operations (i.e., estimated number of individuals exposed to sound levels ≥ 120 dB re 1 μPa) [2]	Total requested take authorization	Abundance [3]	Approximate percentage of population estimate (requested take) [4]	Population trend [5]
Humpback whale	0.0321169	125	692	817	35,000 to 40,000—Worldwide. 9,484—Scotia Sea and Antarctica Peninsula.	0.03—Worldwide 9.88—Scotia Sea and Antarctic Peninsula.	Increasing.
Antarctic minke whale	0.0845595	329	1,822	2,151	Several 100,000—Worldwide. 18,125—Scotia Sea and Antarctica Peninsula.	11.87—Scotia Sea and Antarctica Peninsula.	Stable.
Minke whale (including dwarf minke whale sub-species).	0.08455	329	1,822	2,151	NA	NA	NA.
Sei whale	0.0046340	18	100	118	80,000—Worldwide	0.15	NA.
Fin whale	0.0306570	120	661	781	140,000—Worldwide 4,672—Scotia Sea and Antarctica Peninsula.	0.56—Worldwide 16.72—Scotia Sea and Antarctica Peninsula.	NA.
Blue whale	0.0065132	26	141	167	8,000 to 9,000—Worldwide. 1,700—Southern Ocean.	2.09—Worldwide 9.82—Southern Ocean.	NA.
Odontocetes:							
Sperm whale	0.0098821	39	213	252	360,000—Worldwide 9,500—Antarctic	0.07—Worldwide 2.65—Antarctic	NA.
Arnoux's beaked whale.	0.0134420	53	290	343	NA	NA	NA.
Strap-toothed beaked whale.	0.0044919	18	97	115	NA	NA	NA.
Southern bottlenose whale.	0.0117912	46	254	300	50,000—South of Antarctic Convergence.	0.6	NA.
Killer whale	0.0208872	82	450	532	80,000—South of Antarctic Convergence. 25,000—Southern Ocean.	0.67—South of Antarctic Convergence. 2.13—Southern Ocean.	NA.
Long-finned pilot whale.	0.0399777	156	862	1,018	200,000—South of Antarctic Convergence.	0.51	NA.
Hourglass dolphin	0.0189782	74	409	483	144,000—South of Antarctic Convergence.	0.34	NA.
Pinnipeds:							
Crabeater seal	0.6800000	2,640	14,648	17,288	5,000,000 to 15,000,000—Worldwide.	0.35	Increasing.
Leopard seal	0.0266700	104	575	679	220,000 to 440,000—Worldwide.	0.31	NA.
Ross seal	0.0166700	65	360	425	130,000 20,000 to 220,000—Worldwide.	2.13	NA.
Weddell seal	0.1066700	415	2,298	2,713	500,000 to 1,000,000—Worldwide.	0.54	NA.
Southern elephant seal.	0.0001300	1	3	4	640,000 to 650,000—Worldwide;. 470,000—South Georgia Island.	<0.01—Worldwide or South Georgia Island.	Increasing, decreasing, or stable depending on breeding population.

NA = Not available or not assessed.

[1] Densities based on sightings from IWC SOWER Report 2002, NMSDD, or State of the Ross Sea Region (NZAI, 2001) data.

[2] Calculated take is estimated density (reported density times correction factor) multiplied by the area ensonified to 160 dB (rms) around the planned seismic lines, increased by 25% for contingency.

[3] Calculated take is estimated density (reported density times correction factor) multiplied by the area ensonified to 120 dB (rms) around the planned transit lines where icebreaking activities may occur.

[3] See population estimates for marine mammal species in Table 4 (above).

[4] Total requested authorized takes expressed as percentages of the species or regional populations.

[5] Jefferson *et al.* (2008).

Icebreaking in Antarctic waters would occur, as necessary, between the latitudes of approximately 76 to 78° South and between 165 and 170° West. Based on a historical sea ice extent and the proposed tracklines, it is estimated that the *Palmer* would actively break ice up to a distance of 500 km. Based on the ship's speed of 5 kts under moderate ice conditions, this distance represents approximately 54 hours of icebreaking activities. This calculation is likely an overestimation because icebreakers often follow leads when they are available and thus do not break ice at all times. The estimated number of takes for pinnipeds accounts for both animals that may be in the water and those hauled-out on ice surfaces. While the number of cetaceans that may be encountered within the ice margin habitat would be expected to be less than open water, the estimates utilize densities for open water and therefore represent conservative estimates.

Numbers of marine mammals that might be present and potentially disturbed are estimated based on the available data about marine mammal distribution and densities in the proposed Ross Sea study area. NSF and ASC estimated the number of different individuals that may be exposed to airgun sounds with received levels greater than or equal to 160 dB re 1 μPa (rms) for seismic airgun operations and greater than or equal to 120 dB re 1 μPa (rms) for icebreaking activities on one or more occasions by considering the total marine area that would be within the 160 dB radius around the operating airgun array and 120 dB radius for icebreaking activities on at least one occasion and the expected density of marine mammals in the area (in the absence of the a seismic survey and icebreaking activities). The number of possible exposures can be estimated by considering the total marine area that would be within the 160 dB radius (the diameter is 1,109 m multiplied by 2) around the operating airguns. The ensonified area for icebreaking was estimated by multiplying the distance of the icebreaking activities (500 km) by the estimated diameter for the area within the 120 dB radius (i.e., diameter is 43.08 km [21.54 km × 2]). The 160 dB radii are based on acoustic modeling data for the airguns that may be used during the proposed action (see Attachment B of the IHA application). As summarized in Table 2 (see above and Table 8 of the IHA application), the modeling results for the proposed low-energy seismic airgun array indicate the received levels are dependent on water depth. Since the majority of the proposed airgun operations would be conducted in waters 100 to 1,000 m deep, the buffer zone of 1,109 m for the two 105 in^3 GI airguns was used.

The number of different individuals potentially exposed to received levels greater than or equal to 160 dB re 1 μPa (rms) from seismic airgun operations and 120 dB re 1 μPa (rms) for icebreaking activities was calculated by multiplying:

(1) The expected species density (in number/km^2), times

(2) The anticipated area to be ensonified to that level during airgun operations and icebreaking activities.

Applying the approach described above, approximately 3,882 km^2 (including the 25% contingency) would be ensonified within the 160 dB isopleth for seismic airgun operations and approximately 21,540 km^2 would be ensonified within the 120 dB isopleth for icebreaking activities on one or more occasions during the proposed low-energy seismic survey. The take calculations within the study sites do not explicitly add animals to account for the fact that new animals (i.e., turnover) not accounted for in the initial density snapshot could also approach and enter the area ensonified above 160 dB for seismic airgun operations and 120 dB for icebreaking activities. However, studies suggest that many marine mammals would avoid exposing themselves to sounds at this level, which suggests that there would not necessarily be a large number of new animals entering the area once the seismic survey and icebreaking activities started. Because this approach for calculating take estimates does not account for turnover in the marine mammal populations in the area during the course of the proposed low-energy seismic survey, the actual number of individuals exposed may be underestimated. However, any underestimation is likely offset by the conservative (i.e., probably overestimated) line-kilometer distances (including the 25% contingency) used to calculate the survey area, and the fact the approach assumes that no cetaceans or pinnipeds would move away or toward the tracklines as the *Palmer* approaches in response to increasing sound levels before the levels reach 160 dB for seismic airgun operations and 120 dB for icebreaking activities, which is likely to occur and which would decrease the density of marine mammals in the survey area. Another way of interpreting the estimates in Table 6 is that they represent the number of individuals that would be expected (in absence of a seismic and icebreaking program) to occur in the waters that would be exposed to greater than or equal to 160 dB (rms) for seismic airgun operations and greater than or equal to 120 dB (rms) for icebreaking activities.

NSF and ASC's estimates of exposures to various sound levels assume that the proposed seismic survey would be carried out in full; however, the ensonified areas calculated using the planned number of line-kilometers has been increased by 25% to accommodate lines that may need to be repeated, equipment testing, etc. As is typical during offshore ship surveys, inclement weather and equipment malfunctions would be likely to cause delays and may limit the number of useful line-kilometers of seismic operations that can be undertaken. The estimates of the numbers of marine mammals potentially exposed to 160 dB (rms) received levels are precautionary and probably overestimate the actual numbers of marine mammals that could be involved. These estimates assume that there would be no weather, equipment, or mitigation delays that limit the seismic operations, which is highly unlikely.

Table 6 shows the estimates of the number of different individual marine mammals anticipated to be exposed to greater than or equal to 120 dB re 1 μPa (rms) for icebreaking activities and greater than or equal to 160 dB re 1 μPa (rms) for seismic airgun operations during the low-energy seismic survey if no animals moved away from the survey vessel. The total requested take authorization is given in the column that is fifth from the left) of Table 6.

Encouraging and Coordinating Research

NSF and ASC would coordinate the planned marine mammal monitoring program associated with the proposed low-energy seismic survey with other parties that express interest in this activity and area. NSF and ASC would coordinate with applicable U.S. agencies (e.g., NMFS), and would comply with their requirements. The proposed action would complement fieldwork studying other Antarctic ice shelves, oceanographic studies, and ongoing development of ice sheet and

other ocean models. It would facilitate learning at sea and ashore by students, help to fill important spatial and temporal gaps in a lightly sampled region of the Ross Sea, provide additional data on marine mammals present in the Ross Sea study areas, and communicate its findings concerning the chronology and cause of eastern Ross Sea grounding-line translations during the last glacial cycle via reports, publications, and public outreach.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

Section 101(a)(5)(D) of the MMPA also requires NMFS to determine that the authorization would not have an unmitigable adverse effect on the availability of marine mammal species or stocks for subsistence use. There are no relevant subsistence uses of marine mammals implicated by this action (in the Ross Sea study area). Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Analysis and Preliminary Determinations

Negligible Impact

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (i.e., population-level effects). An estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.) and the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, effects on habitat, and the status of the species.

In making a negligible impact determination, NMFS evaluated factors such as:

(1) The number of anticipated serious injuries and or mortalities;

(2) The number and nature of anticipated injuries;

(3) The number, nature, intensity, and duration of takes by Level B harassment (all of which are relatively limited in this case);

(4) The context in which the takes occur (e.g., impacts to areas of significance, impacts to local populations, and cumulative impacts when taking into account successive/contemporaneous actions when added to baseline data);

(5) The status of stock or species of marine mammals (i.e., depleted, not depleted, decreasing, increasing, stable, impact relative to the size of the population);

(6) Impacts on habitat affecting rates of recruitment/survival; and

(7) The effectiveness of monitoring and mitigation measures.

NMFS has preliminarily determined that the specified activities associated with the marine seismic survey are not likely to cause PTS, or other non-auditory injury, serious injury, or death, based on the analysis above and the following factors:

(1) The likelihood that, given sufficient notice through relatively slow ship speed, marine mammals are expected to move away from a noise source that is annoying prior to its becoming potentially injurious;

(2) The availability of alternate areas of similar habitat value for marine mammals to temporarily vacate the survey area during the operation of the airgun(s) to avoid acoustic harassment;

(3) The potential for temporary or permanent hearing impairment is relatively low and would likely be avoided through the implementation of the required monitoring and mitigation measures (including shut-down measures); and

(4) The likelihood that marine mammal detection ability by trained PSOs is high at close proximity to the vessel.

No injuries, serious injuries, or mortalities are anticipated to occur as a result of the NSF and ASC's planned low-energy seismic survey, and none are proposed to be authorized by NMFS. Table 6 of this document outlines the number of requested Level B harassment takes that are anticipated as a result of these activities. Due to the nature, degree, and context of Level B (behavioral) harassment anticipated and described in this notice (see ''Potential Effects on Marine Mammals'' section above), the activity is not expected to impact rates of annual recruitment or survival for any affected species or stock, particularly given NMFS's and the applicant's proposed mitigation, monitoring, and reporting measures to minimize impacts to marine mammals. Additionally, the low-energy seismic survey would not adversely impact marine mammal habitat.

For the marine mammal species that may occur within the proposed action area, there are no known designated or important feeding and/or reproductive areas. Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (i.e., 24 hr cycle). Behavioral reactions to noise exposure (such as disruption of critical life functions, displacement, or avoidance of important habitat) are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.*, 2007). While airgun operations are anticipated to occur on consecutive days, the estimated duration of the survey would not last more than a total of approximately 27 operational days. Additionally, the low-energy seismic survey would be increasing sound levels in the marine environment in a relatively small area surrounding the vessel (compared to the range of the animals), which is constantly travelling over distances, so individual animals likely would only be exposed to and harassed by sound for less than a day.

As mentioned previously, NMFS estimates that 18 species of marine mammals under its jurisdiction could be potentially affected by Level B harassment over the course of the IHA. The population estimates for the marine mammal species that may be taken by Level B harassment were provided in Table 4 and 6 of this document. As shown in those tables, the proposed takes all represent small proportions of the overall populations of these marine mammal species (i.e., all are less than or equal to 16%).

Of the 18 marine mammal species under NMFS jurisdiction that may or are known to likely occur in the study area, six are listed as threatened or endangered under the ESA: Southern right, humpback, sei, fin, blue, and sperm whales. These species are also considered depleted under the MMPA. None of the other marine mammal species that may be taken are listed as depleted under the MMPA. Of the ESA-listed species, incidental take has been requested to be authorized for five species. No incidental take has been requested for the southern right whale as they are generally not expected in the proposed action area; however, a few animals have been sighted in Antarctic waters in the austral summer. To protect these marine mammals in the study area, NSF and ASC would be required to cease airgun operations if any marine

mammal enters designated exclusion zones. No injury, serious injury, or mortality is expected to occur for any of these species, and due to the nature, degree, and context of the Level B harassment anticipated, and the activity is not expected to impact rates of recruitment or survival for any of these species.

NMFS's practice has been to apply the 160 dB re 1 μPa (rms) received level threshold for underwater impulse sound levels to determine whether take by Level B harassment occurs. NMFS has preliminarily determined that, provided that the aforementioned mitigation and monitoring measures are implemented, the impact of conducting a low-energy marine seismic survey in the Ross Sea, January to February 2015, may result, at worst, in a modification in behavior and/or low-level physiological effects (Level B harassment) of certain species of marine mammals.

While behavioral modifications, including temporarily vacating the area during the operation of the airgun(s), may be made by these species to avoid the resultant acoustic disturbance, the availability of alternate areas for species to move to and the short and sporadic duration of the research activities, have led NMFS to preliminary determine that the taking by Level B harassment from the specified activity would have a negligible impact on the affected species in the specified geographic region. Due to the nature, degree, and context of Level B (behavioral) harassment anticipated and described (see ''Potential Effects on Marine Mammals'' section above) in this notice, the proposed activity is not expected to impact rates of annual recruitment or survival for any affected species or stock, particularly given the NMFS and applicant's proposal to implement mitigation and monitoring measures would minimize impacts to marine mammals. Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from NSF and ASC's proposed low-energy seismic survey would have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

As mentioned previously, NMFS estimates that 18 species of marine mammals under its jurisdiction could be potentially affected by Level B harassment over the course of the IHA. The population estimates for the marine mammal species that may be taken by Level B harassment were provided in Tables 4 and 6 of this document.

The estimated numbers of individual cetaceans and pinnipeds that could be exposed to seismic sounds with received levels greater than or equal to 160 dB re 1 μPa (rms) during the proposed low-energy seismic survey (including a 25% contingency) and greater than or equal to 120 dB re 1 μPa (rms) for icebreaking activities are in Table 6 of this document. Of the cetaceans, 937 humpback, 2,151 Antarctic minke, 2,151 minke, 118 sei, 781 fin, 167 blue, and 252 sperm whales could be taken be Level B harassment during the proposed low-energy seismic survey, which would represent 9.88, 11.87, unknown, 0.15, 16.72, 9.82, and 2.65% of the affected worldwide or regional populations, respectively. In addition, 343 Arnoux's beaked, 115 strap-toothed beaked, and 300 southern bottlenose whales could be taken be Level B harassment during the proposed low-energy seismic survey, which would represent unknown, unknown, and 0.6% of the affected worldwide or regional populations, respectively. Of the delphinids, 532 killer whales, 1,018 long-finned pilot whales, and 483 hourglass dolphins could be taken be Level B harassment during the proposed low-energy seismic survey, which would represent 2.13, 0.51, and 0.34 of the affected worldwide or regional populations, respectively. Of the pinnipeds, 17,288 crabeater, 679 leopard, 425 Ross, 2,713 Weddell, and 4 southern elephant seals could be taken by Level B harassment during the proposed low-energy seismic survey, which would represent 0.35, 0.31, 2.13, 0.54, and <0.01 of the affected worldwide or regional population, respectively.

No known current worldwide or regional population estimates are available for 3 species under NMFS's jurisdiction that could potentially be affected by Level B harassment over the course of the IHA. These species include the minke, Arnoux's beaked, and strap-toothed beaked whales. Minke whales occur throughout the North Pacific Ocean and North Atlantic Ocean and the dwarf sub-species occurs in the Southern Hemisphere (Jefferson *et al.*, 2008). Arnoux's beaked whales have a vast circumpolar distribution in the deep, cold waters of the Southern Hemisphere generally southerly from 34° South. Strap-toothed beaked whales are generally found in deep temperate waters (between 35 to 60° South) of the Southern Hemisphere (Jefferson *et al.*, 2008). Based on these distributions and preferences of these species, NMFS concludes that the requested take of these species likely represent small numbers relative to the affected species' overall population sizes.

NMFS makes its small numbers determination based on the number of marine mammals that would be taken relative to the populations of the affected species or stocks. The requested take estimates all represent small numbers relative to the affected species or stock size (i.e., all are less than or equal to 16%), with the exception of the three species (i.e., minke, Arnoux's beaked, and strap-toothed beaked whales) for which a qualitative rationale was provided. Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS preliminary finds that small numbers of marine mammals would be taken relative to the populations of the affected species or stocks. See Table 6 for the requested authorized take numbers of marine mammals.

Endangered Species Act

Of the species of marine mammals that may occur in the proposed survey area, six are listed as endangered under the ESA: The southern right, humpback, sei, fin, blue, and sperm whales. Under section 7 of the ESA, NSF, on behalf of ASC and one other research institution, has initiated formal consultation with the NMFS, Office of Protected Resources, Endangered Species Act Interagency Cooperation Division, on this proposed low-energy seismic survey. NMFS's Office of Protected Resources, Permits and Conservation Division, has initiated formal consultation under section 7 of the ESA with NMFS's Office of Protected Resources, Endangered Species Act Interagency Cooperation Division, to obtain a Biological Opinion evaluating the effects of issuing the IHA on threatened and endangered marine mammals and, if appropriate, authorizing incidental take. NMFS would conclude formal section 7 consultation prior to making a determination on whether or not to issue the IHA. If the IHA is issued, in addition to the mitigation and monitoring requirements included in the IHA, NSF and ASC would be required to comply with the Terms and Conditions of the Incidental Take Statement corresponding to NMFS's Biological Opinion issued to both NSF and ASC, and NMFS's Office of Protected Resources.

National Environmental Policy Act

With NSF and ASC's complete application, NSF and ASC provided NMFS a ''Draft Initial Environmental Evaluation/Environmental Assessment to Perform Marine Geophysical Survey, Collect Bathymetric Measurements, and Conduct Sediment Coring by the RVIB *Nathaniel B. Palmer* in the Ross Sea,'' (IEE/EA), prepared by AECOM on behalf of NSF and ASC. The IEE/EA analyzes the direct, indirect, and cumulative environmental impacts of the proposed specified activities on marine mammals, including those listed as threatened or endangered under the ESA. NMFS, after independently reviewing and evaluating the document for sufficiency and compliance with Council on Environmental Quality (CEQ) NEPA regulations and NOAA Administrative Order 216–6 § 5.09(d), will conduct a separate NEPA analysis and has prepared a ''Draft Environmental Assessment on the Issuance of an Incidental Harassment Authorization to the National Science Foundation and Antarctic Support Contract to Take Marine Mammals by Harassment Incidental to a Low-Energy Marine Geophysical Survey in the Ross Sea, January to April 2015,'' and decide whether to sign a Finding of No Significant Impact (FONSI), prior to making a determination on the issuance of the IHA.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to NSF and ASC for conducting the low-energy seismic survey in the Ross Sea, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued). The proposed IHA language is provided below:

The NMFS hereby authorizes the National Science Foundation, Division of Polar Programs, 4201 Wilson Boulevard, Arlington, Virginia 22230 and Antarctic Support Contract, 7400 South Tucson Way, Centennial, Colorado 80112, under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1371(a)(5)(D)), to harass small numbers of marine mammals incidental to a low-energy marine geophysical (seismic) survey conducted by the RVIB *Nathaniel B. Palmer* (*Palmer*) in the Ross Sea, January to February 2015:

1. *Effective Dates*

This Authorization is valid from January 24, 2015 through April 9, 2015.

2. *Specified Geographic Region*

This Authorization is valid only for NSF and ASC's activities associated with low-energy seismic survey, bathymetric profile, and core sampling operations as well as icebreaking activities conducted aboard the *Palmer* that shall occur in the following specified geographic area:

(a) In selected regions of the Ross Sea (located north of the Ross Ice Shelf) in International Waters with a focus on the Whales Deep Basin trough (encompassing the region between 76 and 78° South, and between 165 and 170° West). Water depths in the survey area are expected to be 100 to 1,000 m. No airgun operations would occur in shallow (less than 100 m) water depths. The low-energy seismic survey would be conducted in International Waters (i.e., high seas), as specified in NSF and ASC's IHA application and the associated NSF and ASC Initial Environmental Evaluation/ Environmental Assessment (IEE/EA).

3. *Species Authorized and Level of Takes*

(a) The incidental taking of marine mammals, by Level B harassment only, is limited to the following species in the waters of the Ross Sea:

(i) *Mysticetes*—see Table 6 (above) for authorized species and take numbers.

(ii) *Odontocetes*—see Table 6 (above) for authorized species and take numbers.

(iii) *Pinnipeds*—see Table 6 (above) for authorized species and take numbers.

(iv) If any marine mammal species are encountered during seismic activities that are not listed in Table 6 (above) for authorized taking and are likely to be exposed to sound pressure levels (SPLs) greater than or equal to 160 dB re 1 μPa (rms) for seismic airgun operations or greater than or equal to120 dB re 1 μPa (rms) for icebreaking activities, then the NSF and ASC must alter speed or course or shut-down the airguns to prevent take.

(b) The taking by injury (Level A harassment), serious injury, or death of any of the species listed in Condition 3(a) above or the taking of any kind of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this Authorization.

4. The methods authorized for taking by Level B harassment are limited to the following acoustic sources, without an amendment to this Authorization:

(a) A two Generator Injector (GI) airgun array (each with a discharge volume of 105 cubic inches [in^3]) with a total volume of 210 in^3 (or smaller); and

(b) Icebreaking.

5. *Prohibited Take*

The taking of any marine mammal in a manner prohibited under this Authorization must be reported immediately to the Office of Protected Resources, National Marine Fisheries Service (NMFS), at 301–427–8401.

6. *Mitigation and Monitoring Requirements*

The NSF and ASC are required to implement the following mitigation and monitoring requirements when conducting the specified activities to achieve the least practicable impact on affected marine mammal species or stocks:

Protected Species Observers and Visual Monitoring

(a) Utilize at least one NMFS-qualified, vessel-based Protected Species Observer (PSO) to visually watch for and monitor marine mammals near the seismic source vessel during daylight airgun operations (from nautical twilight-dawn to nautical twilight-dusk) and before and during ramp-ups of airguns day or night. Three PSOs shall be based onboard the vessel.

(i) The *Palmer*'s vessel crew shall also assist in detecting marine mammals, when practicable.

(ii) PSOs shall have access to reticle binoculars (7 × 50 Fujinon) equipped with a built-in daylight compass and range reticles.

(iii) PSO shifts shall last no longer than 4 hours at a time.

(iv) PSO(s) shall also make observations during daylight periods when the seismic airguns are not operating, when feasible, for comparison of animal abundance and behavior.

(v) PSO(s) shall conduct monitoring while the airgun array and streamer(s) are being deployed or recovered from the water.

(b) PSO(s) shall record the following information when a marine mammal is sighted:

(i) Species, group size, age/size/sex categories (if determinable), behavior when first sighted and after initial sighting, heading (if consistent), bearing and distance from seismic vessel, sighting cue, apparent reaction to the airguns or vessel (e.g., none, avoidance, approach, paralleling, etc., and including responses to ramp-up), and behavioral pace; and

(ii) Time, location, heading, speed, activity of the vessel (including number of airguns operating and whether in state of ramp-up or shut-down), Beaufort sea state and wind force, visibility, and sun glare; and

(iii) The data listed under Condition 6(b)(ii) shall also be recorded at the start and end of each observation watch and during a watch whenever there is a change in one or more of the variables.

Buffer and Exclusion Zones

(c) Establish a 160 dB re 1 μPa (rms) buffer zone, as well as a 180 dB re 1 μPa (rms) exclusion zone for cetaceans and a 190 dB re 1 μPa (rms) exclusion zone for pinnipeds before the two GI airgun array (210 in^3 total volume) is in operation. Establish a 120 dB re 1 μPa (rms) buffer zone for cetaceans and pinnipeds before icebreaking activities begin. See Table 2 (above) for distances and buffer and exclusion zones.

Visual Monitoring at the Start of the Airgun Operations

(d) Visually observe the entire extent of the exclusion zone (180 dB re 1 μPa [rms] for cetaceans and 190 dB re 1 μPa [rms] for pinnipeds; see Table 2 [above] for distances) using NMFS-qualified PSOs, for at least 30 minutes prior to starting the airgun array.

(i) If the PSO(s) sees a marine mammal within the exclusion zone, NSF and ASC must delay the seismic survey until the marine mammal(s) has left the area. If the PSO(s) sees a marine mammal that surfaces, then dives below the surface, the PSO(s) shall continue to observe the exclusion zone for 30 minutes, and if the PSO sees no marine mammals during that time, the PSO should assume that the animal has moved beyond the exclusion zone.

(ii) If for any reason the entire radius cannot be seen for the entire 30 minutes (i.e., rough seas, fog, darkness), or if marine mammals are near, approaching, or in the exclusion zone, the airguns may not be ramped-up. If one airgun is already running at a source level of at least 180 dB re 1 μPa (rms), NSF and ASC may start the second airgun without observing the entire exclusion zone for 30 minutes prior, provided no marine mammals are known to be near the exclusion zone (in accordance with Condition 6[e] below).

Ramp-Up Procedures

(e) Implement a ''ramp-up'' procedure, which means starting with a single GI airgun and adding a second GI airgun after five minutes, when starting up at the beginning of seismic operations or anytime after the entire array has been shut-down for more than 15 minutes. During ramp-up, the two PSOs shall monitor the exclusion zone, and if marine mammals are sighted, a shut-down shall be implemented as though the full array (both GI airguns) were operational. Therefore, initiation of ramp-up procedures from shut-down requires that the PSOs be able to view the full exclusion zone as described in Condition 6(d) (above).

Shut-Down Procedures

(f) Shut-down the airgun(s) if a marine mammal is detected within, approaches, or enters the relevant exclusion zone (as defined in Table 2, above). A shut-down means all operating airguns are shut-down (i.e., turned off).

(g) Following a shut-down, the airgun activity shall not resume until the PSO(s) has visually observed the marine mammal exiting the exclusion zone and determined it is not likely to return, or has not seen the marine mammal within the exclusion zone for 15 minutes, for species with shorter dive durations (small odontocetes and pinnipeds), or 30 minutes for species with longer dive durations (mysticetes and large odontocetes, including sperm, killer, and beaked whales).

(h) Following a shut-down and subsequent animal departure, airgun operations may resume, following the ramp-up procedures described in Condition 6(e).

Speed or Course Alteration

(i) Alter speed or course during seismic operations if a marine mammal, based on its position and relative motion, appears likely to enter the relevant exclusion zone. If speed or course alteration is not safe or practicable, or if after alteration the marine mammal still appears likely to enter the exclusion zone, further mitigation measures, such as a shut-down, shall be taken.

Survey Operations During Low-Light Hours

(j) Marine seismic surveying may continue into low-light hours if such segment(s) of the survey is initiated when the entire relevant exclusion zones are visible and can be effectively monitored.

(k) No initiation of airgun array operations is permitted from a shut-down position during low-light hours (such as in dense fog or heavy rain) when the entire relevant exclusion zone cannot be effectively monitored by the PSO(s) on duty.

(l) To the maximum extent practicable, schedule seismic operations (i.e., shooting airguns) during daylight hours.

7. *Reporting Requirements*

The NSF and ASC are required to:

(a) Submit a draft report on all activities and monitoring results to the Office of Protected Resources, NMFS, within 90 days of the completion of the *Palmer's* Ross Sea cruise. This report must contain and summarize the following information:

(i) Dates, times, locations, heading, speed, weather, sea conditions (including Beaufort sea state and wind force), and associated activities during all seismic operations and marine mammal sightings;

(ii) Species, number, location, distance from the vessel, and behavior of any marine mammals, as well as associated seismic activity (e.g., number of shut-downs), observed throughout all monitoring activities.

(iii) An estimate of the number (by species) of marine mammals that: (A) Are known to have been exposed to the seismic activity (based on visual observation) at received levels greater than or equal to 120 dB re 1 μPa (rms) (for icebreaking activities), greater than or equal to 160 dB re 1 μPa (rms) (for seismic airgun operations), and/or 180 dB re 1 μPa (rms) for cetaceans and 190 dB re 1 μPa (rms) for pinnipeds, with a discussion of any specific behaviors those individuals exhibited; and (B) may have been exposed (based on modeled values for the two GI airgun array) to the seismic activity at received levels greater than or equal to 120 dB re 1 μPa (rms) (for icebreaking activities), greater than or equal to 160 dB re 1 μPa (rms) (for seismic airgun operations), and/or 180 dB re 1 μPa (rms) for cetaceans and 190 dB re 1 μPa (rms) for pinnipeds, with a discussion of the nature of the probable consequences of that exposure on the individuals that have been exposed.

(iv) A description of the implementation and effectiveness of the: (A) Terms and Conditions of the Biological Opinion's Incidental Take Statement (ITS) (attached); and (B) mitigation measures of the IHA. For the Biological Opinion, the report shall confirm the implementation of each Term and Condition, as well as any conservation recommendations, and describe their effectiveness, for minimizing the adverse effects of the action on Endangered Species Act-listed marine mammals.

(b) Submit a final report to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, within 30 days after receiving comments from NMFS on the draft report. If NMFS decides that the draft report needs no comments, the draft report shall be considered to be the final report.

8. *Reporting Prohibited Take*

(a)(i) In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by this Authorization, such as an injury (Level A harassment),

serious injury or mortality (e.g., through ship-strike, gear interaction, and/or entanglement), NSF and ASC shall immediately cease the specified activities and immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *Howard.Goldstein@noaa.gov.* The report must include the following information:

(ii) Time, date, and location (latitude/longitude) of the incident; the name and type of vessel involved; the vessel's speed during and leading up to the incident; description of the incident; status of all sound source use in the 24 hours preceding the incident; water depth; environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility); description of marine mammal observations in the 24 hours preceding the incident; species identification or description of the animal(s) involved; the fate of the animal(s); and photographs or video footage of the animal (if equipment is available).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with NSF and ASC to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. NSF and ASC may not resume their activities until notified by NMFS via letter, email, or telephone.

Reporting an Injured or Dead Marine Mammal With an Unknown Cause of Death

(b) In the event that NSF and ASC discover an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition), NSF and ASC shall immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401, and/or by email to *Jolie.Harrison@noaa.gov* and *Howard.Goldstein@noaa.gov.* The report must include the same information identified in Condition 7(c)(i) above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS shall work with NSF and ASC to determine whether modifications in the activities are appropriate.

Reporting an Injured or Dead Marine Mammal Not Related to the Activities

(c) In the event that NSF and ASC discover an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in Condition 2 of this Authorization (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), NSF and ASC shall report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401, and/or by email to *Jolie.Harrison@noaa.gov* and *Howard.Goldstein@noaa.gov,* within 24 hours of the discovery. NSF and ASC shall provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS. Activities may continue while NMFS reviews the circumstances of the incident.

9. *Endangered Species Act Biological Opinion and Incidental Take Statement*

(a) NSF and ASC are required to comply with the Terms and Conditions of the ITS corresponding to NMFS's Biological Opinion issued to both NSF and ASC, and NMFS's Office of Protected Resources.

(b) A copy of this Authorization and the ITS must be in the possession of all contractors and PSO(s) operating under the authority of this Incidental Harassment Authorization.

Request for Public Comments

NMFS requests comment on our analysis, the draft authorization, and any other aspect of the notice of the proposed IHA for NSF and ASC's low-energy seismic survey. Please include with your comments any supporting data or literature citations to help inform our final decision on NSF and ASC's request for an MMPA authorization. Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: November 7, 2014.

Perry F. Gayaldo,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–26915 Filed 11–14–14; 8:45 am]

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Part III

Department of Health and Human Services

Centers for Medicare & Medicaid Services
42 CFR Part 433

Administration for Children and Families
45 CFR Parts 301, 302, 303, et al.

Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 433

[CMS–2343–P]

RIN 0938–AR92

Administration for Children and Families

45 CFR Parts 301, 302, 303, 304, 305, 307, 308, and 309

RIN 0970–AC50

Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs

AGENCY: Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF) and the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This NPRM is intended to carry out the President's directives in *Executive Order 13563: Improving Regulation and Regulatory Review*. The NPRM proposes revisions to make Child Support Enforcement program operations and enforcement procedures more flexible, more effective, and more efficient by recognizing the strength of existing state enforcement programs, advancements in technology that can enable improved collection rates, and the move toward electronic communication and document management. This NPRM proposes to improve and simplify program operations, and remove outmoded limitations to program innovations to better serve families. In addition, changes are proposed to clarify and correct technical provisions in existing regulations.

DATES: Consideration will be given to comments received by January 16, 2015.

ADDRESSES: You may transmit written comments electronically via the Internet at *http://www.regulations.gov*. This approach is our preferred method for receiving comments. To download an electronic version of the rule, you may access *http://www.regulations.gov* and follow the provided instructions.

Additionally, you may send comments via United States Postal Service to: Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, Attention: Director, Division of Policy, Mail Stop: OCSE/DP, 370 L'Enfant Promenade SW., Washington, DC 20447.

You also may send comments via overnight service to: Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, Attention: Director, Policy Division, Mail Stop: OCSE/DP, 901 D Street SW., Washington, DC 20447.

You also may submit comments by facsimile to (202) 260–5980. Comments will be available for public inspection. To schedule an appointment, please call (202) 401–9271.

FOR FURTHER INFORMATION CONTACT: Anne Miller, Division of Policy, OCSE, telephone (202) 401–1467, email: *anne.miller@acf.hhs.gov* or Barbara Addison, Division of Policy, OCSE, telephone (202) 401–5742, email: *barbara.addison@acf.hhs.gov*. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 between 8 a.m. and 7 p.m. Eastern Standard Time.

SUPPLEMENTARY INFORMATION:

Submission of Comments

Comments should be specific, address issues raised by the proposed rule, propose alternatives where appropriate, explain reasons for any objections or recommended changes, and reference the specific action of the proposed rule that is being addressed. Additionally, we will be interested in comments that indicate agreement with changed or new proposals. We will not acknowledge receipt of the comments we receive. However, we will review and consider all comments that are germane and are received during the comment period. We will respond to these comments in the preamble to the Final Rule.

Statutory Authority

This NPRM is published under the authority granted to the Secretary of the Department of Health and Human Services by section 1102 of the Social Security Act (Act), 42 U.S.C. 1302. Section 1102 of the Act authorizes the Secretary to publish regulations, not inconsistent with the Act, which may be necessary for the efficient administration of the functions for which the Secretary is responsible under the Act.

This proposed rule is published in accordance with the following sections of the Act: section 451 Appropriation, section 452 Duties of the Secretary, section 453 Federal Parent Locator Service, section 454 State Plan for Child and Spousal Support, section 454A Automated Data Processing, section 454B Collection and Disbursement of Support Payments, section 455 Payment to States, section 456 Support Obligations, section 457 Distribution of Collected Support, section 458 Incentive Payments to States, section 459 Consent by the United States to Income Withholding, Garnishment, and Similar Proceedings for Enforcement of Child Support and Alimony Obligations, section 460 Civil Actions to Enforce Support Obligations, section 464 Collection of Past-due Support From Federal Tax Refunds, section 466 Requirement of Statutorily Prescribed Procedures to Improve Effectiveness of Child Support Enforcement, and section 467 State Guidelines for Child Support Awards.

Background

The Child Support Enforcement program is intended to ensure that noncustodial parents provide financial support for their children. Child support payments play an important role in reducing child poverty, lifting approximately one million families out of poverty each year. In 2012, the Child Support Enforcement program collected $27.7 billion in support payments for the families in State and Tribal caseloads. During this same period, 82 percent of the cases had support orders, and nearly 72 percent of cases with orders had at least some payments during the year.

The proposed rule makes changes to strengthen the Child Support Enforcement program and update current practices in order to increase regular, on-time payments to families, increase the number of noncustodial parents working and supporting their children, and reduce the accumulation of unpaid child support arrears. These changes remove regulatory barriers to cost-effective approaches for improving enforcement consistent with the current knowledge and practices in the field, and informed by many successful state-led innovations. In addition, given that three-fourths of child support payments are collected by employers through income withholding, this proposed rule standardizes and streamlines payment processing so that employers are not unduly burdened by this otherwise highly effective support enforcement tool. The rule also removes outdated barriers to electronic communication and document management, updating existing child support regulations which frequently limit methods of storing or communicating information to a written or paper format. Finally, the proposed rule updates the program to reflect the recent Supreme Court decision in

Turner v. *Rogers,* 564 U.S. __, 131 S Ct. 2507 (2011).

Executive Order 13563 directs agencies to increase retrospective analysis of existing rules to determine whether they should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving regulatory objectives.[1] In response to *Executive Order 13563,* OCSE conducted a comprehensive review of existing regulations to improve program flexibility, efficiency, and responsiveness; promote technological and programmatic innovation; and update outmoded ways of doing business. Some of these regulations have not been updated in a generation. Proposed regulatory improvements include: (1) Procedures to promote program flexibility, efficiency, and modernization; (2) updates to account for advances in technology; and (3) technical corrections.

Before drafting the proposed rules, OCSE consulted with States, Tribes, employers, and other stakeholders. The National Council of Child Support Directors voluntarily established a subcommittee that would provide OCSE with cost saving proposals. We also sought Tribal input in a formal fashion as discussed in the Tribal Impact Statement.

These efforts helped OCSE to: Identify regulations where we could encourage noncustodial parents to assume more personal responsibility; increase State and employer flexibility to better serve families; improve program effectiveness, efficiency, and innovation; streamline intergovernmental case processing; improve customer service; and remove barriers identified by employers, States, and families that impede efficient and timely child support payments. We also identified obsolete and outmoded requirements and technical fixes that are needed. This proposed rule recognizes and incorporates policies and practices that reflect the progress and positive results that have resulted from successful program implementation by States and Tribes.

The section-by-section discussion below provides greater detail on the provisions of the proposed rule. All references to regulations are related to 45 CFR Part 300, except as specified in sections relating to the CMS regulations (42 CFR part 433).

[1] Available at: *http://www.whitehouse.gov/the-press-office/2011/01/18/improving-regulation-and-regulatory-review-executive-order.* Also, the OMB Memorandum related to Executive Order 13563 is available at: *http://www.whitehouse.gov/sites/default/files/omb/memoranda/2011/m11-10.pdf.*

Effective Date and Potential Impact on State Law

In this NPRM, some of the proposed regulatory provisions would require a State to submit revised State plan pages and/or enact new State laws. A State may meet these requirements through enactment of State law, regulations (including court rules), and/or procedures that ensure compliance with Federal law. In this NPRM, we specifically seek public comment on the actions a State will need to take to ensure compliance with the proposed provisions. We are especially interested in the steps necessary to implement proposed provisions in §§ 302.32, 302.38, 302.56, 303.6, 303.8, 303.11, and 303.100.

In addition, we seek public comment on the amount of time a State will need to take these actions and to implement the proposed provisions in this NPRM. We request comment on whether a general effective date of one year after publication of the final rule will be sufficient, for most changes, with the exception of § 302.56(a), where we have proposed that a State meet the guidelines requirements within one year after completion of the State's next quadrennial review of its guidelines.

When new State plan requirements were enacted in the past, and additional State legislation was required, in order for the State's Title IV–D plan to remain in compliance, Congress provided that the State must enact the needed legislation by the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of the regulation. If the State had a 2-year legislative session, each year of the session was considered a separate regular session of the State legislature. We are inviting comments concerning which of the proposed changes in this NPRM may require State legislation and may warrant a similar delay in the effective date.

Tribal Impact Statement

In this NPRM, OCSE proposes to update existing State case closure rules in order to deliver more efficient child support services to families. There were no Tribal IV–D programs when case closure regulations were initially written in 1989. Today there are over 50 fully operational Tribal IV–D programs. Because our proposed updates could have an impact on these programs, we invited Tribal leaders to engage in written consultation via a ''Dear Tribal Leader Letter,'' dated April 28, 2011. We specifically sought comments on how we could encourage efficient case transfer between a State and a Tribal IV–D program.[2]

In addition to written consultation, we engaged in a face-to-face consultation with Tribal leaders at the ACF Tribal Consultation Session on August 18, 2011 and March 6, 2012. We also invited Tribal leaders to participate in an additional day of consultation and dialogue, on August 19, 2011, to address any issues specific to Tribal child support.[3] Finally, in 2011, OCSE met with Tribal IV–D directors, on January 12–13, 2011, February 23–24, 2011, and March 10–11, 2011, to discuss Medicaid reimbursement cases that involve enrolled Tribal members or those otherwise eligible for enrollment. Our efforts to engage Tribal leaders throughout this NPRM process proved to be beneficial. Tribal leaders provided valuable comments that helped us formulate proposed regulatory language.[4]

We would like to emphasize that case closure regulations proposed in this NPRM are only applicable to State IV–D agencies. However, during tribal consultation held previously, we consulted with tribes regarding a proposal to all State child support agencies to close a case when the case is opened due solely to a Medicaid referral for medical support enforcement of a case involving an IHS-eligible child. We encourage all interested parties, including Tribes, to provide comments regarding this portion of the regulations during the public comment period. We will review and consider all comments, before we issue a final rule.

In addition to updating case closure regulations, we propose several technical corrections to existing Tribal regulations. These proposed corrections should have little to no impact on Tribal IV–D programs.

Section-by-Section Discussion of the Provisions of This Proposed Rule

This NPRM proposes: (1) Procedures to promote program flexibility, efficiency, and modernization; (2) updates to account for advances in technology; and (3) technical corrections. The following is a discussion of all the regulatory provisions included in this NPRM. Please note the provisions are discussed in order by category. Because this is a lengthy NPRM, we present the proposed revisions in these three categories to

[2] Available at: *http://www.acf.hhs.gov/programs/cse/pol/DCL/2011/dcl-11-07.htm.*

[3] Available at: *https://www.federalregister.gov/articles/2011/07/19/2011-18096/notice-of-meeting-administration-for-native-americans#p-8.*

[4] For a detailed description of these proposed changes, please see the Case Closure section.

assist the reader in understanding the major concepts and rationale for the changes.

Topic 1: Procedures To Promote Program Flexibility, Efficiency and Modernization (§§ 302.32; 302.33; 302.38; 302.56; 302.70; 302.76; 303.3; 303.6; 303.8; 303.11; 303.31; 303.72; 303.100; 304.20; 304.23; and 307.11)

Section 302.32: Collection and Disbursement of Support Payments by the IV–D Agency

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (Pub. L. 104–193) centralized payment processing through the creation of State Disbursement Units (SDUs) and standardized income withholding provisions by requiring use of a uniform income withholding form. In the 1990s and 2000s, OCSE and State child support agencies partnered closely with employer and payroll organizations to implement the 1996 reforms. These collaborative efforts have been instrumental in streamlining the process for employers and ensuring that children receive billions of dollars in child support annually. Currently, over two-thirds of child support payments ($23 billion dollars in FY 2012) are collected by employers through income withholding, an enforcement tool which is, by far, the most effective remedy for ensuring that noncustodial parents are held accountable. While the overall framework for the processing and disbursing of child support payments is sound, the proposed rule addresses four ongoing concerns raised by employers, families, and States that hinder efficient income withholding and payment disbursement procedures: (1) State processing of income withholding payments on non-IV–D orders through the SDU; (2) SDU disbursement of child support payments directly to the family; (3) use of the Income Withholding for Support form; and (4) transmission of income withholding payments directly to the appropriate SDU.

Section 302.32 describes requirements for State IV–D agencies regarding the collection and disbursement of support payments. In its current form, this section provides narrow guidance on specific disbursement timeframes for IV–D cases and clarifies that, with respect to a case where the family is receiving TANF and has assigned rights to child support, payments must go to the SDU and not directly to the family.

A challenge for employers processing income withholding payments for child support is the interaction with SDUs, specifically in regard to payments on non-IV–D cases. An SDU is a State payment processing unit that receives and disburses payments collected on child support orders in both IV–D and non-IV–D cases. Employers are required by law to send all income withholding payments to the SDU designated on the OMB-approved Income Withholding for Support form. The State must receive the payments, determine the distribution of funds using their statewide automated system, and disburse the funds through the SDU to the appropriate payee. While this payment process is largely automatic and seamless, particularly with payments on IV–D cases, some employers have encountered problems when sending payments to SDUs in a few States on non-IV–D cases.

Federal law requires SDUs to collect and disburse payments under orders in both IV–D cases and in non-IV–D cases in which the support order was initially issued on or after January 1, 1994, and the income of the noncustodial parent is subject to withholding pursuant to section 466(a)(8)(B) of the Act. In order to process these non-IV–D income withholding payments, SDUs must have access to basic information about the non-IV–D orders. To this end, section 454A(e) of the Act requires each State to maintain or have access to information about non-IV–D orders in its State Case Registry (SCR), which is a part of its statewide automated system. The SCR contains records on IV–D cases and on non-IV–D orders established or modified in the State on or after October 1, 1998. The State then uses the information on non-IV–D orders to identify any incoming non-IV–D payments and to handle their disbursement through the SDU. Data in the SCR, as part of the State's automated system, must be used to facilitate the collection and disbursement of child support payments through the SDU.[5]

Despite these statutory requirements to process non-IV–D income withholding payments automatically, employers have complained that a small number of States are not in compliance with these requirements and that some SDUs do not maintain information about non-IV–D orders prior to the employer sending payment to the SDU. In such cases, upon receipt of non-IV–D income withholding payments from employers, these States are contacting employers and custodial parents asking for additional information, forms, or documents before they process a payment on non-IV–D orders, increasing the burden on employers and families. In some instances, a few States are refusing to process the non-IV–D income withholding payments and returning the funds to employers. These returned or delayed payments result in confusion, customer service complaints, and added expense and paperwork for the employer. This practice also adversely impacts noncustodial parents trying to meet their financial obligations and ultimately delays child support from reaching families.

Because States have some latitude in how they meet the requirements for managing their IV–D programs and structuring their statewide automated systems, the reasons States have trouble processing non-IV–D payments are likely to be diverse. In some situations, the problems may be traced to a State not fulfilling their responsibility for processing non-IV–D payments, while in others it may be associated with data processing procedures or certain characteristics of their statewide automated systems. For example, the problem may be related to: Challenges in the automated computer interface between State agencies and courts; delays in the original transfer of non-IV–D order information from the courts to the SCR; the sharing of non-IV–D order data between the SCR and the SDU; or the number and type of non-IV–D data elements in the SCR.

To address employer problems with States not processing payments on non-IV–D orders through their SDUs, we propose to set forth in § 302.32 the basic requirements for SDUs, as stated in section 454B of the Act. Specifically, we propose revising § 302.32(a) with language similar to section 454B(1) of the Act to describe the State's responsibility to establish and operate a SDU. Under proposed paragraph (a), a IV–D agency must establish and operate a SDU for the collection and disbursement of payments under support orders in all cases enforced under the title IV–D plan and in all cases not being enforced under the IV–D plan in which the support order is initially issued in the State on or after January 1, 1994, and in which the income of the noncustodial parent is subject to withholding pursuant to section 466(a)(8)(B) of the Act. We propose a conforming change by deleting the existing language in paragraph (a). The existing paragraph (a) is a holdover regulatory provision from the Aid to Families with Dependent Children Program and addresses child support payments which are collected for a recipient of assistance under the

[5] For further information, see AT–98–08, *Policy Questions and Responses Regarding the State Case Registry and the Federal Case Registry of Child Support Orders under sections 453(h) and 454A(e) of the Social Security Act*, available at: *http://www.acf.hhs.gov/programs/cse/pol/AT/1998/at-9808.htm.*

State's title IV–A plan. This language is no longer needed because it is subsumed under the new proposed paragraph (a) which states that payments in all IV–D cases must be made to the SDU.

In the past, OCSE refrained from regulating SDU requirements because we considered the statute to be self-implementing. We noted that we would reconsider this position if a need arose.[6] Because of the problems with non-IV–D payment processing, we believe that rules are needed. The regulatory approach we are proposing is predicated on the belief that States are returning or delaying non-IV–D payments for diverse reasons. Therefore, we believe a regulatory approach that is more general and less prescriptive is appropriate. While our aim is to dispel any confusion over the requirements, this approach will allow States flexibility to identify and remove the barriers to non-IV–D payment processing as they might occur uniquely in each State. We note, however, that there is no Federal statutory authority for States to require custodial parents or employers to provide information and data on non-IV–D orders as a condition to process these payments. We especially are interested in hearing from States and the public whether the general approach in the regulations will effectively address the problems with SDU payment processing on non-IV–D orders, and if there are additional problematic issues regarding SDU payment processing this rulemaking can or should address.

As a final note on this proposal, over the years States have raised the question of whether FFP is available for activities in non-IV–D cases. In 2010 OCSE issued PIQ–10–01, ''Federal Financial Participation and non-IV–D activities,''[7] to expand on earlier SDU policy issued in Action Transmittal, AT–97–13, ''Collection and Disbursement of Support Payments.'' PIQ–10–01 states that FFP is available for the non-IV–D case data requirements and payment processing required by the Social Security Act. In general, FFP is available for the submission and maintenance of data in the SCR with respect to non-IV–D support orders established or modified on or after October 1, 1998; the receipt and disbursement of collections through income withholding for child support orders initially issued in the State on or after January 1, 1994; and the required reporting to OCSE of non-IV–D financial and statistical information. See OCSE–PIQ–10–01 for more information. We believe the clarification of FFP availability will mitigate States' cost concerns related to this proposed provision.

Section 302.33: Services to Individuals Not Receiving Title IV–A Assistance

Current § 302.33(a)(4) requires that whenever a family is no longer eligible for assistance under a State's TANF, foster care, and/or Medicaid programs, the IV–D agency must notify the family, within 5 working days of the notification of ineligibility, that child support services will continue, without application, unless the family notifies the agency to the contrary. In certain situations, we believe that automatic continuation of child support services can be inappropriate for the family, such as once a child has been reunified with the family or the child has aged out of foster care. Therefore, based on a request from a joint child support/child welfare workgroup, we propose an efficiency change in § 302.33(a)(4).

We propose to eliminate ''title IV–E foster care'' from the first sentence in § 302.33(a)(4) and to add to that provision stating that the requirement to notify the family within 5 working days that services will be continued, unless the family notifies the IV–D agency to the contrary, also applies when a child is no longer eligible for IV–E foster care, but only in those cases that the IV–D agency determines that such services and notice would be appropriate. This proposed revision provides State IV–D agencies with additional flexibility to determine whether notice to a family in which a child no longer receives foster care maintenance payments is appropriate and whether to close the case. We believe that these revisions will simplify the notification process in post-foster care cases, recognizing that continued child support enforcement may be inappropriate, for example, once foster care cases are closed due to family reunification or when children age out of foster care. However, existing arrearages in these IV–D referral cases would remain an obligation owed to the State and collectible under all applicable State laws and processes pursuant to section 456 of the Act and 45 CFR 302.50(c).

At the request of States, we propose to provide each State the option to elect in its State plan to allow an individual parent who files an application the flexibility to select child support services from a menu of service options to better meet the needs of the families. Currently, a parent who applies for services has to accept the full range of services.

We propose to add a new paragraph (a)(6) that indicates that the State would elect in its State plan whether or not it provides applicants under subparagraph (a)(1)(i) the option to request limited services. This rule provides the State with authority to allow either the custodial or the noncustodial parent to request specific child support services tailored to the family's circumstances. In addition, we believe that limited services will result in increased customer satisfaction; help fathers assume more personal responsibility; help to make enforcement services more successful and efficient; and respond to families' needs. We believe that this will give States increased flexibility to be responsive to the family.

Under this proposal, for example, a State could elect to allow an applicant for services to request paternity establishment services only. Based on the State's procedures, if an unwed mother lived with the biological father of a child, he could request paternity establishment services only. Having paternity legally established may provide the biological father a sense of personal responsibility for the child. This would benefit the unwed parents since genetic testing could be done at a reduced rate, and would benefit the child if paternity is established by clarifying birth records and establishing possible eligibility for dependents' benefits. Additionally, if the parents separate in the future, it would be easier for the State child support agency to establish and enforce a support obligation. In the Child Support Enforcement program, this menu of service options is called ''limited services.'' The child support community has discussed this approach for many years as a positive strategy to tailor services to serve families.

If the State chooses this option, it would be required to define how this process would be implemented and establish and use procedures that would specify what limited services are allowed and under what circumstances. Additionally, the State's procedures would require that a limited services applicant requesting enforcement services must receive all appropriate mandatory enforcement services, such as the Federal Tax Refund Offset, income withholding, and credit bureau reporting. This provision also states that an application would be considered full-service unless the parent specifically applies for limited services in accordance with the State's procedures, and if one parent specifically requests limited services

[6] For further information, see AT–97–13, *Collection and Disbursement of Support Payments,* available at: *http://www.acf.hhs.gov/programs/cse/pol/AT/1997/at-9713.htm.*

[7] Available at: *http://www.acf.hhs.gov/programs/cse/pol/PIQ/2010/piq-10-01.htm.*

and the other parent requests full services, the case will automatically receive full services. Also, for all limited service applicants, the State would be required to charge the application and service fees required under paragraphs (c) and (e) of the section, and may recover costs in accordance with paragraph (d) of this section if the State has chosen this option in its State plan. Finally, the State must also include information in its application form on the range of available services, consequences of selecting a limited service, and an explanation that the case will be closed when the limited service is completed.

Before a State chooses to implement these new criteria, it would need to ensure that its automated system can be easily modified so that it can effectively manage its caseloads regarding what services are requested. Also, if a State provides this option, the State would have flexibility on how it implements these proposed changes. The State must ensure that these changes are made in a consistent manner in accordance with its State plan. The State could also choose to implement this option for one or two services, and expand this as it gains experience in implementing these changes.

We believe that as States modernize their statewide automated systems, this option will be easier for States to implement and to manage in their caseloads, and at the same time will provide them additional flexibility to provide child support services that meet the needs of families. We expect limited services can be a cost-effective way to provide efficient and targeted services while avoiding expenditures on unnecessary and unproductive services.

Also, the State must ensure that an application is received from the applicant documenting what limited services are being requested. Regarding the fees for a limited-services application, the State may choose to charge the same fees as a full-service application. However, the fees must be charged in accordance with paragraphs (c) and (e) of this section, and if the State chooses to recover costs, it must be done in accordance with paragraph (d) of this section.

Finally, we are cognizant of the risk of domestic violence in the general operation of the child support program, and in particular as related to this proposed limited services provision. The child support program has required domestic violence safeguards in § 303.21(e) and we will continue to work with States and advocates to ensure that best practices are in place to safeguard the affected parties. OCSE also has a major domestic violence initiative underway to identify and promote effective practices to support families. We invite comments on whether there are additional domestic violence safeguards that should be put in place with respect to the limited services options.

Section 302.38: Payments to the Family

This proposed rule addresses concerns raised by States and families about the difficulties that families encounter when child support payments are disbursed directly to private collection agencies, bypassing the custodial families to whom the money is owed. Unlike private firms that contract with State child support agencies, private collection agencies contract directly with custodial parents for the collection of child support and are not affiliated with the State IV–D program. While earlier OCSE policy guidance did not preclude State IV–D programs from disbursing child support collections to private collection agencies if requested by the custodial parent-payee, OCSE now believes that disbursement of child support collections from SDUs to private collection agencies instead of directly to families puts the government in the role of indirectly enforcing private contracts and is not in the best interests of families and children.

Numerous consumer complaints and litigation have highlighted the questionable practices of many private collection agencies. These practices include deceptive advertising; perpetual service contracts that require direct payment to the company and prohibit cancellation; falsely representing the business as a government office; using official-looking documents to pressure employers to redirect support withheld from employees' paychecks; demanding payments from grandparents; demanding payments that are not owed from noncustodial parents; and other allegedly deceptive and abusive tactics.[8] OCSE's intent is not to regulate private collection agencies, but rather to ensure that child support programs are not facilitating, and the taxpayer is not subsidizing, the sometimes inappropriate business practices of private collection agencies not under contract to States. In order to provide protections for families and fulfill the intent of the founding child support legislation and subsequent policy, we propose that child support payments owed and payable to families be disbursed directly, and only, to families.

Such private collection agencies enter into contracts with custodial parents to collect child support, but are not subject to the same contractual or regulatory oversight as State IV–D agencies and other private firms that have contracts with States to carry out public child support functions. Many states contract with private firms to provide various child support services. These private firms act on behalf of the State IV–D agency and must comply with the same statutes and regulations as the State IV–D program. Moreover, the Federal Trade Commission has determined that child support private collection agencies are not subject to the Fair Debt Collection Practices Act, 15 U.S.C. 1692–1692p, administered by the Federal Trade Commission because child support debt is not considered consumer debt.[9]

Since the Child Support Enforcement program was created over 30 years ago, the statutory framework for payment processing imposed on States the requirement that collections owed to the family should be paid to the family. Section 457 of the Act, Distribution of Collected Support, requires the State to track and distribute payments, and clearly indicates that money owed to the family is paid to the family, unless the family received TANF assistance and has assigned its rights to support to the State as reimbursement. In accordance with section 457 of the Act, the portion of the support owed to the family must be distributed ''to the family'' and not to any other party.

Section 454(11)(B) of the Act reinforces the requirement that payments are made to families. According to this provision, States must provide in their State child support enforcement plans that any payments required to be made to a family pursuant to section 457 must be made to ''*the resident parent, legal guardian, or caretaker relative having custody of or responsibility for the child or children*'' (emphasis added). The law is clear that payments due to families are to be disbursed from SDUs to the individual with responsibility to protect and further the child's best interests.

On December 29, 2010, ACF published final regulations in the **Federal Register** (75 FR 81894) for

[8] These practices are described in various consumer complaints and letters to State consumer agencies, as well as in GAO report, *Child Support Enforcement—Clear Guidance Would Help Ensure Proper Access to Information and Use of Wage Withholding by Private Firms,* GAO–02–349 (2002), available at: *http://www.gao.gov/new.items/d02349.pdf.*

[9] *Mabe* v. *G.C. Services Limited Partnership,* 32 F. 3d 86 (4th Cir. 1994), available at: *http://scholar.google.com/scholar_case?case=16399759672854246032&q=Mabe+v.+G.C.+Services+Ltd.+Partnership&hl=en&as_sdt=2,9&as_vis=1.*

Safeguarding Child Support Information (Safeguarding rule) by distinguishing between individuals who have a legal and fiduciary obligation to protect a child's best interests and those who do not.[10] Specifically, the Safeguarding rule clarified that each of the categories of individuals authorized to receive child support information under section 453(c)(3) of the Act, has ''a relationship with the child that imposes an intrinsic responsibility to assure protection of the child's welfare and interests.'' The rule excludes those ''with a pecuniary interest of their own that may be inconsistent with the child's best interests'' from receiving confidential information contained in the Federal and State Parent Locator Service. According to the standard set in the Safeguarding rule, therefore, private collection agencies, with their financial self-interest and no fiduciary duty to serve the children's best interests, are not authorized to receive protected child support information.

Because the categories of individuals authorized to receive information, as listed in section 453(c)(3) of the Act (''the resident parent, legal guardian, attorney, or agent of the child''), significantly overlap with the entities authorized to receive payment disbursement in section 454(11)(B) of the Act (''the resident parent, legal guardian, or caretaker relative having custody of or responsibility for the child or children''), the definitions used in the Safeguarding regulation are directly analogous to the discussion in this proposed rule.

The Safeguarding rule notes that a ''resident parent'' lives with the child and provides the child's day-to-day care. Further, an individual who has been appointed by court order as a child's ''legal guardian'' is legally responsible for the child's care and has a legal obligation to act in the child's best interest. The Safeguarding rule further notes that a ''caretaker relative'' is a longstanding term used in the TANF program and its predecessor program, Aid to Families with Dependent Children (AFDC), to refer to those relatives responsible for the day-to-day care of children and who are eligible to apply for cash assistance for needy families, regardless of the existence of a legal custody order or legal guardianship status.

Each of these individuals has a relationship with the child that imposes responsibility to assure protection of the child's welfare, while private collection agencies historically do not, even if those companies employ attorneys. Therefore, consistent with the specific statutory descriptions of authorized individuals, as well as the general standards set forth in the Safeguarding rule, this proposed rule would require that any payments made under §§ 302.32 and 302.51 would be made directly to the resident parent, legal guardian, or caretaker relative and not to a private collection agency with a contractual agreement with the family.

The primary goal of the Child Support Enforcement program is to ensure that families benefit directly from child support payments. This family-first perspective is intended to ensure families' self-sufficiency and strengthen parents' commitment to supporting their children. On the one hand, this approach is a shift from child support's earlier focus on welfare reimbursement and cost recovery for Federal and State governments; on the other hand, it is consistent with the original principle that payments due to families who never received welfare are disbursed to families directly. Congress affirmed these family-first principles when it passed the Deficit Reduction Act of 2005 (DRA). Known as ''family first distribution,'' the purpose of section 7301(b) of the DRA is, ''Increasing child support payments to families and simplifying child support distribution rules''.[11] Section 7301 of the DRA modified the rules of distribution and assignment of section 457 of the Act, and provided a set of options for States which, if adopted, would result in 100 percent of payments to families who are receiving or have received welfare assistance. The DRA's family-first approach clearly discourages redirecting payments to any individuals or entities other than families. In 2012, more than 94 percent of child support collected by the IV–D program was paid to families.[12]

In sum, based on the intent of the original child support legislation and the more recent ''family-first'' policies, we propose to revise § 302.38, ''Payments to the family,'' by inserting the word ''directly'' before the phrase ''to the resident parent, legal guardian, or caretaker relative.'' This proposed change will address concerns regarding disbursement of payments directly to the family. The purpose is to require SDUs to disburse child support payments directly to the intended beneficiary and not to divert those payments to another entity such as a private collection agency or other creditor of the custodial parent. The proposed change does not preclude a custodial parent from entering into a contractual relationship with a private collection agency for the collection of child support. Also, the proposed change is not intended to affect or change a State's current practices regarding electronic disbursements of child support payments. Disbursement of a child support payment to a custodial parent's bank account is a direct payment to the family. In addition, please note that this provision applies to payments that are due to the family; this provision does not preclude a State from sending payments for distribution and disbursement to initiating agencies on intergovernmental actions. We ask specifically for comments on whether the proposed regulations will affect State laws that permit the child support payment to be sent to other individuals/entities, such as a conservator or private attorney representing the custodial parent and child, with a legal and fiduciary duty to act in the child's best interest.

Section 302.56: Guidelines for Setting Child Support Awards

We also propose to update Federal regulations in § 302.56 that address State guidelines for setting child support awards. A number of these proposed changes are intended to ensure that parents meet their child support obligations and to assist States in complying with the U.S. Supreme Court decision in *Turner* v. *Rogers,* 564 U.S. ___, 131 S Ct. 2507 (2011). Consistent child support payments can help custodial families achieve economic stability, which is especially important to the millions of low- and moderate-income families served by the Child Support Enforcement program.[13] However, basic fairness requires that child support obligations reflect an obligor's actual ability to pay them.

A growing body of research finds that compliance with child support orders in some States, regardless of income level, declines when the support obligation is

[10] The 2010 Safeguarding final rule is available at: *http://www.acf.hhs.gov/programs/cse/pol/AT/2010/at-10-12.htm.*

[11] For further information, see Public Law No. 109–171, Title VII, Subtitle C, Section 7301 (2006), available at: *http://www.gpo.gov/fdsys/pkg/PLAW-109publ171/pdf/PLAW-109publ171.pdf.*

[12] For further information, see OCSE's *FY 2012 Preliminary Report, Table P–1* available at: *http://www.acf.hhs.gov/programs/css/resource/fy2012-preliminary-report-table-p-1.* The figure was calculated by adding total payments to families, medical support, and the amount passed through to families for a total of $26.1 billion distributed to families. This figure represents 94.2 percent of total collections in the amount of $27.7 billion.

[13] For further information, see Carl Formoso, *Child Support Enforcement: Net Impacts on Work and Welfare Outcomes pre- & post-PRWORA,* Washington State Division of Child Support (2000), available at: *http://www.dshs.wa.gov/pdf/esa/dcs/reports/csepolicybrief.pdf.*

set above 15–20 percent of the obligor's income, and that orders for excessive amounts result in lower, not higher, child support payments.[14] States like California and Washington have found that the direct result of establishing support obligations that exceed the ability of obligors to meet them is unpaid arrearages. Most arrearages are owed by noncustodial parents with earnings under $10,000 and are uncollectible.[15] Research finds that high arrearages substantially reduce the formal earnings of noncustodial parents and child support payments in economically disadvantaged families, while reducing unmanageable arrearages can increase payments.[16] Accumulation of high arrearage balances is often associated with incarceration, because parents have little to no ability to earn income while they are incarcerated, and little ability to pay off the arrearages when released due to lack of employment.[17]

As a condition of State IV–D plan approval, section 467 of the Act requires a State to establish guidelines for child support awards issued in the State. Existing regulations provide a State with discretion to design its child support guidelines within the parameters of § 302.56. Currently, under § 302.56(c)(1), guidelines must take into consideration all earnings and income of the noncustodial parent.

Research suggests that setting an accurate order based upon the ability to pay improves the chances that noncustodial parents will continue to pay over time. Compliance with support orders is strongly linked to ability to pay. Many low-income noncustodial parents do not meet their child support obligations because they do not earn enough to pay what is ordered.[18] The HHS Office of the Inspector General concluded that child support orders set for low income parents are ineffective in generating child support payments when set too high relative to ability to pay, finding that compliance is significantly lower when a monthly order is more than 20 percent of a parent's income than when it is 15 percent or less.[19] Similarly, studies conducted in Washington and California found that, regardless of income level, arrearages are unlikely to accumulate if the support obligation is no more than 20 percent of earnings, or lower.[20]

Setting child support orders that reflect an actual ability to pay is crucial to encouraging compliance, increasing accountability for making regular payments, and discouraging uncollectible arrearages. On January 30, 2013, the National Child Support Enforcement Association issued a policy statement indicating that: ''As a general rule, child support guidelines and orders should reflect actual income of parents and be changed proactively to ensure current support orders reflect current circumstances of the parents and to encourage regular child support payments. Presumed or default orders should occur only in limited circumstances.'' [21] Many States have programs to ensure that child support orders are based on the ability to pay. As of September 2011, at least 21 States and the District of Columbia were operating programs designed to ensure that child support orders reflect current earnings when orders are initially established and are modified when earnings change.[22] For example, Idaho operates a Default Reduction Project, Arizona conducts modification workshops, Kentucky developed on-line assistance for parents to modify their orders, and Texas offers enhanced Web site assistance for modifying orders to match reduced income. In addition, as of April 2011, 38 States and the District of Columbia did not treat incarceration as ''voluntary unemployment,'' a legal barrier to modifying orders to reflect actual income.[23] Evidence shows that engaging both parents in the order establishment process is likely to result in more accurate order setting, avoiding default orders, avoiding the unnecessary build-up of arrearages, and increasing parental commitment to regularly pay child support.[24]

[14] Mark Takayesu, *How Do Child Support Order Amounts Affect Payments and Compliance?* Orange County, CA Department of Child Support Services, (Oct. 2011), available at: *http://ncsea.omnibooksonline.com/2012policyforum/data/papers/PV_1.pdf#page=1;* and Carl Formoso, *Determining the Composition and Collectability of Child Support Arrearages, Volume 1: The Longitudinal Analysis* (2003), available at: *http://www.dshs.wa.gov/pdf/esa/dcs/reports/cvol1prn.pdf.* See also HHS Office of Inspector General report, *The Establishment of Child Support Orders for Low Income Non-custodial Parents,* OEI–05–99–00390, (2000), available at: *http://oig.hhs.gov/oei/reports/oei-05–99–00390.pdf.*

[15] For further information, see Elaine Sorensen, Liliana Sousa, and Simon Schaner's report, *Assessing Child Support Arrears in Nine Large States and the Nation* (2007), available at: *http://aspe.hhs.gov/hsp/07/assessing-CS-debt/.*

[16] For further information, see Carolyn J. Heinrich, Brett C. Burkhardt, and Hilary M. Shager, *Reducing Child Support Debt and Its Consequences: Can Forgiveness Benefit All?* (2010), available at: *http://www.irp.wisc.edu/research/childsup/cspolicy/pdfs/2007–09/FamiliesForward_3_19_10.pdf;* Maria Cancian, Carolyn Heinrich, and Yiyoon Chung, *Does Debt Discourage Employment and Payment of Child Support?* (2009), available at: *http://www.irp.wisc.edu/publications/dps/pdfs/dp136609.pdf;* and Harry Holzer, Paul Offner, and Elaine Sorensen, *Declining Employment Among Young Black Less-Educated Men: The Role Of Incarceration and Child Support* (2004), available at: *http://www.urban.org/uploadedpdf/411035_declining_employment.pdf.*

[17] For further information, see Carmen Solomon-Fears, Gene Falk, and Adrienne L. Fernandes-Alcantara, *Child Well-Being and Noncustodial Fathers* (2013), Congressional Research Service. See also Amanda Geller, Irwin Garfinkel, and Bruce Western. *The Effects of Incarceration on Employment and Wages: An Analysis of the Fragile Families Survey* (2006), Center for Research on Child Wellbeing. Working Paper # 2006–01–FF. available at: *http://www.saferfoundation.org/files/documents/Princeton-Effect%20of%20Incarceration%20on%20Employment%20and%20Wages.pdf.* Also, the Report of the Re-Entry Policy Council, *Charting the Safe and Successful Return of Prisoners to the Community,* Council of State Governments, Reentry Policy Council, January 2005, Policy Statement 13, available at: *http://reentrypolicy.org/Report/About.* For further background, see Jessica Pearson's article, *Building Debt While Doing Time: Child Support and Incarceration,* Judges' Journal, American Bar Association, no. 1, vol. 43 (Winter 2004), available at: *http://peerta.acf.hhs.gov/uploadedFiles/Building Debt.pdf.*

[18] Michelle Ganow Jones, *Options to Help Low-Income Noncustodial Parents Manage Their Child Support Debt* (2002), available at *http://76.12.61.196/publications/optionstohelplowincomeIN.htm.*

[19] For further information, see HHS OIG report, *The Establishment of Child Support Orders for Low Income Non-custodial Parents,* OEI–05–99–00390 (2000), available at: *http://oig.hhs.gov/oei/reports/oei-05-99-00390.pdf.*

[20] Carl Formoso, *Determining the Composition and Collectability of Child Support Arrearages, Volume 1: The Longitudinal Analysis* (2003), available at: *http://www.dshs.wa.gov/pdf/esa/dcs/reports/cvol1prn.pdf.* Mark Takayesu, *How Do Child Support Orders Affect Payments and Compliance?* Orange County, CA Department of Child Support Services (Oct. 2011), available at: *http://ncsea.omnibooksonline.com/2012policyforum/data/papers/PV_1.pdf#page=1.*

[21] The National Child Support Enforcement Association policy statement, *Setting Current Support Based on Ability to Pay,* dated January 30, 2013, is available at: *http://www.ncsea.org/documents/Ability_to_Pay-final.pdf.*

[22] Department of Health and Human Services, Office of Child Support Enforcement, *State Child Support Agencies with Programs to Ensure that Child Support Orders Reflect Current Earnings* (2012), available at: *http://www.acf.hhs.gov/programs/css/resource/state-child-support-agencies-with-programs-to-ensure-that-child-support.*

[23] Thirty two States allow for an order modification when noncustodial parents are incarcerated and six other states do not have a legal bar against such modifications. See Department of Health and Human Services, Office of Child Support Enforcement, ''*Voluntary Unemployment,'' Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents* (2012), Project of Avoid Increasing Delinquencies, Child Support Fact Sheet, available at: *http://www.acf.hhs.gov/sites/default/files/ocse/paid_no4_companion.pdf.*

[24] See Elaine Sorensen and Tess Tannehill, *Preventing Child Support Arrears in Texas by Improving Front-end Processes* (2006), available at: *http://www.urban.org/UploadedPDF/411829_child_support_arrears.pdf;* Center for Policy Research, *Reducing Child Support Default Orders in Colorado* (2007), Colorado Division of Child Support Enforcement, Final Report for Grant No. 90FD0080, available at: *https://childsupport.state.co.us/siteuser/do/vfs/Read?file=/cm:Publications/cm:Reports/cm:Colorado_x0020_Default_x0020_Project_x0020_Final_x0020_Report.pdf;* and Kelly Macatangay, Anton H. Westveld, Brian Kunkel,

If States are unable to obtain data on the earnings and income of the noncustodial parent in a child support proceeding, many States impute the noncustodial parent's income. In some cases, imputation of income is based on an analysis of a parent's specific education, skills, and work experience,[25] while in other cases, imputation of income is standardized based on full-time, full-year work at minimum or median wage, particularly if a noncustodial parent is not working, or there is no available income information.

However, research suggests that support orders based on imputed income often go unpaid because they are set beyond the ability of parents to pay them. The result is high uncollectible arrears balances that can provide a disincentive for obligors to maintain employment in the regular economy. Inaccurate support orders also can help fuel resentment toward the child support system and a sense of injustice that can decrease willingness to comply with the law.[26] The research supports the conclusion that accurate support orders that reflect a noncustodial parent's actual income are more likely to result in compliance with the order, make child support a more reliable source of income for children, and reduce uncollectible child support arrearages.[27]

Before child support programs were computerized, imputation of income was used as the basis for establishing support obligations because limited information was available to decision-makers. Today, however, States have access to multiple interstate data systems, including the State and National Directories of New Hires as well as the Financial Institution Data Match (FIDM) and Multistate Financial Institution Data Match (MSFIDM), that can verify when a noncustodial parent has a new job, is claiming unemployment insurance benefits, or has quarterly wage information available. Data, not assumptions, are a more accurate method of determining the income and resources of noncustodial parents.

Accordingly, we propose to modernize standard practices for setting child support awards in order to set more accurate orders based on actual income. To address these changes, we propose a revision to § 302.56(a) to provide a State with sufficient time to address the revised requirements of § 302.56. Specifically, we propose that a State meet the requirements of § 302.56 within one year after completion of its next quadrennial review of its guidelines pursuant to § 302.56(e).

We propose to amend current § 302.56(c)(1) to require guidelines to take into consideration a noncustodial parent's ''actual'' earnings and income rather than ''all'' earnings and income. We believe this amendment will afford a State greater flexibility to set accurate orders that reflect a noncustodial parent's actual ability to pay support. The proposed revision will reflect common practice in some States and encourage operational updating in others. We specifically invite public comments on this proposed change.

Additionally, we propose a new criterion as § 302.56(c)(4). We propose that State guidelines take into consideration the noncustodial parent's subsistence needs (as defined by the State in its guidelines) and provide that amounts ordered for support be based upon available data related to the parent's actual earnings, income, assets, or other evidence of ability to pay, such as testimony that income or assets are not consistent with a noncustodial parent's current standard of living. ''Subsistence'' is defined in the Merriam-Webster dictionary as, ''the minimum (as of food and shelter) necessary to support life.''[28] A number of States incorporate a self-support reserve into their guidelines to recognize the noncustodial parents' subsistence needs. See PIQ–00–03 (September 14, 2000).[29] For example, New Jersey defines a self-support reserve as the amount of income that the State determines is necessary to ensure that a noncustodial parent ''has sufficient income to maintain a basic subsistence level and the incentive to work so that child support can be paid.''[30] This reserve amount is either disregarded or used to adjust the child support obligation so the noncustodial parent is able to meet his basic needs. The goal of this proposal is to establish an accurate child support order and obtain compliance with the order based upon the real circumstances of the parties and the best interests of the child. The IV–D agency must use the guidelines and take into consideration the obligated parent's ability to pay, or justify the deviation from the application of the guidelines. See PIQ–07–01 (February 6, 2007) (requiring similar considerations in the recoupment of medical expenses or birthing expenses owed to a State).[31]

The proposed regulation in § 302.56(c)(4) allows a State to impute income where the noncustodial parent's lifestyle is inconsistent with earnings or income and where there is evidence of income or assets beyond those identified. We recognize, however, that some noncustodial parents may not make support payments because they are unwilling to do so. An example of this would be a noncustodial parent who, despite good educational credentials and marketable job skills, simply refuses to work. In this situation the court may deviate from the guidelines. We specifically invite comments on this provision.

We also propose a new criterion as § 302.56(c)(5) to prohibit the treatment of incarceration as ''voluntary unemployment.'' While the treatment of incarceration as voluntary unemployment used to be a common State guidelines policy, no more than a dozen States still maintain this policy. Treating incarceration as voluntary unemployment means that income is imputed and precludes modification of support orders. The research suggests that many incarcerated parents often leave prison with an average of $15,000–$30,000 or more in unpaid child support, with no means to pay

Intervening for Success.(2012) Final Report for Grant No. 90FD0136.

[25] See PIQ–00–03, *State IV–D Program Flexibility with Respect to Low Income Obligors—Imputing Income; Setting Child Support Orders and Retroactive Support; Compromising Arrearages; Referral to Work-Related Programs and Other Non-traditional Approaches to Securing Support,* available at *http://www.acf.hhs.gov/programs/cse/pol/PIQ/2000/piq-00–03.htm.*

[26] Christy Visher and Shannon Courtney, *Cleveland Prisoners' Experience Returning Home,* Urban Institute (2006), available at *http://www.urban.org/UploadedPDF/311359_cleveland_prisoners.pdf.* Also, Maureen R. Waller and Robert Plotnick, *Effective Child Support Policy for Low-Income Families: Evidence from Street Level Research,* Journal of Policy Analysis and Management (2001), available at: *http://www.jstor.org/stable/3325595.*

[27] For further information, see the report, *The Story Behind the Numbers: Understanding and Managing Child Support Debt,* OCSE Study (2008), available at: *www.acf.hhs.gov/programs/cse/pol/IM/2008/im-08–05a.pdf.*

[28] See *http://www.merriam-webster.com/.*

[29] PIQ–00–03, *State IV–D Program Flexibility with Respect to Low Income Obligors—Imputing Income; Setting Child Support Orders and Retroactive Support; Compromising Arrearages; Referral to Work-Related Programs and Other Non-traditional Approaches to Securing Support,* available at: *http://www.acf.hhs.gov/programs/css/resource/state-iv-d-program-flexibility-low-income-obligors.*

[30] Rules Governing the Courts of New Jersey, Appendix IX–A *Considerations in the Use of Child Support Guidelines,* Section 7.h., Self-Support Reserve, available at: *http://www.judiciary.state.nj.us/csguide/app9a.pdf.*

[31] PIQ–07–01, *Use of Federal Income Tax Refund Offset Program to recoup medical expenses or birthing expenses owed to a State,* available at: *http://www.acf.hhs.gov/programs/css/resource/tax-refund-to-recoup-medical-or-birthing-expenses-owed-to-state.*

upon release.[32] The research also indicates that orders that are unrealistically high may undermine stable employment and family relationships, encourage participation in the underground economy, and increase recidivism.[33] We want to highlight and to specifically invite public comments on this provision.

Additionally, we propose a new criterion as § 302.56(h) that will allow a State to recognize parenting time provisions when both parents have agreed to the parenting time provisions or pursuant to State guidelines. Parenting time is a legally distinct and separate right from the child support obligation. Nonetheless, in practical terms, parenting time is an important corollary to child support establishment because the child support agency, or finder of fact, needs information about the parenting time arrangements in order for the guideline amount to be effectively calculated. For the proposed parenting time provision, we want to emphasize that this is a minor change to existing regulations and merely allows a court or child support agency to include a parenting time agreement into the child support order when both parents have agreed to the parenting time provisions.

Including both the calculation of support and the amount of parenting time in the support order at the same time increases efficiency, and reduces the burdens on parents of being involved in multiple administrative or judicial processes at minimal cost to the child support program. When a State has adopted child support guidelines that incorporate parenting time, the parenting time is integral to the support order calculation. ''State child support guidelines that incorporate parenting time'' refers to those States that have guidelines which incorporate allowances (or credits) for the amount of time children spend with both parents in the calculation of the child support order amount.

This new parenting time provision is not intended to require State IV–D agencies to undertake new activities. IV–D program costs must be minimal and incidental to IV–D establishment activities and would not have any impact on the Federal budget. Our proposed regulation is intended simply to allow the inclusion of an uncontested and agreed upon parenting time provision incidental to the establishment of a child support order when convenient to the parties, IV–D agency and court to do so. We believe that this provision will reflect the current practice in some States and will encourage program flexibility in others. We specifically invite comments on this provision.

Finally, we propose to redesignate current § 302.56(h) as § 302.56(i) and to revise this section. Current § 302.56(h) addresses the data that a State must consider as part of the review of a State's guidelines pursuant to § 302.56(e) and requires that the analysis of the data must be used in the guidelines review to ensure that deviations from the guidelines are limited. We propose adding a new sentence at the end of this provision stating that deviations from the presumptive child support amount may be based on factors established by the State. Reasons for deviating from the guidelines in the best interest of children often include extraordinary medical expenses, and/or educational costs of additional dependents.

Section 302.70: Required State Laws

We propose changes to existing rules in section 302.70 to improve efficiency of state programs. OCSE has statutory authority to grant a State an exemption from implementing one or more of the laws and procedures required under section 466 of the Act if a State can demonstrate to the satisfaction of the Secretary that adoption of any one or all of the required laws and procedures will not increase the effectiveness and efficiency of the State's Child Support Enforcement program. Additionally, OCSE may grant an exemption if a State has and uses a similar procedure which does not fully comply with the mandate, law, or procedure and the State shows evidence that implementation of the mandatory procedure would not increase the efficiency and effectiveness of the State's existing procedure. In the past, OCSE has granted such State exemptions for a period up to 3 years. However, we believe that changing the time period to 5 years would reduce paperwork while ensuring sufficient accountability and oversight.

We also propose to amend the provision in § 302.70(d)(2) that allows a State to request extensions of its IV–D State plan exemptions every 3 years. OCSE believes that the requirement to request an extension every 3 years is unnecessary and that a 5-year review would be more appropriate. There are two reasons for this proposed change. First, OCSE reviews and analyzes initial exemption requests thoroughly to ensure that the statutory requirements pursuant to section 466(d) of the Act are met. Second, in over 20 years of reviewing extension requests for approved exemptions, OCSE has never denied an extension request. This proposed amendment to request extensions of IV–D State plan exemptions every 5 years will not change OCSE's authority to review and to revoke a State's exemption at any time, but it will promote efficiency by reducing the burden imposed on States submitting exemption extension requests.

Section 302.76: Job Services

The evidence from recent research studies, including rigorous analyses of Texas' *NCP Choices* and the New York's *Strengthening Families Through Stronger Fathers Initiative,* indicates that child support-coordinated work programs can be an effective method of increasing child support payments to families.[34] Although many State Child Support Enforcement programs have entered into local or statewide partnerships to provide noncustodial parent employment activities, the cost of work activities provided under an individual work plan has not been allowed as a IV–D reimbursable cost.[35]

[32] See Esther Griswold and Jessica Pearson, ''Twelve Reasons for Collaboration Between Departments of Correction and Child Support Enforcement Agencies,'' *Corrections Today* (2003 which is available at: *http://www.thefreelibrary.com/Twelve+reasons+for+collaboration+between+departments+of+correction...-a0123688074;* Jessica Pearson, ''Building Debt While Doing Time: Child Support and Incarceration,'' *Judges' Journal* (2004), which is available at: *https://peerta.acf.hhs.gov/uploadedfiles/buildingdebt.pdf;* Nancy Thoennes, *Child Support Profile: Massachusetts Incarcerated and Paroled Parents* (2002), which is available at: *http://cntrpolres.qwestoffice.net/reports/profile%20of%20CS%20among%20incarcerated%20&%20paroled%20parents.pdf;* and Pamela Ovwigho, Correne Saunders, and Catherine Born. *The Intersection of Incarceration & Child support: A snapshot of Maryland's Caseload* (2005), which is available at: *http://www.familywelfare.umaryland.edu/reports1/incarceration.pdf.* See also Federal Interagency Reentry Council, *Reentry Myth Buster on Child Support* (2011), available at: *http://www.nationalreentryresourcecenter.org/documents/0000/1063/Reentry_Council_Mythbuster_Child_Support.pdf.*

[33] U.S. Department of Health and Human Services, Office of Child Support Enforcement, *Incarceration, reentry and Child Support Issues: National and State Research Overview* (2006), available at: *http://www.acf.hhs.gov/programs/cse/pubs/2006/reports/incarceration_report.pdf.*

[34] For further information, see Daniel Schroeder and Nicholas Doughty's report, *Texas Non-Custodial Parent Choices: Program Impact Analysis* (2009), available at *https://www.texasattorneygeneral.gov/cs/ofi/ncp_choices_program_impact.pdf.* Also, Kye Lippold, Austin Nichols, and Elaine Sorensen's report, *Strengthening Families Through Stronger Fathers: Final Impact Report for the Pilot Employment Programs* (2011), available at: *http://www.urban.org/uploadedpdf/412442-Strengthening-Families-Through-Stronger-Fathers.pdf.*

[35] See OCSE AT–97–10, Question and Answer 4, under Miscellaneous, available at: *http://www.acf.hhs.gov/programs/cse/pol/AT/1997/at-9710.htm;* OCSE PIQ–98–03, available at: *http://*

Section 454(13) of the Act requires that the state plan must ''provide that the State will comply with such other requirements and standards as the Secretary determines to be necessary to the establishment of an effective program for locating noncustodial parents, establishing paternity, obtaining support orders, and collecting support payments.'' Pursuant to section 454(13) of the Act, we propose to add a new optional State plan provision, § 302.76, Job Services. The proposal permits the State to provide certain specified job services to eligible noncustodial parents pursuant to § 303.6(c)(5). If the State chooses this option, the state plan must include a description of the job services and eligibility criteria.

Section 303.3: Location of Noncustodial Parents in IV–D Cases

Section 303.3 requires IV–D agencies to attempt to locate all noncustodial parents or sources of information or assets where that information is necessary. In addition to the Federal Parent Locator Service, the existing regulation lists appropriate locate sources, including ''police, parole, and probation records.'' The proposed change to § 303.3(b)(1) specifically adds ''corrections institutions'' to this list.

This proposed change will encourage child support agencies to use the available locate tools already at their disposal to identify incarcerated noncustodial parents and assure that their orders are appropriate.

Section 303.6: Enforcement of Support Obligations

In addition to the State guidelines changes, we propose to update Federal regulations in § 303.6 requiring States to have procedures in place ensuring that civil contempt proceedings take into consideration the subsistence needs of the noncustodial parent.

We believe our effort to modernize current practices in this program area will encourage noncustodial parents to comply with child support orders, maintain legitimate employment, and minimize the accumulation of unpaid child support arrearages. This will ultimately help noncustodial parents to better fulfill their financial responsibilities toward their children.

Existing § 303.6(c) requires that the IV–D agency must maintain and use an effective system for enforcing a child support obligation by complying with the provisions in existing § 303.6(c)(1) through (4). The IV–D agency must use this enforcement system for all cases referred to the IV–D agency or applying for services under § 302.33 in which a child support order has been established.

To ensure that the low-income noncustodial parent is able to comply with the court order, we propose to redesignate paragraph (c)(4) to (c)(5) and add new paragraph (c)(4) requiring States to have procedures in place ensuring that in civil contempt proceedings, such enforcement activities take into consideration the noncustodial parent's subsistence level and income. In addition, we encourage States to develop procedures to take into account the noncustodial parent's subsistence level in other child support enforcement procedures such as credit bureau reporting, license revocation, State tax refund offset, and liens. Some States have reported that they are already doing this based on discretionary needs-based analysis that the States have developed for implementing several of these enforcement tools. We invite comments on whether OCSE should regulate having procedures for considering the noncustodial parent's subsistence level for other enforcement activities in the future.

In addition, we propose in new paragraph (c)(4) that the IV–D agency must ensure, in a civil contempt proceeding, that a purge amount the noncustodial parent must pay in order to avoid incarceration takes into consideration actual earnings and income and the subsistence needs of the noncustodial parent. In addition, we propose that a purge amount must be based upon a written evidentiary finding that the noncustodial parent has the actual means to pay the amount from his or her current income or assets. This proposal will assure a fundamentally fair determination of whether a noncustodial parent is able to comply with the court order in a child support civil contempt proceeding that can lead to jail time. This proposed provision is intended to assist States seeking to add due process protections in accordance with the U.S. Supreme Court's recent decision in *Turner v. Rogers,* 564 U.S. __, 131 S Ct. at 2507 (2011), which noted that civil contempt proceedings must assure a ''fundamentally fair determination . . . whether the supporting parent is able to comply with the support order.'' As noted in *Turner,* ''A court may not impose punishment in a civil contempt proceeding when it is clearly established that the alleged contemnor is unable to comply with the terms of the order.'' *Turner, 131 S. Ct. at 2516, quoting Hicks* v. *Feiock,* 485 U.S. 624, 638, n. 9.

Under this provision, a court would not be allowed to set a standardized purge payment amount in a IV–D case, including a fixed dollar amount, a fixed percentage of the arrearage, or a fixed number of monthly payments, unless the provisions of proposed § 303.6(c)(4) are met. Under proposed § 303.6(c)(4), a IV–D agency, for example, could implement procedures to assist the court in its determination, for example, by pre-screening cases to determine whether the case is appropriate for a contempt proceeding. The issue is not the use of contempt procedures per se, but contempt orders that, if not satisfied, can lead to jail time. While some States routinely use show cause or contempt proceedings, jail is not a typical outcome. We believe the proposed provision will provide safeguards to reduce the risk of erroneous deprivation of liberty in a child support civil contempt case. We note that a contempt order may not be monetary, but instead may require certain actions by the obligor, such as obtaining employment or participation in job search or other work activities. So long as the obligor has the present ability to do what is ordered of him or her, HHS believes such an order would appear to comply with the *Turner* decision.

In an effort to make the program more effective and to increase regular child support payments, we propose program standards related to providing certain job services for eligible noncustodial parents responsible for paying child support. These services are designed to complement traditional enforcement tools and to help noncustodial parents find suitable employment opportunities so they can support their children.

Stable child support collections depend on the economic stability of the noncustodial parent. In fact, over 70 percent of child support collections are made through wage withholding by employers.[36] So while the child support program works well for those parents who have steady incomes through regular employment or other means, it has been less effective for the 20 to 30 percent of noncustodial parents who have a limited ability to pay child support because of their limited

www.dshs.wa.gov/pdf/esa/dcs/reports/OCSE_PIQ_90_99.pdf; and OCSE AT 00–08, Question and Answer 17, available at: *http://www.acf.hhs.gov/programs/css/resource/collaborative-efforts-between-iv-d-agencies-and-welfare-to-work.*

[36] DCL–13–16, OCSE Preliminary FY 2012 Data Report, is available at: *http://www.acf.hhs.gov/programs/css/resource/fy-12-preliminary-data-report-announcement.*

earnings.[37] For example, 70 percent of unpaid child support debt is owed by parents with no or low reported earnings.[38] Many poor noncustodial parents, however, have little or no connection to the formal labor market and therefore cannot pay consistent support.[39]

Traditional enforcement tools often prove ineffective in getting unemployed noncustodial parents to pay child support.[40] In most cases, offering job services is a more effective approach for increasing the ability of unemployed noncustodial parents to get and keep a job and to pay child support on a regular basis, while holding parents accountable for supporting their children. As of February 2014, 30 States and the District of Columbia are operating 77 work-oriented programs for noncustodial parents with active child support agency involvement. Three of these States are operating statewide programs—Georgia, Maryland, and North Dakota. Many other States are operating programs in multiple counties. We estimate that roughly 30,000 noncustodial parents were served by these programs in 2013. Many of these programs are associated with better child support and employment outcomes, and evaluations show they usually lead to increased support payments.[41]

These programs build on a long history of national demonstrations providing employment services to noncustodial parents. The Parents' Fair Share (PFS) demonstration in the 1990s tested a comprehensive employment program designed to improve child support payments and other outcomes for unemployed noncustodial parents with children receiving public assistance. The evaluation of PFS found that this intervention increased reliable child support payments.[42] Subsequent demonstrations or initiatives included the OCSE Responsible Fatherhood Programs (1998–2000), Partners for Fragile Families (2000–2003), Welfare-to-Work funded programs (1998–2004), and the Fathers at Work Demonstration (2003–2007). All of these programs aimed at increasing low-income parents' earnings and their child support payments, as well as increasing their involvement in their children's lives.[43] These programs tended to generate appreciable gains in child support payments.

We propose to add § 303.6(c)(5) to provide program standards related to the proposed optional State plan provision for job services for noncustodial parents owing child support through the IV–D program that are reasonably expected to increase child support payments. Our proposed job services program standards emphasize rapid labor force attachment and job retention strategies rather than long-term career development. While there are other contexts in which services to promote access to better jobs and careers are important, we have determined that in the context of unemployed noncustodial parents with child support responsibilities, federal matching funds should be limited to those services best calculated to lead to rapid employment entry and employment retention. States may determine whether to provide job services and how to design an evidence-informed employment program that improves child support outcomes. State child support work-oriented programs have implemented a number of promising strategies such as tiered employment, sectoral strategies, and job-driven training—training with a focus on business and labor market needs. Allowable job services are limited to those services which will help noncustodial parents find and maintain work so they can pay consistent and ongoing child support payments.

To be eligible for job services, we propose that the noncustodial parent must have a IV–D case, have a current child support order, be unemployed or not making regular child support payments, not be receiving TANF assistance or assistance funded with State dollars counting toward TANF maintenance of effort, not be enrolled in a Supplemental Nutrition Assistance Program Employment and Training program under 7 CFR 273.7 and 273.24, not be receiving the same job services from Workforce Investment Act (WIA) under 20 CFR part 652 and parts 660–671, and not be receiving a Federal Pell Grant under 34 CFR part 690. The State child support agency may set additional eligibility criteria.

We propose that allowable job services (for which FFP will be available under § 304.20(b)(3)(ix)) include:

- Job search assistance;
- job readiness training;
- job development and job placement services;
- skills assessments to facilitate job placement;
- job retention services;
- certificate programs and other skills training directly related to employment, which may include activities to improve literacy and basic skills, such as programs to complete high school or a General Education Development (GED) certificate, as long as they are included in the same job services plan; and
- work supports such as transportation assistance, uniforms, or tools.

We have included a focused set of job services based on rigorous research that shows positive effects of these types of services on the employment of noncustodial parents and their child support payments.[44] This package includes certificate programs and other skills training directly related to employment. Previous successful programs have included a package of services including certificate programs and skills training, which only minimally increase the cost of this provision. We specifically invite comment on our proposed eligibility

[37] For further information, see Elaine Sorensen and Chava Zibman's report, *Poor Dads Who Don't Pay Child Support: Deadbeats or Disadvantaged?* (2001), available at: *http://www.urban.org/UploadedPDF/anf_b30.pdf.*

[38] For further information, see Elaine Sorensen, Liliana Sousa, and Simon Schaner's report, *Assessing Child Support Arrears in Nine Large States and the Nation* (2007), available at: *http://aspe.hhs.gov/hsp/07/assessing-CS-debt/.*

[39] For further information, see Elaine Sorensen and Helen Oliver's report, *Policy Reforms are Needed to Increase Child Support from Poor Fathers* (2002), available at: *http://www.urban.org/uploadedPDF/410477.pdf.*

[40] For further information, see Maria Cancian, Daniel R. Meyer, and Eunhee Han's article, *Child Support: Responsible Fatherhood and the Quid Pro Quo* (2011), *The ANNALS of the American Academy of Political and Social Science 635:140.*

[41] U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement, *Work-Oriented Programs for Noncustodial Parents with Active Child Support Agency Involvement* (2014), available at: *https://www.acf.hhs.gov/sites/default/files/programs/css/work_oriented_programs_for_non_custodial_parents_2014.pdf.*

[42] For further information, see Fred Doolittle, Virginia Knox, Cynthia Miller, and Sharon Rowser's report, *Building Opportunities, Enforcing Obligations: Implementation and Interim Impacts of Parents' Fair Share* (1998), available at: *http://www.mdrc.org/sites/default/files/full_38.pdf.*

[43] For further information, see Sarah Avellar, M. Robin Dion, Andrew Clarkwest, Heather Zaveri, Subuhi Asheer, Kelley Borradaile, Megan Hague Angus, Timothy Novak, Julie Redline, and Marykate Zukiewicz's report, *Catalog of Research: Programs for Low-Income Fathers* (2011), OPRE Report # 2011–20, available at: *http://www.acf.hhs.gov/programs/opre/resource/catalog-of-research-programs-for-low-income-fathers.*

[44] For further information, see Daniel Schroeder and Nicholas Doughty's report, *Texas Non-Custodial Parent Choices: Program Impact Analysis* (2009), available at *https://www.texasattorneygeneral.gov/cs/ofi/ncp_choices_program_impact.pdf.* Also, Kye Lippold, Austin Nichols, and Elaine Sorensen's report, *Strengthening Families Through Stronger Fathers: Final Impact Report for the Pilot Employment Programs* (2011), available at: *http://www.urban.org/uploadedpdf/412442-Strengthening-Families-Through-Stronger-Fathers.pdf.*

criteria and the list of allowable job services.

Subsidized employment is not included as an allowable job service above, but we ask for comment regarding its inclusion here. Subsidized employment programs provide jobs to people who cannot find employment in the regular labor market and use public funds to pay all or some of their wages. Evaluations of subsidized employment programs suggest that they are effective at providing jobs in the short term and can have valuable ancillary benefits, including reduced welfare receipt and recidivism among ex-offenders.[45] However, including subsidized employment in a jobs program can increase the cost of the program, and our principal focus here is on low-cost job services. We invite comments on the effectiveness of including subsidized employment as an allowable job service, including experience and evidence of the cost-effectiveness of using this strategy to improve regular child support payment from low-income parents, and if allowed, options we might consider for limiting the costs of subsidized jobs efforts, such as limits on the length or amount of the subsidy. Since payment of child support obligations is the goal of job services in child support, we also ask for comments on the potential implications of withholding child support from IV–D funded subsidized wages.

Section 303.8: Review and Adjustment of Child Support Orders

Effective review and adjustment of child support orders is an important step in ensuring that noncustodial parents comply with their child support obligations. Without an effective system to change child support orders to reflect actual ability to pay, arrears will accumulate. The unnecessary accrual of arrears is harmful because it hinders payment of regular support payments, leads to uncollectible debt, limits work opportunities for noncustodial parents, and interferes with parent-child relationships.[46] To address the needs of families with a parent in prison, numerous States, including Missouri, Nevada, Oklahoma, Texas, and West Virginia, already communicate with incarcerated parents about review and adjustment policies and the importance of requesting modification of their child support orders.[47]

Section 466(a)(10) of the Act requires a State to have in effect laws requiring the use of procedures for review and adjustment of child support orders. Existing regulations in § 303.8 specify the requirements that a State must meet with respect to seeking adjustments to child support orders in IV–D cases. The current regulation establishes both a required system for review and adjustment for cases with assignments under part A of the Act and a means of accessing the review and adjustment process for other cases based upon a request from either parent. We propose to redesignate § 303.8(b)(2) through (b)(5) as (b)(3) through (b)(6). Also, we propose to add a new paragraph (b)(2) that would allow the child support agency to elect in its State plan the option to initiate the review of a child support order and seek to adjust the order, if appropriate, after being notified that a noncustodial parent will be incarcerated for more than 90 days. This review would not need a specific request, provided both parents had received notice. In electing this State plan option, the State may also need to consider whether further changes to State laws are required to implement this procedure. In most States, incarcerated parents must take affirmative steps to have their orders modified. We have found that very few incarcerated parents petition for a modification, even though their order could be suspended during incarceration. As a result, by the time that noncustodial parents are released from prisons, their child support arrearages have grown to very high levels, and may help drive the noncustodial parents into the underground economy to avoid paying support and may create an additional barrier to parent-child contact.[48] A number of States, including Arizona, California, Michigan, Vermont, and the District of Columbia permit their child support agency to initiate review and adjustment upon notification that the noncustodial parent has been incarcerated.[49] During the first year of implementing this new procedure, one State was able to modify over 300 orders resulting in an average of $5,156 in arrearages being avoided per case.[50] We specifically invite comments on this provision, including any experiences commenters have had in trying to adjust orders for incarcerated noncustodial parents.

In addition, we propose to redesignate existing § 303.8(b)(6) which requires notice ''not less than once every three years,'' to § 303.8(b)(7) and (b)(7)(i) and to add a new paragraph (b)(7)(ii) to add that a notice of the right to request a review and adjustment is also required when the IV–D agency has knowledge that a parent is incarcerated. Alabama and Texas provide inmates with information about the child support program and the steps needed to request a review of their child support order.[51] Providing notice is a necessary first step in informing both parents of the ability to request a modification of their order when a parent has been incarcerated.

In addition, § 303.8 specifies requirements that a State must meet with respect to seeking adjustments to child support orders in IV–D cases. Existing paragraph (d) of this section specifies that if the review indicates the

[45] For further information, see Cindy Redcross, Megan Millenky, Timothy Rudd, and Valerie Levshin. ''More than a Job: Final Results from the Evaluation of the Center for Employment Opportunities (CEO) Transitional Jobs Program,'' OPRE Report 2011–18 (January 2012) available at: *http://www.acf.hhs.gov/sites/default/files/opre/more_than_job.pdf.* In addition, see Dan Bloom, Sarah Rich, Cindy Redcross, Erin Jacobs, Jennifer Yahner, and Nancy Pindus. ''Alternative Welfare-to-Work Strategies for the Hard-to-Employ: Testing Transitional Jobs and Pre-Employment Services in Philadelphia,'' MDRC, (October 2009), available at: *http://www.acf.hhs.gov/programs/opre/resource/alternative-welfare-to-work-strategies-for-the-hard-to-employ-testing.*

[46] For further information, see Carolyn J. Heinrich, Brett C. Burkhardt, and Hilary M. Shager, *Reducing Child Support Debt and Its Consequences: Can Forgiveness Benefit All?* (2010), available at: *http://www.irp.wisc.edu/research/childsup/cspolicy/pdfs/2007–09/FamiliesForward_3_19_10.pdf.*

[47] For further information, see Department of Health and Human Services, Office of Child Support Enforcement, *''Voluntary Unemployment,'' Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents* (2012), Project of Avoid Increasing Delinquencies—Child Support Fact Sheet, available at: *http://www.acf.hhs.gov/sites/default/files/ocse/paid_no4_companion.pdf.*

[48] For further information, see the *Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community,* available at: *http://www.reentrypolicy.org/publications/1694;file.* See also Carmen Solomon-Fears, Gene Falk, and Adrienne L. Fernandes-Alcantara, *Child Well-Being and Noncustodial Fathers* (2013), Congressional Research Service.

[49] In 2012, Vermont enacted Senate Bill 203 that allows the child support program to file a motion to modify child support if a party is incarcerated from more than 90 days. For information about the other jurisdictions, see Department of Health and Human Services, Office of Child Support Enforcement, *''Voluntary Unemployment,'' Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents* (2012), Project of Avoid Increasing Delinquencies—Child Support Fact Sheet, available at: *http://www.acf.hhs.gov/sites/default/files/ocse/paid_no4_companion.pdf.*

[50] For further information, see the final report on *Modifying Orders for DC Prisoners: An 1115 Demonstration Project* (2006), abstract available at: *http://archive.acf.hhs.gov/programs/cse/grants/abstracts/by_state.html.*

[51] For further information, see Department of Health and Human Services, Office of Child Support Enforcement, *''Voluntary Unemployment,'' Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents* (2012), Project of Avoid Increasing Delinquencies—Child Support Fact Sheet, available at: *http://www.acf.hhs.gov/sites/default/files/ocse/paid_no4_companion.pdf.*

need to provide for the health care needs of the children in the order, such a need must constitute adequate justification under State law to petition for adjustment of the order, regardless of whether an adjustment in the amount of child support is necessary. Existing paragraph (d) restricts consideration of Medicaid as medical support.

Since current OCSE policy does not consider the eligibility for or receipt of Medicaid to meet the health care needs of the child(ren), States are required to include private health insurance or establish a cash medical support order to address the child(ren)'s health care needs pursuant to § 303.31(b). Although this has been a longstanding policy,[52] we realize that our existing regulation restricts existing State flexibility available under the current statute and that it is no longer appropriate to restrict Medicaid, CHIP, and other coverage plans available in the State as part of medical support. In order to provide a State with flexibility to establish and enforce medical support obligations whenever a parent has access to health care coverage—private or public—at a reasonable cost, consistent with section 452(f) of the Act, OCSE proposes to delete the last sentence of paragraph (d) of § 303.8 which prohibits Medicaid from being considered medical support.

Section 303.11: Case Closure Criteria

Case closure, § 303.11, is another area where changes in existing regulations will increase program flexibility, effectiveness, and efficiency. Case closure regulations were initially promulgated in 1989. Since then, advances in technology have greatly increased the likelihood that if State IV–D agencies have sufficient information about a noncustodial parent, they can generally locate the noncustodial parents and find legitimate income and assets.

The goal of the proposed case closure regulations is to direct resources for cases where collections are possible and to ensure that families have more control over whether to receive child support services. Under current case closure regulations, States are not permitted to close cases except under certain narrow and specific circumstances. This can mean that a State may be required to keep a case open for decades, well after the child has emancipated, and regardless of whether the family wants continued services. State case closure procedures are automated and subject to audits.

The National Council of Child Support Directors provided OCSE with recommendations for improving the effectiveness and efficiency of the case closure criteria, while at the same time, ensuring that resources are directed to working cases and that children receive services whenever there is any reasonable likelihood for collections in the future. Additionally, we sought Tribal input in a formal fashion as discussed in the Tribal Impact Statement.

The proposals in this regulation are intended to carry out good customer service and management practices in order to provide needed services where there is any reasonable chance to successfully work a case. The proposed regulation also ensures that safeguards are in place to keep recipients apprised of case closure actions. Cases are not closed without taking into consideration any new information provided by the affected parties.

Section 454(4)(A)(ii) of the Act requires a State to provide IV–D services to any individual who files an application for services. In addition, sections 408(a)(3) and 454(29) of the Act require TANF assistance recipients to assign their rights to child support and to cooperate with the child support program in obtaining support. Existing regulations allow a State to close IV–D cases only under certain restricted circumstances even when the State is no longer able to provide effective and productive child support services. In all cases where case closure is proposed, recipients of child support services are given notice of the intent to close the case and are provided an opportunity to respond with information and to request that the case be kept open or, after the case is closed, to reopen the case.

In an effort to modernize our regulations, we propose several new case closure criteria and revisions to existing criteria in § 303.11 that are intended to provide families with effective child support enforcement services, promote State flexibility, and ensure the efficient use of State and Federal resources. While the NPRM expands the number of case closure criteria, it also strengthens the case closure notice provisions to ensure that recipients are kept apprised of case closure actions and understand how to request additional services. The proposals in this regulation aim to balance good management and workable administrative decisions with providing needed services, always erring in favor of including any case in which there is a reasonable chance of success.

In § 303.11(b), we propose to clarify that a IV–D agency is not required to close a case that is otherwise eligible to be closed under that section. Case closure regulations are designed to give a State the option to close cases, if certain conditions are met, and to provide a State flexibility to manage its caseload. If a State elects to close a case under one of these provisions, we propose the State maintain supporting documentation for its decision in the case record. We emphasize that closing a case will not affect the legality of the underlying order. The child support order, including any payment or installment of support such as arrearages due under the order, remains in effect and legally binding.

We propose a new criterion as § 303.11(b)(2) that will allow a State to close cases where there is no current support order and all arrearages are owed to the State. This provision is intended to afford the State more resources to enforce those cases where debt is owed to families rather than to the State.

We propose a new criterion as § 303.11(b)(3) that will allow the IV–D agency to close arrearages-only cases against low-income senior citizens who are entering or have entered long-term care placement, and whose children have already reached majority age. In addition, these noncustodial parents must have no income or assets available above the subsistence level that could be levied or attached for support. The first generation of orders in the IV–D program was issued more than 35 years ago. We recognize that a portion of our noncustodial parent population is aging, many of whom may depend on fixed incomes. Old child support debt, carried well after the children have become adults and sometimes parents themselves, could pose a barrier for aging parents to obtain affordable housing, basic income, and health care. We believe enforcement efforts against these noncustodial parents are not only ineffective, but are also an inefficient way to expend child support resources. We would like to hear from States and other stakeholders about their experiences working with low-income, aging noncustodial parents, and receive recommendations for this rule.

OCSE has redesignated § 303.11(b)(2) as (b)(4) and proposes to add a new criterion as § 303.11(b)(5) which allows a State to close cases when the noncustodial parent is either living with the minor children as the primary caregiver or is a part of an intact two-parent household, and the IV–D agency

[52] For further information, see AT–91–02, *http://www.acf.hhs.gov/programs/cse/pol/AT/1991/at-9102.htm,* AT–92–02, *http://www.acf.hhs.gov/programs/cse/pol/AT/1992/at-9202.htm,* AT–92–12, *http://www.acf.hhs.gov/programs/cse/pol/AT/1992/at-9212.htm,* and AT–08–08, *http://www.acf.hhs.gov/programs/cse/pol/AT/2008/at-08–08.htm.*

has determined that services either are not appropriate or are no longer appropriate. This provision is intended to address situations where parents reconcile so services are no longer needed, as well as intact two-parent families where one parent works or is seeking work out of State and child support services were never needed. We have also redesignated paragraph (b)(3) as (b)(6).

When States have made repeated efforts over time to locate noncustodial parents, and those efforts are unsuccessful because of inadequate identifying or location information, States should be allowed to close those cases and to focus efforts on productive cases. Current § 303.11(b)(4)(i) permits a State to close cases that have identifying information, like full names, dates of birth, and verified Social Security Numbers, after 3 years, in which locate efforts have been exhausted. For those cases with sufficient identifying information and with enhanced locate tools, such as the National Directory of New Hires (NDNH) that provides current data on new hires and quarterly wage data and the Federal Case Registry (FCR), as well as tax information from the Internal Revenue Service and financial information from financial institutions data match, State experience has been that if a State is able to locate parents and assets, it is generally within 2 years. Moreover, the NDNH data are only retained for 2 years. Given that, we propose to redesignate paragraph (b)(4) as paragraph (b)(7) and to revise the 3-year locate period in newly designated § 303.11(b)(7)(i) to a 2-year locate period. Given the low success rate for collections after 2 years, the extra time and resources that would have been used to locate may be better used to enforce other cases where appropriate.

Similarly, under current § 303.11(b)(4)(ii), a State is allowed to close cases after 1 year if it does not have sufficient identifying information, such as a date of birth or a verified Social Security Number, to initiate an automated locate effort. For the same reasons noted in the previous paragraph, we propose changing the locate period from a 1-year period to a 6-month period in proposed § 303.11(b)(7)(ii).

Also, proposed § 303.11(b)(7)(iii) adds a provision to allow a State to close cases after a 1-year period when there is sufficient information to initiate an automated locate effort, such as full names and dates of birth, but locate interfaces are unable to verify Social Security Numbers. OCSE implemented an interface between its Federal Parent Locator Service (FPLS) and the Social Security Administration's Enumeration Verification System (EVS) in 1996. FPLS is a computerized national location network that provides States with the most timely, accurate information available to locate noncustodial parents for the purpose of establishing or enforcing child support orders. The EVS system is an automated process to verify, correct, and identify Social Security Numbers. It supports the correct identification of individuals when incomplete or duplicate Social Security Numbers are found in child support enforcement records. States are required to use EVS and to obtain as much pertinent information as possible from custodial parents. However, if after 1 year neither EVS nor FPLS are able to verify Social Security Numbers, OCSE believes that case closure is warranted. Without sufficient information to use enhanced locate tools like EVS and the FPLS, locate efforts are futile and work time may be better allocated to other areas of enforcement.

Current § 303.11(b)(5) lists a limited number of circumstances under which a State may close cases if it determines a noncustodial parent cannot pay support for the duration of the child's minority. We propose to redesignate the existing provision as § 303.11(b)(8) and to add the phrase ''the child has reached the age of majority'' to the first subparagraph under the proposed provision. This will allow a State to close both current support and arrearages-only cases if the circumstances described in proposed (b)(8) are met. We have also revised the proposed language by moving the phrase, ''and shows no evidence of support potential'' earlier in the paragraph to clarify that this condition applies to all of the circumstances described in proposed (b)(8). The current provision also allows a State to close cases in which the noncustodial parent has been incarcerated ''with no chance for parole'' and has no income or assets above the subsistence level, which could be levied or attached for support. We believe the ''no chance for parole'' requirement unduly restricts a State's flexibility to determine that the child support case is unproductive and should be closed. Therefore, we propose to eliminate the phrase ''with no chance for parole.'' We also propose to add a new provision that will allow a State to close cases in which the noncustodial parent cannot pay support and shows no evidence of support potential despite multiple referrals for services over a 5-year period, which have not been successful. A State will have the discretion to determine what services are appropriate and available under State law. Finally, we have added that these cases can only be closed under proposed (b)(8) if the noncustodial parent's does not have income or assets ''above the subsistence level.'' We believe that the IV–D agency should only pursue enforcement on these cases if the noncustodial parent has income or assets above the subsistence level (as defined by the State).

We have also added a new criterion § 303.11(b)(9) to allow a State to close a case when a noncustodial parent's sole income is from Supplemental Security Income (SSI) payments made pursuant to sections 1601 *et seq.,* of title XVI of the Act, 42 U.S.C. 1381, *et seq.,* from both SSI and benefits pursuant to title II of the Act, or from other needs-based benefits. We are including the concurrent SSI/title II beneficiary in this proposal, because the noncustodial parent's income level is low enough to be eligible for SSI. Therefore, we believe that these cases should be closed since they would be unproductive for the IV–D agency to pursue. Additionally, we seek comments on whether additional guidance is warranted to strengthen protection of SSI, e.g., requiring enhanced notice provisions recognizing these exceptions to garnishment. We have also redesignated existing paragraphs (b)(6)–(b)(8) as paragraphs (b)(10)–(b)(12).

As previously discussed, we proposed under § 302.33(a)(6) to allow a State to offer limited child support services. Currently, there is no corresponding provision that allows a State to close these cases opened under § 302.33(a)(6), without first waiting for the recipient of services to request case closure. Therefore, we propose a new criterion § 303.11(b)(13) that will allow the State to close a non-IV–A case after a limited service under § 302.33(a)(6) has been completed without providing the notice under § 303.11(d)(1). (Section 302.33(a)(6) requires that the individual be notified when applying for limited service(s) that the case will be closed after the limited service is completed.) However, after the case is closed, the IV–D agency must notify the recipient in accordance with § 303.11(d)(6). We have also redesignated current paragraph (b)(9) to (b)(14).

In non-IV–A cases, or cases where the custodial parent and/or child(ren) does not receive cash assistance from the State, the State is required to distribute child support payments to the recipient of child support services. Although many State child support programs distribute payments through debit cards, it remains extremely important for the

recipient of services to keep the State informed of his or her current mailing address to ensure that the case can be processed effectively. If a State is unable to contact a recipient of services, current § 303.11(b)(10) requires the State to make an attempt of at least one letter sent by first-class mail to the recipient's last known address within 60 calendar days before beginning the process of case closure. If the attempt fails and the State does not hear from the recipient of services within the 60 days, under current paragraph (c), the State must then send another letter to inform the recipient of services of its intent to close the case in 60 days. In situations where the letter sent in the first attempt is returned by the Postal Service as undeliverable with no forwarding address, the State must still wait the full 60 days from the date the letter was mailed before sending the 60-day case closure notice. We intend to streamline the case closure process by eliminating the 60-day wait requirement under proposed § 303.11(b)(15). We consider it to be more efficient to allow a State to attempt to contact the recipient of services through at least two different methods. With today's technology, there are many different options when it comes to notifying clients, such as first-class mail, electronic mail, text messaging, and telephone calls. A State will have discretion to determine what methods are most appropriate on a case-by-case basis. As emphasized in Action Transmittal 10–11, ''Alternative Methods to Meet the Monthly Requirement,'' however, the underlying policy goal is effective notice.

We redesignated existing paragraphs (b)(11)–(b)(14) as (b)(16)–(b)(19) and propose a new criterion at § 303.11(b)(20) to provide a State with flexibility to close cases referred inappropriately by the IV–A, IV–E, and Medicaid programs. We encourage State IV–D agencies and assistance programs, like IV–A, IV–E, and Medicaid, to work together to define referral criteria to ensure only appropriate cases are referred to the IV–D agency. The term *appropriate* is used in the regulation because section 454(4)(A) of the Act requires IV–D agencies to provide services ''as appropriate.'' Primarily due to automated interfaces between programs, a very small number of cases referred to the IV–D agency are plainly inappropriate for child support enforcement services, but existing regulations do not provide State IV–D agencies with a basis for closing such cases. We believe that these programs and child support agencies work hard to communicate regularly and effectively to assist each other in updating their respective case information to ensure that referrals are made appropriately.

However, there are rare instances when a State inadvertently opens cases inappropriately referred for child support services. Therefore, we recommend a new criterion that will allow a IV–D agency to close a case that has been opened to establish or enforce child support because of an inappropriate referral from another assistance program.

For example, in assistance cases which are referred for IV–D services, both parents may be living at home and functioning as an intact family although the parents are not married and paternity has not been established. Since both parents are living with their child, and there is no noncustodial parent, the IV–D agency may determine that pursuing the case is not appropriate for child support enforcement. Another example could be an intact family that is eligible for TANF. A married parent applied for TANF, while the other parent has left the area to find work. Since the family continues to function as an intact family, although one parent is away for economic reasons, the IV–D agency may determine that it is detrimental to the family to pursue child support. In these circumstances, we believe the IV–D agency should be in communication with the IV–A agency to ensure that the decision to close the IV–D case will not be viewed by the IV–A agency as noncooperation by the recipient of services.

Another example of an inappropriate referral would be for a family receiving a non-recurring, short-term TANF benefit that does not fall within the definition of TANF assistance under § 260.31 as required by existing law and policy [53] that was unnecessarily referred to the IV–D program in error. In cases where there is no legal authority to require an assignment and the case was inappropriately opened by the IV–D agency, we believe that the IV–D agency should be able to close the case.

Also, in IV–E cases which are referred to the IV–D agency, there may be cases where children are expected to be in foster care for only a short time before being reunited with their family or before adoption proceedings are finalized. The IV–D agency may determine that it is not appropriate to pursue child support. Finally, as discussed above in proposed § 302.33(a)(4), we provide State IV–D agencies with additional flexibility to determine whether notice to a family in which a child no longer receives foster care maintenance payments is appropriate.

While we believe that inappropriate referrals are limited in number, we believe a State should have the flexibility to close these cases on a case-by-case basis under proposed § 303.11(b)(20). We specifically seek public comment on whether the proposed provision in § 303.11(b)(20) effectively addresses the rare circumstance where an inappropriate referral may have been made or whether the language is too broad. We are interested in the pros and cons of this proposal and if you have any additional suggested criteria or revisions to ensure that a State is accorded the flexibility to close cases where inappropriate referrals have been made.

In addition, we plan to update case closure regulations to encourage efficient case transfer between State and Tribal IV–D programs. Originally, when case closure regulations were written in 1989, there were no Tribal IV–D programs. Presently, there are over 50 fully operational Tribal IV–D programs. We invited Tribal leaders to engage in both written and face-to-face consultations to discuss issues and proposed solutions related to intergovernmental coordination. We also met with Tribal IV–D directors in several sessions around the country to have a conversation regarding Tribal Medical Child Support. We specifically discussed case transfer and case closure issues that will require a State IV–D agency to close Medicaid reimbursement cases that involve children receiving services from the Indian Health Service (IHS) when appropriate. We also discussed case transfer and case closure issues with State child support directors. As a result of these efforts, we received comments that helped us develop this NPRM.[54]

In recent years, OCSE received a number of inquiries asking whether a State IV–D agency may close a case that has been transferred to a Tribal IV–D program and under what circumstances. OCSE responded to those inquiries in Policy Interpretation Question Tribal (PIQT) 05–01.[55] PIQT 05–01 clarified that a State may transfer a case to a Tribe if the custodial parent wishes to receive services from the Tribal IV–D agency rather than from the State IV–D agency, and requests that the case be transferred or consents to the transfer. The guidance stated that such transfers,

[53] For further information, see AT–98–24, August 19, 1998, available at: *http://www.acf.hhs.gov/programs/cse/pol/AT/1998/at-9824.htm.*

[54] See Tribal Impact Statement in preamble.

[55] Available at: *http://www.acf.hhs.gov/programs/cse/pol/PIQT/2005/piqt-05-01.htm.*

at the request of or with the consent of the custodial parent, may be appropriate if there are no assigned arrearages owed to the State. In other words, under existing policy, a State could close and transfer cases to Tribes only if there were no assigned arrearages owed to a State that required the State to maintain an open IV–D case. Similarly, if a Tribe had a current case but the parent requested that it be transferred to a State IV–D program and the Tribe no longer had an interest in the action, the Tribe could close and transfer the case to the State IV–D program. The current policy does not address cases where there is no current assignment. The State may transfer such cases to a Tribal IV–D agency for appropriate action.

Proposed § 303.11(b)(21) will permit a State the flexibility to close the case if it has been transferred to a Tribal IV–D agency, regardless of whether there is a State assignment. It will also allow a State to reduce data management demands by eliminating duplicate and outdated cases and to better allocate its limited resources to other enforcement activities. Before a case can be transferred to a Tribal IV–D agency, we propose that either the recipient of services must request the transfer or the State must notify the recipient that the case will be transferred to the Tribal IV–D agency and obtain the recipient's consent. We also propose that a State deems consent if the recipient does not respond to a notice to transfer within 60 calendar days from the date notice was provided. Although not a condition of eligibility, some Tribal IV–D applications for services contain a box that may be checked to affirm a Tribal applicant's consent to have the case transferred from a State IV–D agency to a Tribal IV–D agency. This may be regarded as sufficient proof of consent for transferring and closing the case. We specifically request comments from States, Tribes, and other stakeholders on this additional flexibility for States to transfer and close cases notwithstanding a State assignment, and will consider all comments and recommendations received before issuing the final rule. Finally, we propose the State notify the recipient that the case has been transferred to the Tribal IV–D agency.

A State has the authority to accept less than the full payment of state-assigned arrearages on the same grounds that exist for compromise and settlement of any other judgment owed to the State.[56] Therefore, a State may enter into an agreement with a Tribal IV–D agency to permit the Tribe to compromise any state-assigned arrearages.

Any State debt owed under the pre-existing order remains in effect and legally binding. Once a case is closed and transferred to a Tribal IV–D program, the Tribal IV–D program will continue to adhere to Federal regulations and must extend the full range of services under its IV–D plan as required by § 309.120(a). We strongly urge the State and the Tribe to work together in these instances to reach agreement on steps to take that will result in effective intergovernmental cooperation, smooth case transfer, less confusion about case ownership, and ongoing support payments to families, including the possibility of compromising arrearages permanently assigned to the State and/or entering into repayment agreements.

We believe there is little likelihood a State can successfully perform IV–D functions in many Tribal cases, especially in cases with default child support orders. Although some child support enforcement services have been provided through cooperative agreements between Tribes and States and have helped bring child support services to some Tribal families, Indian families may experience some difficulty in getting IV–D services from State IV–D programs.

One reason is because the authority of State and local government is either limited or nonexistent within much of Tribal territory, while jurisdiction is concurrent in other areas, as in States that adhere to Public Law 83–280. In addition, practical obstacles exist to State enforcement against Tribal members, particularly those low-income obligors who lack formal employment or who work in a tribally-owned business. Finally, Tribal IV–D programs incorporate certain tools and procedures not available to State IV–D programs, such as policies permitting in-kind support payments or traditionally-based dispute resolution procedures.

In order to better serve Indian families, we propose a new criteria under § 303.11(c) that will require a State IV–D agency to close a Medicaid reimbursement referral based solely upon health care services, including contract health services, provided through an Indian Health Program. The IHS is responsible for providing health care to American Indians and Alaska Natives under the Snyder Act. See 25 U.S.C. 13 (providing that the Bureau of Indian Affairs (BIA) will expend funds as appropriated for, among other things, the ''conservation of health'' of Indians); 42 U.S.C. 2001(a) (transferring the responsibility for Indian health care from BIA to IHS). IHS provides such care directly through federal facilities and clinics, and also contracts and compacts with Indian tribes and tribal organizations to provide care pursuant to the Indian Self Determination and Education Assistance Act (ISDEAA), Pub. L. No. 93–638 (codified at 25 U.S.C. 458aaa–18(b)). In addition, the Snyder Act authorizes IHS to pay for medical care provided to IHS beneficiaries by other public and private providers as contract health services (CHS). The term ''Indian Health Program,'' defined at 25 U.S.C. 1603(12), encompasses the different ways health care is provided to American Indians and Alaska Natives.

Pursuant to 25 U.S.C. 1621e, IHS and Indian tribes seek to ensure maximum resources to perform this responsibility, and require individuals with third party insurance pay for health care services provided to IHS-eligible individuals through health programs administered under IHS authority, including contract health services (CHS). Third party payers or alternate resources include Medicaid, private insurance, or other health benefits coverage for individuals who receive health care services through such programs. An IHS-eligible patient is not considered a third party payer, and his/her resources are not considered to be alternate resources under 25 U.S.C. 1621e. Likewise, the parents of an IHS-eligible minor are not considered alternate resources under 25 U.S.C. 1621e. Custodial and noncustodial parents of IHS-eligible patients (or their resources) should not be distinguishable for purposes of payment. In other words, the IHS will not seek payment from noncustodial parents of IHS-eligible children who receive health care services provided through Indian Health Programs.

Consistent with the IHS authority, the Centers for Medicare & Medicaid Services (CMS) propose conforming changes to Medicaid policy concerning third party liability and medical support with respect to IHS-eligible children who receive health services, including CHS, through an Indian Health Program. Under existing IHS policy, noncustodial parents are not considered liable third parties and their assets are not available for medical support for such services. Recognizing that the IHS has primary responsibility for determining the medical support obligations from Indian families for services provided through Indian Health Programs, CMS proposes to amend 42 CFR 433.152(b)(1), consistent with IHS policy, to require that State Medicaid agencies not refer

[56] For further information see PIQ–00–03, available at: *http://www.acf.hhs.gov/programs/cse/pol/PIQ/2000/piq-00-03.htm,* and PIQ–99–03, available at *http://www.acf.hhs.gov/programs/cse/pol/PIQ/1999/piq-9903.htm.*

cases for medical support enforcement services when the Medicaid referral is based solely upon health care services, including contract health services, provided through an Indian Health Program (as defined at 25 U.S.C. 1603(12)) to a child who is eligible for health care services from the Indian Health Service (IHS). This policy remedies the current inequity of holding noncustodial parents personally liable for services provided through the Indian Health Programs to IHS-eligible families that qualify for Medicaid, while not holding noncustodial parents personally liable for the same services for IHS-eligible families that do not qualify for Medicaid. Research indicates that most noncustodial parents of IHS-eligible children who qualify for Medicaid have difficulty meeting their child support obligations.[57] Requiring them, but not parents of children who do not qualify for Medicaid, to use their personal resources to pay for health care provided through Indian Health Programs is unreasonable. To be clear, CMS, like IHS, will continue to require that State agencies seek reimbursement from any private insurance or other health care coverage purchased for the child, including coverage purchased by the noncustodial parent out of the parent's personal assets. The proposed revision to 42 CFR 433.152(b)(1) also eliminates reference to 45 CFR Part 306 which was repealed in 1996.

In light of the IHS's policy, OCSE and CMS propose that State Medicaid agencies not refer such cases and that IV–D agencies that receive Medicaid reimbursement referrals based solely on health care services, including contract health services, provided to IHS-eligible children through an Indian Health Program, will be required to close such cases, as these cases will have been inappropriately referred. Pursuant to IHS' policy and CMS' proposed policy, there would be no medical child support reimbursement obligation to pursue against any custodial or noncustodial parents, and any recovery from insurance policies would be outside the scope of the State IV–D agencies' authority. It is our understanding that such Medicaid referrals are common. The proposed corresponding child support case closure rule will make clear that State IV–D agencies should not seek medical child support based on the Medicaid referrals.

Finally, we propose to redesignate existing § 303.11(c) as § 303.11(d) and to reorganize the provisions into subparagraphs for clarity.

Under § 303.11(d)(1) and (2), we also propose conforming changes to address renumbered and proposed provisions that either require notice to the recipient of services or, the initiating agency in an intergovernmental case that meet the criteria for closure, 60 calendar days prior to closing the case of the State's intent to close the case. In addition, we have added a proposal in § 303.11(d)(4) for a case meeting the criteria for closure in paragraph (b)(20) or (c) that the IV–D agency must notify the referring agency, in a record, 60 calendar days prior to closure of the case of the State's intent to close the case. Additionally, we propose in § 303.11(d)(5) that if the referring agency does not respond to the notice or does not provide information demonstrating that child support services are needed for the case, the IV–D agency may close the case. However, when the case is closed, the IV–D agency must notify the recipient of services that the case was closed under proposed paragraph (d)(6).

In § 303.11(d)(6), we are also proposing a new requirement for cases closed pursuant to paragraphs (b)(13) and (d)(5). The State must notify the recipient that the case has been closed within 30 calendar days of closing the case. This notice must also provide information regarding reapplying for additional child support services and the consequences of receiving IV–D services, including any State fees, cost recovery, and distribution policies. If the recipient reapplies for child support services in a case that was closed pursuant to paragraph (b)(13), the recipient will complete a new application for IV–D services and pay any applicable fee. If the recipient reapplies for services in a case that was closed pursuant to paragraph (d)(5), the recipient will complete a new application for IV–D services but will not be charged a fee since the case was originally opened through an inappropriate referral. We specifically seek comments related to these post-closure notices.

It is important to note that after a IV–D agency has closed a case pursuant to the procedures outlined in § 303.11, the former recipient of services may reapply for services at any time pursuant to the last sentence of existing § 303.11(c), which we propose to make a new subparagraph and redesignate as § 303.11(d)(7). Given that a State will have more discretion to close unproductive cases under the proposed rule, we request comments on redesignated § 303.11(d)(7) and whether the language is sufficiently clear to ensure that a former recipient of services is able to reapply for and open a IV–D case. Finally, we redesignated existing paragraph (d) as proposed paragraph (e).

Section 303.31: Securing and Enforcing Medical Support Obligations

While the child support program has long been involved with securing health care coverage for children, in the past, we have focused narrowly on private coverage available through a noncustodial parent's employer rather than taking full advantage of the many coverage options available to children. However, the Deficit Reduction Act of 2005 (DRA) (Pub. L. 109–171) made significant improvements to medical child support by emphasizing the importance of securing health care coverage. The DRA provided that the child support agency may look to either or both parents to provide medical support, including health care coverage and cash payments to defray the child's health care costs. The DRA recognized that custodial families are a common, and in many cases, a preferred source of insurance coverage for their children because it is often simpler for children to be on the same policy as their residential parent. The DRA also acknowledged that the cost of coverage is a critical consideration. However, existing medical support regulations focus narrowly on private insurance and do not allow families the opportunity to choose from the full range of health care coverage options that may be available to them.

In general, families in the Child Support Enforcement program have limited access to employer-sponsored private insurance and are disproportionately eligible for Medicaid and the Children's Health Insurance Program (CHIP).[58] A national research

[57] For further information, see Laudan Y. Aron's report, *Health Care Coverage Among Child Support-Eligible Children* (December 2002), available at *http://aspe.hhs.gov/hsp/CSE-health-ben02/index.htm;* Laura Wheaton's report, *Nonresident Fathers: To What Extent Do They Have Access to Private Health Insurance?,* available at *http://fatherhood.hhs.gov/ncp-health00/index.htm;* Cara James, Karyn Schwartz and Julia Berndt, *A Profile of American Indians and Alaska Natives and Their Health Coverage* (June 2000), available at: *http://www.kff.org/minorityhealth/7977.cfm;* Sorensen, Elaine, *A National Profile of Nonresident Fathers and Their Ability to Pay Child Support* (1997), available at: *http://www.jstor.org/stable/10.2307/353782;* Elaine Sorensen, Liliana Sousa, and Simon Schaner, *Assessing Child Support Arrears in Nine Large States and the Nation* (2007), available at: *http://aspe.hhs.gov/hsp/07/assessing-CS-debt/;* and U.S. Department of Interior, Bureau of Indian Affairs, *2005 American Indian Population and Labor Force Report,* available at: *http://www.bia.gov/cs/groups/public/documents/text/idc-001719.pdf.*

[58] For further information, see Laudan Y. Aron's report, *Health Care Coverage Among Child Support-*

study in the late 1990s, the most recent study of its kind, determined that half of noncustodial parents who were not currently covering their children did not have access to employer-sponsored family coverage at all, before even considering cost.[59] Since 1999, the average cost of private family coverage has nearly tripled.[60]

An analysis of selected States finds that issuing a National Medical Support Notice to the noncustodial parent's employer results in the child being enrolled in a health plan only 10 to 23 percent of the time. Therefore, although States have worked hard and committed substantial resources toward increasing the percentage of child support orders that include medical support from 60 percent to 80 percent since 2002, medical support is actually provided as ordered in only 30 percent of cases.[61] While employer-sponsored and other private insurance is important for children who have access to it, most uninsured children in custodial families (79 percent) are eligible for Medicaid or CHIP. Therefore, to make sure that children get the coverage they need, the child support system needs to be in a position to take advantage of the full range of coverage options.

OCSE proposes to amend § 303.31 to provide a State with flexibility to permit parents to meet their medical support obligations by providing health care coverage or payments for medical expenses that are reasonable in cost and best meet the health care needs of the child. Section 303.31 is amended by removing restrictions that exclude the consideration of Medicaid, CHIP, and other State health programs as part of medical support and by providing greater flexibility to a State in defining the reasonable cost of health insurance. In accordance with section 452(f) of the Act, the proposed changes provide a State with options to define medical support to include private health insurance, other health care coverage options such as Medicaid, CHIP, or other coverage plans available in the State, and cash medical support.

In § 303.31(a)(2) we propose to clarify that health insurance includes public and private insurance. This is a clarification, as ''health insurance'' already includes both public and private coverage.

In § 303.31(a)(3) we propose to omit the requirement that the cost of health insurance be measured based on the marginal cost of adding the child to the policy. In situations in which a parent may be required to purchase a family health insurance policy, it may be appropriate to consider the full cost the parent must pay for the coverage when determining if the coverage is reasonable in cost. Therefore, this proposed change gives a State additional flexibility to define reasonable medical support obligations.

Next, § 303.31(b) requires the State IV–D agency to petition the court for private health insurance that is reasonable in cost. OCSE proposes to remove the limitation in paragraphs (b)(1), (2), (3)(i), and (4) restricting this to private health insurance to allow a State to take advantage of both private and public health insurance options to meet children's health care needs, and emphasize the role of state child support guidelines in setting child support orders that address how parents will share the costs associated with covering their child. OCSE particularly requests comments regarding the IV–D program's role in carrying out its medical support statutory responsibilities, including the roles of cost allocation between parents and enrolling children in coverage.

Section 303.72: Requests for Collection of Past-Due Support by Federal Tax Refund Offset

The Federal Tax Refund Offset Program was enacted into law to collect past-due child support payments from the Federal tax refunds of parents who have been ordered to pay child support. A State is required to submit all cases that meet the criteria for the Federal Tax Refund Offset to OCSE for collection. In addition, under current OCSE regulations, a State must notify any other State that is enforcing the same case when that case is submitted for offset and when the initiating State receives an offset. However, according to the current Department of Treasury regulations, an initiating State is only required to notify other States if it receives an offset.[62]

In order to make the regulatory requirements for the Federal Tax Refund Offset more streamlined and more efficient, OCSE proposes to modify its notice requirements to make them consistent with those of the Department of Treasury. The proposed modification will eliminate a mandate that inundates States with unnecessary case file information and ultimately will make program management procedures in this area more efficient.

States are required to submit all cases that meet specific criteria for Federal Income Tax Refund Offset for collection through the Federal Tax Refund Offset program. The Federal Tax Refund Offset program is a collaborative effort between OCSE, the Department of the Treasury, and State IV–D agencies.

Current OCSE regulations at § 303.72(d)(1) require a State, in interstate situations, to notify any other State involved in enforcing the support order when it submits the case for offset and when the State receives the offset amount. However, the United States Treasury regulations at 31 CFR 285.3(c)(6) only require a State to notify any other State involved in enforcing the child support order when it receives the offset payment. In order to align these regulations with those of the United States Treasury, OCSE proposes to amend § 303.72(d)(1) by eliminating the phrase, ''when it submits an interstate case for offset.''

State IV–D agencies have shared that when a State certifies and submits an interstate case for tax refund offset, the information is not particularly helpful to any other State involved in enforcing the support order. If a responding State needs to know that a case has been submitted for tax refund offset, this information is usually available through the Federal Collections application or the QUICK application[63] accessed through the State Services Portal.[64] For those States that have programmed for the transaction, this information may also be received through the Child Support Enforcement Network (CSENet)[65] transaction that was developed to serve this purpose. OCSE believes that by discontinuing the

Eligible Children (2002), available at *http://aspe.hhs.gov/hsp/CSE-health-ben02/index.htm.*

[59] For further information, see Laura Wheaton's report, *Nonresident Fathers: To What Extent Do They Have Access to Private Health Insurance?* (2000), available at *http://fatherhood.hhs.gov/ncp-health00/index.htm.*

[60] In 1999, the average premium for family coverage was $5,791 per year. In 2013, the average premium for family coverage was $16,351 per year. For further information, see *Kaiser/HRET Survey of Employer-Sponsored Health Benefits, 2013, Exhibit 1.11,* available at: *http://kff.org/report-section/ehbs-2013-section-1/.*

[61] Center for Policy Research, *Medical Child Support: Strategies Implemented by States,* Prepared under Office of Child Support Enforcement Grant #08–C0067 to Texas Office of the Assistant Attorney Division of Child Support (2009).

[62] See 31 CFR 285.3(c)(6).

[63] QUICK stands for Query Interstate Cases for Kids. It is a secure web application that allows child support workers to view financial, case status, and case activities information in another State's child support case in real time.

[64] State Services Portal is an OCSE Internet-based infrastructure that supports State worker access to child support services via a secure, single sign-on interface. A State worker can access multiple applications through this system.

[65] Child Support Enforcement Network or CSENet, provides a standardized format for State Child Support systems to generate and process automated interstate child support information.

requirement for a State to notify other States involved in enforcing a support order when it submits an interstate case for tax refund offset, a State will not inundate other States with unnecessary information and will ultimately save both time and resources.

Section 303.100: Procedures for Income Withholding

Recognizing that over two-thirds of child support payments are collected by employers through income withholding, we propose to standardize and streamline income withholding rules. These proposals will increase child support collections and ensure that employers are not unduly burdened by this highly effective enforcement tool. We propose making changes in § 303.100 to address two of the problems employers have encountered in efficiently executing their responsibilities for income withholding: The inconsistent use of the OMB-approved Income Withholding for Support form and the transmission of payments on non-IV–D orders to the appropriate SDU.

Child support payment processing has changed dramatically in the past 30 years. In the 1970s, child support payments were paid by noncustodial parents, primarily in cash or by check, directly to courts or local child support agencies. In the 1980s and early 1990s, Congress passed a series of laws that expanded and strengthened employer income withholding as an enforcement tool. The Child Support Enforcement Amendments of 1984 (Pub. L. 98–378), for example, added required procedures for mandatory income withholding, and the Family Support Act of 1988 (Pub. L. 100–485) required automatic income withholding for most child support orders. As States and employers implemented the income withholding provisions, they encountered barriers to payment processing. A 1992 General Accounting Office (now the Government Accountability Office) (GAO) report, *Interstate Child Support: Wage Withholding Not Fulfilling Expectations,* highlighted pervasive problems with the system in place. According to the GAO report, the lack of uniform withholding procedures across States and counties, the failure of timely service of withholding orders, and the tendency of States to involve the courts or require additional procedures in the process hampered effectiveness. These problems were compounded in interstate cases.[66] Similarly, a 1991 Office of Inspector General report on the employer experience with income withholding found that employers were encountering difficulties implementing income withholding in an environment where State standards and procedures were confusing and varied from State to State.[67]

In response to employer requests to minimize employer burden, PRWORA included new provisions to strengthen income withholding, including standardizing procedures.[68] Specifically, section 466(b)(6)(A)(ii) of the Act requires that the notice given to the employer for income withholding in all IV–D cases shall be ''in a standard format prescribed by the Secretary, and contain only such information as may be necessary for the employer to comply with the withholding order.'' Section 466(a)(8)(B)(iii) of the Act requires that section 466(b)(6)(A)(ii) of the Act be applicable also to non-IV–D income withholding orders. In addition, section 454A(g)(1)(A)(ii) of the Act requires that a State transmit orders and notices for income withholding to employers (and other income withholders) using uniform formats prescribed by the Secretary. As noted by the GAO in its 2002 report, these provisions clearly require all individuals and entities to use the form developed by the Secretary of HHS to notify employers of the income withholding order for child support in all IV–D and non-IV–D cases.[69]

In response to the PRWORA directive to prescribe a standard format for income withholding, the Secretary of HHS developed the OMB-approved Income Withholding for Support (IWO) form (also referred to as the OMB-approved form). The interim final rule, 45 CFR 303.100(e)(1), issued on February 9, 1999, implemented section 466(b)(6)(A)(ii) of the Act requiring the use of the OMB-approved form (OMB 0970–0154). The preamble to the rule states as follows:

Paragraph (f) [of 45 CFR 303.100] is redesignated as paragraph (e). We are revising new paragraph (e)(1) by adding ''using the standard Federal format'' after the word ''notice''. We are making this revision to conform to section 466(b)(6)(A)(iii) of the Act (sic), which requires the States to issue income withholding notices in a standard format prescribed by the Secretary. On January 27, 1998, the Office of Child Support Enforcement distributed this standard income withholding form to the States in OCSE–AT–98–03 (OMB No. 0970–0154).[70]

The OMB-approved form, though used consistently by State IV–D agencies, is not used universally in non-IV–D cases by other entities, which is contrary to the requirement in section 466(b)(6)(A) of the Act. OCSE issued policy in 1999, 2001, and 2003 to clarify the requirements for issuing and complying with the OMB-approved form and complying with the child support order in OCSE PIQ–99–02, ''Order/Notice to Withhold Income for Child Support,''[71] OCSE PIQ–01–01, ''Clarification on Use of the Federal Order/Notice to Withhold Income for Child Support,''[72] and OCSE PIQ–03–03, ''Requirements for Issuing and Complying with the Federal Income Withholding Form.''[73] These policies made it clear that the OMB-approved form must be used in all income withholding cases. Despite this guidance, employers continue to raise concerns to OCSE that they routinely receive court documents and divorce decrees with income withholding instructions that are frequently difficult to understand and are not accompanied by the OMB-approved form.

Upon receipt of the OMB-approved form, the employer must determine if the form is regular on its face, meaning the employer determines that the sender has correctly followed the instructions on the form. Failure of individuals, private attorneys, and even some courts and States to use the OMB-approved form results in confusion, delays, and costly data processing for employers. To address this problem, we propose clarifications in two places in the regulations. Currently, § 303.100(e) requires a State to use ''the standard Federal format'' when sending notice to employers to initiate income withholding on IV–D cases. In order to be as clear as possible, we propose

[66] Government Accountability Office, *Wage Withholding Not Fulfilling Expectations,* HRD–92–65BR (1992), available at: *http://www.gao.gov/products/HRD-92-65BR.*

[67] U.S. Department of Health and Human Services, Office of Inspector General, *An Employer Perspective: Fragmentation of State Practices Impair Ability of Employers to Effectively Implement Wage Withholding Process* (1991).

[68] For further information, see the Committee on Ways and Means, U.S. House of Representatives, Summary of Welfare Reforms Made by Public Law 104–193, Nov. 6, 1996, available at: *http://www.access.gpo.gov/congress/wm015.txt,* Section 314.

[69] The GAO report, *Child Support Enforcement: Clear Guidance Would Help Ensure Proper Access to Information and Use of Wage Withholding by Private Firms,* GAO–02–349 (2002), available at: *http://www.gao.gov/new.items/d02349.pdf.*

[70] 64 Fed. Reg. 6237, 6244 (Feb. 9, 1999) (original quote incorrectly refers to section 466(b)(6)(A)(iii), however, reference is to requirements of section 466(b)(6)(A)(ii); see also AT–99–01, February 10, 1999, available at: *http://www.acf.hhs.gov/programs/cse/pol/AT/1999/at-9901.htm.*

[71] Available at: *http://www.acf.hhs.gov/programs/cse/pol/PIQ/1999/piq-9902.htm.*

[72] Available at: *http://www.acf.hhs.gov/programs/cse/pol/PIQ/2001/piq-01-01.htm.*

[73] Available at: *http://www.acf.hhs.gov/programs/cse/pol/PIQ/2003/piq-03-03.htm.*

changing this phrase to ''the required OMB-approved Income Withholding for Support form.''

We also propose requiring the use of the OMB-approved form in a new provision. In order to ensure that employers receive this standard form when processing income withholding, regardless of the type of entity sending the income withholding request and regardless of whether the case is IV–D or non-IV–D, we propose adding a new paragraph (h) under § 303.100 titled ''Notice to employers in all child support orders,'' which imposes this requirement.

While the language in the OMB-approved Income Withholding for Support form must appear verbatim when transmitted to an employer, OCSE recognizes and accepts that the variety of form-generation tools used may result in minor formatting variations to the OMB-approved form (e.g., inability to generate check boxes, different fonts, shading, and spacing). Variations to the form that are not acceptable, however, include addition or deletion of data or altering the general location of information on the OMB-approved form. State laws may require States to provide employers and obligees with certain state-specific income withholding provisions. In these situations, States may include this information on the OMB-approved form in the section for Additional Information as directed in the instructions on the use of the form.

The second payment processing issue addressed in this section is the transmission of income withholding payments from employers to SDUs. Sections 454B and 466(b)(5) of the Act require employers to send income withholding payments to the appropriate SDU, regardless of whether the case is IV–D or non-IV–D. However, OCSE has received ongoing complaints from employers about income withholding orders that instruct the employer to send child support payments to individuals or entities other than the SDU. The most common examples, particularly in respect to non-IV–D cases, include instructions to send income withholding payments to custodial parents, courts, private collection agencies, or private attorneys.

Bypassing the SDU in the income withholding process creates a significant burden on employers because these income withholding payments must be processed manually. In addition, when payments are diverted from the SDU, noncustodial parents do not receive proper credit for the portion of income withheld to pay for child support, payments to families are delayed, and confusion related to payment allocation is created, particularly in multiple-family scenarios.

Under current § 303.100(e)(1)(ii), employers are required to send all payments on IV–D cases to the SDU, however, income withholding payments on non-IV–D orders are not addressed in the rule. Therefore, we propose to state explicitly under new paragraph § 303.100(i), that income withholding payments on non-IV–D cases must be directed through the SDU.

Section 304.20: Availability and Rate of Federal Financial Participation

We recognize that existing child support regulations governing expenditures subject to Federal financial participation (FFP) are out of date and do not reflect a growing body of research that supports the effectiveness of a range of strategies that can help strengthen the ability and willingness of noncustodial parents to support their children. Accordingly, we propose to amend the regulations to increase the flexibility of State IV–D agencies to receive Federal reimbursement for cost-effective practices that increase the effectiveness of standard enforcement activities. As the program has evolved over the past decade, many State Child Support Enforcement programs have already implemented these strategies.

Additionally, there is some uncertainty among some States about what expenditures are eligible for Federal reimbursement. To update old regulations, respond to State requests to allow Federal reimbursement for a broader range of activities that can increase collections, and address the uncertainty about allowability of expenditures, the proposed rule clarifies that FFP is available for necessary and reasonable expenditures properly attributed to the Child Support Enforcement program for services and activities designed to carry out the title IV–D State plan, including obtaining child support, locating noncustodial parents, and establishing paternity.

Research supports a range of cost-effective strategies that can help move nonpaying cases into paying status and increase regular payments.[74] Over the past decade, State, Tribal, and local Child Support Enforcement programs have updated their program policies, practices, and strategies to collect more child support payments for families by addressing some of the underlying reasons for nonpayment. For example, 21 States set child support obligations based on current earnings and modify the order when earnings change; 44 States compromise child support debt owed to the State; and 38 States have eliminated any legal standard that treats incarceration as ''voluntary unemployment.'' In addition, a number of States, such as Texas, Tennessee, and Oregon, recognizing the relationship between payment of child support and playing an active parenting role, address parenting time as part of their State child support guidelines.

As States have begun to incorporate programs and activities to supplement their law enforcement practices for enforcing child support, we recognize that existing child support regulations governing the availability of FFP for child support expenditures, §§ 304.20–304.23, are out of date. Federal financial participation represents the Federal match available to reimburse a portion of the State's operational expenditures incurred under the State IV–D plan.

Currently, the regulations do not consistently recognize the range of cost-effective approaches to increasing collections that complement traditional and often costly law enforcement practices such as contempt hearings, criminal prosecution, and jail. While there continues to be a role for these traditional law enforcement practices, the NPRM increases State flexibility within existing statutory authority to implement and receive reimbursement for necessary and reasonable activities properly attributed to the Child Support Enforcement program that complement standard automated tools and improve program outcomes.

For the most part, the existing rules governing FFP were promulgated more than 30 years ago before modern program models were developed. These rules are formulated as a specific and limited list of ''necessary'' activities for which FFP is available. The existing rules do not clearly state that FFP also is available for activities to carry out the State plan that may not be on the list but are within the program's statutory authority and are otherwise reasonable and properly attributed to the Child Support Enforcement program. For

[74] For further information, see Kye Lippold and Elaine Sorensen, *Strengthening Families Through Stronger Fathers: Final Impact Report for the Pilot Employment Programs* (2011), available at: *http://www.urban.org/UploadedPDF/412442-Strengthening-Families-Through-Stronger-Fathers.pdf;* Daniel Schroeder and Nicholas Doughty, *Texas Non-Custodial Parent Choices: Program Impact Analysis* (2009), available at: *http://www.utexas.edu/research/cshr/pubs/pdf/NCP_Choices_Final_Sep_03_2009.pdf;* and Center for Policy Research and Policy Studies, Inc., *Child Access and Visitation Programs: Participant Outcomes: Program Analysis* (2007), available at: *http://www.acf.hhs.gov/programs/cse/pol/DCL/2007/dcl-07-15a.pdf.*

many years, States have regularly claimed and received reimbursement for such expenditures, but there continues to be some lingering uncertainty about whether FFP is available. Accordingly, we propose to amend the rules to make the standard clear that FFP is available for ''necessary and reasonable expenditures properly attributed to the Child Support Enforcement program, including but not limited'' to the activities listed in the rule.

We are specifically requesting comments regarding the allowability of FFP for using electronic monitoring systems for child support purposes. These electronic monitoring systems may enable the noncustodial parent, cited for contempt of court for non-payment of support, to work and pay child support as an alternative to incarceration. If the noncustodial parent is allowed to work, the family continues to receive needed income, and the accumulation of additional arrearages is avoided. We are interested in comments on how and under what circumstances child support programs would propose to use electronic monitoring devices for child support program purposes. Additionally, we are soliciting comments regarding the desirability to provide Federal reimbursement under the title IV–D program for the use of electronic monitoring systems in child support cases.

We propose to amend subparagraph (a)(1) of § 304.20 to clarify that FFP is available for expenditures for child support services and activities necessary and reasonable to carry out the title IV–D State plan. This change reflects the OMB *Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A–87),* published at 2 CFR part 225.[75] Appendix A to 2 CFR part 225 indicates that a State must ensure the funds are used in compliance with all applicable Federal statutory and regulatory provisions, costs are reasonable and necessary for operating these programs, and funds are not used for general expenses required to carry out other responsibilities of the State and its subrecipients. Additionally, the Appendix indicates that for costs to be allowable, they must be necessary and reasonable for proper and efficient performance and administration of Federal awards. It further defines that a cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

We also propose revisions to paragraph (b) of this section to specify that FFP is available for necessary and reasonable expenditures which are properly attributed to the Child Support program, such as development and dissemination of educational materials about the child support program, child support educators or liaisons, child support case management, domestic violence safeguards, referrals to other programs, and other cost-effective activities to help carry out the State plan.

We propose changes to § 304.20(b)(1)(viii)–(ix) which address the establishment of agreements with other agencies administering the titles IV–D, IV–E, XIX, and XXI programs, to recognize activities related to cross-program coordination, client referrals, and data sharing when authorized by law. The proposed provisions include minor technical changes and specify the criteria necessary for these agreements. Proposed § 304.20(b)(1)(viii)(D) and (E) add to the list of criteria procedures to be used to coordinate services and agreements to exchange data as authorized by law. Proposed § 304.20(b)(1)(ix) specifies that FFP is also available for the establishment of agreements with the CHIP program, along with the Medicaid program. Proposed revisions to § 304.20(b)(1)(ix)(B) clarify that a criterion for the agreement is the procedures to be used to coordinate services. Proposed revisions to § 304.20(b)(1)(ix)(C) specify that the criteria for agreements with Medicaid and CHIP agencies include provisions related to the exchange of data as authorized by law.

For reasons cited above, we propose to amend § 304.20(b)(2) by clarifying that FFP is available for services and activities for the establishment of paternity, including but not limited to the specific activities listed in § 304.20(b)(2). We propose to add educational and outreach activities to § 304.20(b)(2)(vii) to clarify that FFP is available for IV–D agencies to educate the public and to develop and disseminate information on voluntary paternity establishment. We also propose to amend § 304.20(b)(3) by clarifying that FFP is available for services and activities for the establishment and enforcement of support obligations includes but is not limited to the specific activities listed in § 304.20(b)(3).

We are proposing to redesignate existing § 304.20(b)(3)(v) as § 304.20(b)(3)(viii). We have added a paragraph (b)(3)(v) to allow FFP for bus fare or other minor transportation expenses to allow participation by parents in child support proceedings and related activities such as genetic testing appointments.

In addition, we have specifically included new rule provisions under paragraph (b)(3)(vi) to authorize FFP for activities designed both to increase parents' *pro se* access to child support proceedings and to encourage States to develop nonadversarial dispute resolution alternatives to a standard adjudicative hearing. The outcome of a child support proceeding has a substantial impact on parents' financial circumstances and, in some States that conduct civil contempt proceedings, can result in jail time and loss of liberty for noncustodial parents. It is highly important to encourage informed participation by both parents in those proceedings. Most custodial and noncustodial parents in the IV–D caseload are not represented by private attorneys and are attempting to navigate legal proceedings on a *pro se* basis. At the same time, many States have sought to reduce the adversarial nature of child support proceedings in order to positively engage both parents, reduce conflict between the parents which can be harmful to their children, and increase compliance with support orders and customer satisfaction. In addition, resolving cases outside the court system can help reduce delays, and save money and court time. Thus, we have added paragraph (b)(3)(vi) to recognize that FFP is available to increase *pro se* access to adjudicative and alternative dispute resolution processes in IV–D cases.

We also propose to add paragraph (b)(3)(vii) to allow FFP for *de minimis* costs associated with the inclusion of parenting time provisions entered as part of a child support order and incidental to a child support enforcement proceeding. Under State laws, child support and child access rights are legally separate and independent rights and responsibilities. While Congress has authorized the IV–D program to establish child support, and not to resolve child access disputes, we have concluded that the mere inclusion of a parenting time provision in a IV–D order when all parties are present at the proceeding and willingly agree to the provision should be allowed when the activity is incidental to the child support proceeding and the added cost is *de minimis* or nonexistent.

In light of the research showing appreciable gains in child support payments when job services are made available to unemployed noncustodial

[75] Available at: *http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr225_main_02.tpl.*

parents, we propose to add paragraph (b)(3)(ix) to allow FFP for certain job services for noncustodial parents owing child support through the IV–D program that are reasonably expected to increase child support payments. Many State and local child support programs have developed partnerships to provide employment services for parents using a variety of funding streams, such as incentive payments, grants, TANF and Workforce Investment Act (WIA) funding, and private funding. However, State child support agencies have expressed concern that existing funding sources are inadequate to maintain a sufficient level of services on an ongoing basis and at scale. The paucity of sustainable resources available for noncustodial parent employment programs have limited child support agencies and courts trying to collect support from unemployed parents, leaving them with few effective options for securing child support for the children who need it.

OCSE anticipates that most State child support agencies will purchase job services by entering into contracts with private and community-based employment, fatherhood, and prisoner re-entry programs, community action agencies, community colleges, or other service providers to deliver allowable job services, rather than offer the services in-house. However, this does not preclude a child support agency from providing job services to noncustodial parents directly. In addition, OCSE encourages child support agencies to develop and maintain partnerships with TANF, SNAP, workforce agencies, including Workforce Investment Boards, and American Job Centers to offer available job services to noncustodial parents whenever those resources are available. We also encourage State child support agencies to use all available resources with other organizations that can offer additional employment and training activities beyond those allowed under our rule.

We propose to delete ''and'' at the end of § 304.20(b)(9) and to add ''and'' at the end of § 304.20(b)(11). Finally, we propose a new paragraph (b)(12) to allow FFP for the educational and outreach activities intended to inform the public, parents and family members, and young people who are not yet parents about the Child Support Enforcement program, responsible parenting and co-parenting, family budgeting, and other financial consequences of raising children when the parents are not married to each other. We believe that these educational and outreach activities are cost-effective strategies to teach the public about the financial and emotional consequences of parenting and provide information about child support services that may be properly attributed to the child support program.

Section 304.23: Expenditures for Which Federal Financial Participation Is Not Available

For paragraph (d), we are proposing to add ''State and county employees and court personnel'' as a technical clarification that Federal financial participation is not available for the education and training of personnel, but this provision does not apply to other types of education and training activities (such as those provided to parents, which are addressed in other rules). We will continue to pay FFP for the short-term training provided to IV–D staff, as well as reasonable and essential short-term training related to hospital-based voluntary paternity acknowledgment programs pursuant to § 304.20(b)(2)(viii) and reasonable and essential short-term training of court and law enforcement staff assigned on a full or part time basis to support enforcement functions under the cooperative agreement pursuant to § 304.21(a)(2).

AT–81–18, ''Definition of Short Term Training,'' dated September 11, 1981, defines ''short-term training'' to be any training that would directly improve an individual's ability to perform his or her current job or another IV–D-related job.[76] However, short-term training is not related to providing a general education for an individual or training that is taken for the sole purpose of earning credit hours toward a degree or certificate. FFP is available under the above definition of short-term training regardless of the source of the training.

Section 307.11: Functional Requirements for Computerized Support Enforcement Systems in Operation by October 1, 2000

As discussed previously in the NPRM under the Case Closure section, Section 459(h) of the Act provides that only benefits that are based upon employment remuneration are subject to child support garnishment. Supplemental Security Income (SSI) is a means-tested program that is not based upon remuneration from employment. Federal policy on child support garnishments recognizes these exceptions by clearly directing child support agencies not to collect against SSI benefits (either directly or from bank accounts). Currently OCSE estimates that about three percent of noncustodial IV–D parents are currently receiving SSI.

Most State IV–D agencies, including California, Florida, Ohio, and Pennsylvania, have front-end procedures in place to prevent garnishment of exempt benefits, and all State IV–D agencies have back-end procedures in place to correct improper garnishments. To our knowledge, improper State garnishment is very rare. However, the harm to the beneficiaries can be severe. We think it is important to have procedures in place to ensure that these noncustodial beneficiaries do not have their SSI or other needs-based benefits garnished, and if these benefits are incorrectly garnished, to ensure that the funds are quickly refunded. In this NPRM, we are proposing to strengthen our policies and incorporate provisions to provide additional safeguards so low-income noncustodial parents' financial accounts are not garnished when they are only receiving these exempt benefits, which retain their character as exempt even after being deposited.

We propose a minor editing revision to paragraph (c)(3) and add a new provision under subparagraph (c)(3)(i) to require a IV–D agency to develop automated procedures in its statewide computerized support enforcement system to identify cases which have been previously identified as involving a noncustodial parent who is a recipient of SSI to prevent automatic garnishment of the noncustodial parent's financial account. We propose to extend similar protection to recipients of concurrent SSI and benefits under title II as we believe these noncustodial parents are in similar financial straits. The State must review these noncustodial parents' financial accounts to determine whether there are available assets above subsistence level available to garnish, other than SSI or concurrent SSI and benefits under title II of the Act. We believe that these new procedures will provide safeguards for the beneficiary to ensure that his or her SSI or concurrent SSI and benefits under title II of the Act are not inappropriately garnished.

We are also adding a new subparagraph (c)(3)(ii) to require a IV–D agency to have automated procedures in place to return funds to a noncustodial parent within 2 days after the agency determines that SSI or concurrent SSI and benefits under title II of the Act in the account have been incorrectly garnished. We believe that if SSI or concurrent SSI and benefits under title II of the Act have been garnished from a noncustodial parent's financial account, the IV–D agency

[76] Available at: *http://www.acf.hhs.gov/programs/cse/pol/AT/1981/at-8118.htm.*

needs to have procedures to refund the monies quickly so that it does not cause undue economic hardship. We recognize there may be situations in which the noncustodial parent's SSI or concurrent SSI and benefits under title II of the Act are garnished because the IV–D agency was not aware the recipient was receiving these benefits until after the beneficiary's bank account is garnished. However, if this occurs, we believe that it is imperative that the refund is sent to the noncustodial parent within 2 days. We specifically seek comments on whether this time frame is reasonable, and ways that OCSE might be able to assist State IV–D agencies in meeting these requirements.

SSI accounts managed by representative payees (individuals or organization appointed by SSA to receive benefits for someone who cannot manage or direct someone else to manage his or her benefits) are clearly identified by the financial institution as representative payee accounts, with the beneficiary having sole ownership of the funds in the account. The representative payee is identified as a financial agent on the account, and does not have an ownership interest in the account. Therefore the SSI beneficiaries with representative payees would be covered by the same protections and safeguards against bank account garnishment as an account held directly by the beneficiary.

Request for Comments on Undistributed and Abandoned Collections

A paramount policy goal for child support agencies is to distribute the child support collection to the family, and failing diligent efforts to do so, to return the payment to the noncustodial parent. Therefore, it is important for OCSE to ensure that State child support agencies are making concerted efforts to proactively locate the custodial parent or noncustodial parent, as well as making efforts to ensure that all collections are distributed. Therefore, in this NPRM, we ask State child support agencies to provide specific comments, including information about their policies and procedures related to both undistributable and abandoned child support collections and the efforts that States take both through the State child support agency and the State treasury office to maximize the probability that families receive the collections, or if that result cannot be achieved, that the payment is returned to the noncustodial parent.

Topic 2: Updates To Account for Advances in Technology §§ 301.1, 301.13, 302.33, 302.34, 302.50, 302.65, 302.70, 302.85, 303.2, 303.5, 303.11, 303.31, 304.21, 304.40, 305.64, 305.66, and 307.5

As discussed earlier in the preamble, the second set of revisions proposed in this regulation encompasses updates to remove barriers to electronic communication and document management. Throughout the regulation, where appropriate, we propose removing the words ''written'' and ''in writing'' and inserting ''record'' or ''in a record.'' These simple changes will allow OCSE, States, and others the flexibility to use cost-saving and efficient technologies, such as email or electronic document storage, wherever possible. The proposed revisions to the regulation do not require a State to use electronic records for the specified purpose, but instead provide a State with the option to use electronic records, in accordance with State laws and procedures.

The definition of ''record'' we propose in this regulation is taken from UIFSA 2001, section 102(15). The UIFSA drafters adopted the definition from another uniform law, the Uniform Electronic Transactions Act (1999). '''Record' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.'' The Uniform Electronic Transactions Act describes this definition further:

> This is a standard definition designed to embrace all means of communicating or storing information except human memory. It includes any method for storing or communicating information, including ''writings.'' A record need not be indestructible or permanent, but the term does not include oral or other communications which are not stored or preserved by some means. Information that has not been retained other than through human memory does not qualify as a record. As in the case of the terms ''writing'' or ''written,'' the term ''record'' does not establish the purposes, permitted uses or legal effect which a record may have under any particular provision of substantive law. ABA Report on Use of the Term ''Record,'' October 1, 1996.[77]

Substituting the phrase ''in a record'' for ''in writing'' allows more flexibility for electronic options by preventing a record from being automatically denied legal effect or enforceability just because it is in an electronic format. In addition, the use of the word ''record'' is designed to be technologically neutral; the word equates an electronic signature with a hand signature and an electronic document (whether scanned or created electronically) with a paper document. It neither means that electronic documents or electronic signatures will be required, nor will it affect any Federal requirements for what documents must contain to be valid or enforceable, such as a signature.

We are aware that not everyone has access to the latest technology. For that reason, wherever individual members of the public are involved, we generally have not proposed removing requirements that the information is provided in a written format. However, we invite comments on this approach and whether individual members of the public should be provided the option to request information ''in writing'' or ''in a record'', such as emails, text messaging, voice mails. In addition, we have not changed regulatory language where written formats are required by statute. We request comments on this approach as well, in general or referencing specific provisions.

Finally, we acknowledge that some of the proposed revisions to insert the term ''record'' may seem awkward. We propose using the term ''record'' because it maximizes flexibility and reflects terminology currently accepted within the child support community; however, we invite comments on this approach generally and request specific suggestions for alternatives. An example of an alternative approach might be for OCSE to define the terms ''written'' or ''in writing'' in the regulations to include electronic formats. OCSE could then leave the existing regulatory language as is. This alternative approach would provide States the option to use electronic formats as may be permitted or limited by State law procedures and requirements.

Part 301 (§§ 301.1 and 301.13): State Plan Approval and Grant Procedures

We propose to make changes to two sections in part 301, ''State Plan Approval and Grant Procedures.'' First, in § 301.1, we propose amending the definition of ''Procedures'' by changing the phrase ''written instructions'' to ''instructions in a record.'' This will allow instructions set forth under the State's child support plan to be made in a perceivable form that is not limited to a written format.

In addition, we propose inserting the definition for the term ''record'' (as discussed above). The use of the term ''record'' is broader than the term ''written'' and encompasses different

[77] See comments to the Uniform Electronic Transactions Act (1999), section 2, Definitions, available at: *http://www.law.upenn.edu/bll/archives/ulc/uecicta/eta1299.htm.*

ways of storing information, including, for example, in a written or an electronic document.

The first sentence of the introductory paragraph of § 301.13, ''Approval of State plans and amendments,'' describes the State plan as consisting of written documents furnished by the State to cover its Child Support Enforcement program under title IV–D of the Act. We propose replacing the words ''written documents'' with the word ''records.'' The intent of this change is to allow for electronic submission, transmission, and storage of the State child support plan. When a State submits State child support plans electronically, it must ensure electronic signatures accompany the documents.

Paragraphs (e) and (f), ''Prompt approval of the State plan'' and ''Prompt approval of plan amendments,'' respectively, discuss the deadline by which OCSE must make a determination on a State plan or State plan amendments submitted by the State, and allow for the OCSE regional program office and the State to agree to an extension on the deadline in ''a written agreement.'' We propose changing the words ''a written agreement'' in both provisions to ''an agreement, which is reflected in a record.'' These changes will enable OCSE regional program offices to secure from IV–D agencies agreements to extend an approval deadline for either a State plan or State plan amendments in an electronic record format. In addition, we propose a technical change to paragraph (f) to change ''Regional Commissioner'' to ''Regional Office'' for consistency with § 301.13.

Part 302 (§§ 302.33, 302.34, 302.50, 302.65, 302.70, and 302.85): State Plan Requirements

We propose to make changes to several sections in part 302, ''State Plan Requirements.'' First, § 302.33(d)(2), which discusses the recovery of State costs of providing services in nonassistance cases, requires a State to develop a written methodology to determine standardized costs which are as close to actual costs as is possible. We propose changing the phrase ''written methodology'' to ''methodology, which is reflected in a record.'' This proposed change will afford a State record-keeping flexibility in developing a methodology for recovering standardized costs.

Currently, the first sentence under § 302.34 requires a State to enter into written agreements for cooperative arrangements under § 303.107 with appropriate courts, law enforcement officials, Indian tribes, or tribal organizations. We propose editing the phrase ''written agreements'' to read ''agreements, which are reflected in a record.'' This will ensure that any cooperative arrangements entered into by the IV–D agency can be agreed upon in a record and will not be limited to a written format. This amendment does not change any of the requirements for the document to be legally effective or enforceable, such as a signature.

Next, § 302.50 describes State requirements for the assignment of rights to support. Paragraph (b)(2) of that section requires a State to determine ''in writing'' the amount of an obligation, if there is no court or administrative order. We propose replacing the word ''writing'' with ''a record'' so that the State has greater flexibility in the format of this amount determination, according to its own State laws and guidelines procedures.

We also propose changes in § 302.65, ''Withholding of unemployment compensation.'' Paragraph (b) requires a State IV–D agency to enter into a written agreement with the SESA [State employment security agency] in its State for the purpose of withholding unemployment compensation from individuals with unmet support obligations.[78] We propose amending the sentence by changing the phrase ''a written agreement'' to ''an agreement, which is reflected in a record'' and as previously explained in footnote 76, replace SESA with SWA. Additionally, § 302.65(c)(3) requires State IV–D agencies to establish and use written criteria for selecting cases to pursue via the withholding of unemployment compensation for support purposes. We propose changing the words ''written criteria'' to ''criteria, which are reflected in a record.'' These changes will establish that the agreements States develop with SESAs and the criteria for selecting cases in which to pursue withholding unemployment compensation are not limited to written agreements or written criteria. Again, these amendments do not impact any of the requirements for the documents to be legally effective or enforceable, such as a signature.

In § 302.70, ''Required State laws,'' paragraph (a)(5) describes the procedures for paternity establishment. Paragraph (a)(5)(v) discusses requirements for objecting to genetic testing results and states that if no objection is made, a written report of the test results is admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy. We propose changing the phrase ''a written report of the test results'' to ''a report of the test results, which is reflected in a record.'' We believe this change will provide greater flexibility and efficiency in admitting evidence of paternity. Please note that in this same provision, we have not proposed to eliminate the phrase ''in writing'' in the requirement that any objection to genetic testing results must be made in writing within a specified number of days before any hearing at which such results may be introduced into evidence. In this instance, the phrase ''in writing'' is statutorily prescribed, according to section 466(a)(5)(F)(ii) of the Act.

The final proposed change under State Plan Requirements is in § 302.85 on the ''Mandatory computerized support enforcement system.'' In the section describing the basis for OCSE to grant State waivers in regard to the mandatory computerized system, one of the requirements, described under § 302.85(b)(2)(ii), mandates the State to provide written assurances that steps will be taken to otherwise improve the State's Child Support Enforcement program. We propose amending § 302.85(b)(2)(ii) by changing the phrase ''written assurances'' to ''assurances, which are reflected in a record.'' This change will provide a State the option of communicating with OCSE electronically when providing the required assurances under this provision.

Part 303 (§§ 303.2, 303.5, 303.11, and 303.31): Standards for Program Operations

We are proposing to make amendments to several provisions in part 303, ''Standards for Program Operations.'' In § 303.2, ''Establishment of cases and maintenance of case records,'' the regulation requires, under § 303.2(a)(2), that the State IV–D agency send an application to an individual within no more than five working days of a written or telephone request. We propose replacing the phrase ''a written or telephone request'' with ''a request made by telephone or in a record,'' in order to allow for any requests for applications that are received by telephone or transmitted electronically, for example, by email or text.

In this same section, we also propose changes to the requirements for applications for IV–D services, under § 303.2(a)(3). Currently, this section defines an application as a written document provided by the State which . . . is signed by the individual

[78] Please note, as discussed under Topic 3, Technical Corrections, we also propose replacing the State employment security agency (SESA) with State workforce agency (SWA) in this section and §§ 303.3 and 308.2.

applying for IV–D services. We propose lifting the restriction that applications only be in a written or paper format by replacing the phrase ''written document'' with ''record.'' We also propose amending the regulatory language to allow for electronic signature by inserting the phrase ''electronically or otherwise'' after the word ''signature.'' The proposed sentence would state that an application is a record that is provided or used by the State which indicates that the individual is applying for child support enforcement services under the State's title IV–D program and is signed, electronically or otherwise, by the individual applying for IV–D services.

These proposed changes are in accordance with PIQ 09–02, which allows States to use electronic signatures on applications, as long as it is allowable under State law.[79] As noted in PIQ 09–02, the appropriateness of the use of electronic signatures must be carefully determined by States. In making this determination, States should consider the reliability of electronic signature technology and the risk of fraud and abuse, among other factors.

Section 303.5 describes program standards for paternity establishment. Subparagraph (g)(6) of that section requires the State to provide training, guidance, and ''written instructions'' regarding voluntary acknowledgment of paternity to hospitals, birth record agencies, and other entities that participate in the State's voluntary acknowledgment program. We propose changing the phrase ''written instructions'' to ''instructions, which are reflected in a record.'' This change will allow a State the flexibility to provide program instructions in electronic formats, in addition to, or in place of, written instructions.

Next, we propose a change to the requirements for the closure of IV–D cases, under proposed § 303.11(d). This provision describes the process by which a State must notify service recipients, or, in regard to intergovernmental IV–D cases, the process by which responding agencies must notify initiating agencies, of their intent to close a case. The provision requires this notification be ''in writing.'' In order to allow for greater efficiency and flexibility, we propose allowing electronic notification in the instance of intergovernmental IV–D case closure when the responding agency is communicating with the initiating agency. However, we do not propose changing the ''written'' notification requirement from a State to the recipient of services, because of our general approach not to remove written requirements where members of the public are involved, as described earlier. However, we invite comments on this approach and whether a recipient of services should be provided the option to request the case closure notice ''in writing'' or ''in a record'', such as emails, text messaging, voice mails.

Next, we propose amending the introductory language in § 303.31(b)(3) by changing the phrase ''written criteria'' to ''criteria, which are reflected in a record,'' so that criteria established to identify cases where there is a high potential for obtaining medical support can be either in an electronic or written format.

Part 304 (§§ 304.21 and 304.40): Federal Financial Participation

We propose two changes to part 304, ''Federal Financial Participation (FFP).'' Under § 304.21, ''Federal financial participation in the costs of cooperative arrangements with courts and law enforcement officials,'' the regulations describe activities, under § 304.21(a), that are eligible for FFP reimbursement, provided they are ''performed under written agreement.'' We propose amending this section by changing the words ''written agreement'' to ''agreement, which is reflected in a record,'' to provide flexibility in the format of the agreements between a State and courts or law enforcement officials.

In addition, § 304.40, ''Repayment of Federal funds by installments,'' describes the procedures the State must follow in order to repay unallowable FFP funds to the Federal Government in installments. Section 304.40(a)(2) requires a State to notify the OCSE Regional Office in writing of its intent to make installment repayments. We propose changing the phrase ''in writing'' to ''in a record.'' This change will give a State the option of notifying the Regional Office electronically of its intent to repay Federal funds in installments.

Part 305 (§§ 305.64 and 305.66): Program Performance Measures, Standards, Financial Incentives, and Penalties

Under part 305, ''Program Performance Measures, Standards, Financial Incentives, and Penalties,'' we propose changes to §§ 305.64 and 305.66. First, in § 305.64, ''Audit procedures and State comments,'' a State may submit ''written comments'' in response to the interim audit report within a specified timeframe under § 305.64(c). We propose changing ''written comments'' to ''comments, which are reflected in a record,'' allowing IV–D agencies to submit comments on an interim audit report in a perceivable format other than in a written format, if appropriate. In this same provision, § 305.64(c), we also propose a change to omit the phrase ''by certified mail'' from the second sentence of this paragraph since OCSE currently sends these reports electronically and by overnight mail.

An additional proposed change affects § 305.66, ''Notice, corrective action year, and imposition of penalty.'' Under § 305.66(a), if a State is found to be subject to a penalty, OCSE ''will notify the State in writing of such finding.'' We propose to replace ''in writing'' with ''in a record'' so that OCSE can notify the State that it is subject to a penalty in a perceivable or electronic format, not just in a written format.

Part 307 (§ 307.5): Computerized Support Enforcement Systems

In this section on proposed updates for advancements in technology, we propose one change to part 307, ''Computerized Support Enforcement Systems.'' In the section on mandatory systems, § 307.5, one of the three conditions for a waiver of any functional systems requirement or for a waiver of any conditions for APD approval is the State provides written assurance that steps will be taken to otherwise improve the State's Child Support Enforcement program, § 307.5(c)(3). We propose amending this section by changing ''written assurance'' to ''assurance, which is reflected in a record,'' so that a State can provide assurance in a perceivable format other than a written format, if it so chooses.

Topic 3: Technical Corrections (§§ 301.15; 302.14; 302.15; 302.32; 302.34; 302.65; 302.70; 303.3; 303.7; 303.11; 304.10; 304.12; 304.20; 304.21; 304.23; 304.25; 304.26; 305.35; 305.63; 308.2; 309.85; 309.130; 309.145; and 309.160)

We propose a number of technical corrections that update, clarify, revise, or delete existing regulations to ensure that the child support enforcement regulations are accurate, aligned, and up-to-date.

Section 301.15: Grants

State agencies that administer the Child Support Enforcement Program under Title IV–D of the Act are required to provide information each fiscal quarter to OCSE concerning administrative expenditures and the

[79] Available at: *http://www.acf.hhs.gov/programs/cse/pol/PIQ/2009/piq-09-02.htm.*

receipt and disposition of child support payments from noncustodial parents. The enactment of PRWORA changed a number of the requirements affecting financial data needs. In September 1997, Form ACF–396 was introduced and approved by OMB for interim use for the reporting of expenditures, estimates, and projections while OCSE continued its review of the newly-enacted statutory changes. During that time, and as a result of the efforts of a Federal-State partnership representing all interested parties and individuals, new financial reporting forms were developed. These forms provide OCSE with the information needed to complete its various financial and reporting responsibilities with minimal collection and reporting burden on State agencies. The new reporting forms, the OCSE–396A and the OCSE–34A, replaced all previous form versions.

State IV–D agencies are required to report quarterly expenditures and collections using Forms OCSE–396A and OCSE–34A, respectively. The information collected on these reporting forms is used to compute State quarterly grant awards and annual incentive payments. These forms provide valuable information on State program finances.

Currently, § 301.15 does not reference the new forms and ultimately relies on outdated reporting requirements. In order to bring that section into alignment with current program operations, we propose to rename paragraph (a) *Financial reporting forms* and to delete subparagraph (3). We also propose to replace subparagraph (1) *Time and place* and subparagraph (2) *Description of forms* with definitions of Form OCSE–396A and Form OCSE–34A, respectively.

We also propose to rename paragraph (b) *Review* as *Submission, review, and approval* and to add under paragraph (b) the following: (1) *Manner of submission;* (2) *Schedule of submission;* and (3) *Review and approval.* Current § 301.15(a)(1) indicates that the expenditure report has to be submitted 30 days following the end of a fiscal quarter, but the estimate for a grant has to be submitted within 45 days prior to the period of the estimate. Additionally, the current reporting instructions for the expenditure and collections reports require States to submit the forms no later than 30 days following the end of each fiscal quarter. We are proposing, therefore, that the *Schedule of submission* section be modified so that the financial forms must be submitted no later than 45 days following the end of each fiscal quarter. This will be a change of policy for the expenditure and collections reports and will require revision to the instructions for the reports, if the proposal is accepted. This proposed modification will afford a State more time to submit its financial reports. The other revisions in this paragraph reflect the current operating procedures and processes that are currently in place.

Additionally, we propose to revise paragraph (c) *Grant award* by deleting its existing language and replacing that language with three subparagraphs (1) *Award documents;* (2) *Award calculation;* and (3) *Access to funds.* Finally, we also propose to delete paragraph (d) *Letter of credit payment system* and replace it with a new provision describing administrative requirements, titled *General requirements.* These revisions are proposed to align the regulations with the current operating procedures.

Section 302.14: Fiscal Policies and Accountability

In 1988, the Department implemented the common rule at 45 CFR part 92. The common rule expanded the scope of 45 CFR part 92 to include nonentitlement grant programs, and to remove such programs from the scope of part 74 but did not include entitlement programs like Child Support Enforcement.

In 2003, the Department revised its grants management regulations in order to bring its entitlement programs, like Child Support Enforcement, under the same regulations that already applied to nonentitlement programs for grants and cooperative agreements to State, Tribal, and local governments. Thus, the reference to part 74 has been erroneous since DHHS transferred the administrative requirements for title IV–D grant programs from 45 CFR part 74 to 45 CFR part 92 in 2003.[80] Therefore, we propose to replace the reference to part 74 under § 302.14 with reference to part 92. For consistency, as discussed below, we will also replace all references to part 74 with part 92, as appropriate, in 9 other provisions throughout the child support regulations, §§ 302.15, 303.11, 304.10, 304.20, 304.25, 309.85, 309.130, 309.145, and 309.160.

[80] See *45 CFR parts 74 and 92: Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other Nonprofit Organizations, and Commercial Organizations; and Certain Grants and Agreements with States, Local Governments and Indian Tribal Governments and Uniform Administrative Requirements for Grants and Cooperative agreements to State and Local Governments,* 68 FR 52843, September 8, 2003, available at: *http://edocket.access.gpo.gov/2003/pdf/03-22513.pdf.*

Section 302.15: Reports and Maintenance of Records

Section 302.15(a) references part 74. We propose to replace that reference with a reference to part 92.

Section 302.32: Collection and Disbursement of Support Payments by the IV–D Agency

Because the dates contained in the introductory paragraph are outdated, we propose to update by removing the introductory paragraph. We also propose to revise paragraph (b) to replace ''State Disbursement Unit (SDU)'' with ''SDU.'' In addition, we propose to replace an incorrect cross reference in paragraph (b)(1) from § 303.7(c)(7)(iv) to § 303.7(d)(6)(v).

Section 302.34: Cooperative Arrangements

We propose to clarify that the term law enforcement officials includes ''district attorneys, attorneys general, and similar public attorneys and prosecutors,'' and to add ''corrections officials'' to the list of entities with which a State may enter into agreements for cooperative arrangements. This addition encourages Child Support Enforcement agencies to collaborate with corrections institutions and community corrections officials (probation and parole agencies).

Section 302.65: Withholding of Unemployment Compensation

We propose to replace the term ''State employment security agency'' with ''State workforce agency,'' and the term ''SESA'' with ''SWA'' throughout this regulation for consistency with the terminology used by the Department of Labor.

Section 302.70: Required State Laws

We propose making a technical correction under § 302.70, ''Required State laws,'' to paragraph (a)(8). Under this paragraph, the State plan must provide that a State has laws and implements procedures under which all child support orders issued or modified in the State include an income withholding provision, so that the withholding remedy will be available if arrearages occur without the necessity of filing an application for IV–D services in accordance with § 303.100(i). We propose to replace the incorrect cross reference to § 303.100(i) with § 303.100(g).

Section 303.3: Location of Noncustodial Parents in IV–D Case

In paragraph (b)(5), we propose to replace the term ''State employment security'' with ''State workforce.'' As

discussed above, this change is for consistency with the terminology that is now used by the Department of Labor.

Section 303.7: Provision of Services in Intergovernmental IV–D Cases

Under this proposed rule, as discussed under Topic 1, paragraphs in § 303.11 are renumbered. We propose to make conforming changes to paragraph (d)(10) of this section to update the cross references.

Additionally, the final intergovernmental child support regulation, published in the **Federal Register** on July 2, 2010 and effective on January 3, 2011, inadvertently omitted reference to the $25 annual fee in § 303.7. To address this, we propose to add paragraph (f), *Imposition and reporting of annual $25 fee in interstate cases,* to provide that the title IV–D agency in the initiating State must impose and report the annual $25 fee in accordance with § 302.33(e).

Section 303.11: Case Closure Criteria

In existing § 303.11(b)(2), which has been redesignated as § 303.11(b)(4), we propose to replace the outdated term ''putative father'' with the term ''alleged father.'' We also propose to replace the outdated term ''putative father'' with the term ''alleged father'' in existing § 303.11(b)(3)(ii), which has been redesignated as § 303.11(b)(6)(ii), and to remove the word ''or'' at the end of the sentence. In addition, we propose to add the word ''or'' to the end of proposed § 303.11(b)(6)(iii). Finally, in § 303.11(d), we propose to replace the reference to part 74 with a reference to part 92 as previously discussed.

Section 304.10: General Administrative Requirements

Section 304.10 references 45 CFR part 74 in three instances. We propose to replace these references with corresponding reference to part 92.

Section 304.12: Incentive Payments

We propose to delete outdated paragraphs § 304.12(c)(4) and (5) as they applied to fiscal years 1985, 1986, and 1987.

Section 304.20: Availability and Rate of Federal Financial Participation

Section 304.20(b)(1)(iii) references part 74. For reasons described earlier, we propose to replace that reference with a reference to 45 CFR 92.36(b). Additionally, we propose to delete § 304.20(c) and (d) as they apply to fiscal years 1997 and 1998 and are out of date.

Section 304.21: Federal Financial Participation in the Costs of Cooperative Arrangements With Courts and Law Enforcement Officials

We propose to clarify in paragraph (a) that the term law enforcement officials includes ''corrections officials,'' to be consistent with § 302.34.

Section 304.21(a)(1) lists activities for which FFP at the applicable matching rate is available in the costs of cooperative agreements with appropriate courts and law enforcement officials. We propose to modify the section to include a reference to § 304.20(b)(11), regarding medical support activities.

Section 304.23: Expenditures for Which Federal Financial Participation Is Not Available

Federal financial participation is the portion of a State's operational expenditures that is paid by a Federal match and is available for necessary expenditures incurred under the State plan. Section 304.23(a) lists various programs for which FFP is not available for administering these programs. We propose to add the following programs to the list: Titles IV–B, which administers the Child Welfare Program; IV–E, which administers the Foster Care Program; and XXI, which administers the Children's Health Insurance Program (CHIP) of the Act; and the Supplemental Nutrition Assistance Program (SNAP), which is administered under 7 U.S.C. Chapter 51. These additions are technical corrections intended to ensure that the regulations are updated and to clarify that child support FFP is not allowed for carrying out these programs' responsibilities.

We also propose to repeal § 304.23(g). Language regarding medical support enforcement cooperative agreements was first added to the IV–D regulations in 1977 because section 1912 of the Act required the State Medicaid agencies to have cooperative agreements with the IV–D agencies to implement the Third party Liability program. Paragraph (g) was originally intended to prohibit child support FFP for cooperative agreements, under part 306, between child support and Medicaid agencies. However, § 304.23(g) is no longer necessary since the child support agencies now have increased responsibilities related to medical support enforcement activities as a result of PRWORA in 1996, which required States to enact a provision for health care coverage in all orders established or enforced by the child support agency. Today, OCSE does not require IV–D agencies to enter into agreements with the State Medicaid agencies.

Section 304.25: Treatment of Expenditures; Due Date

Section 304.25(a) references part 74. We propose to replace that reference with a reference to part 92.

Additionally, we propose to modify § 304.25(b). Section 304.25(b) requires a State to submit quarterly statements of expenditures under § 301.15 30 days after the end of the quarter. We propose to modify the number of days from 30 to 45. This proposed modification will afford a State more time to submit quarterly statements of expenditures.

Section 304.26: Determination of Federal Share of Collections

Additionally, OCSE proposes to make a technical correction to § 304.26(a)(1) by amending the Federal medical assistance percentage with respect to the distribution of child support collections for Title IV–E Foster Care cases in the U.S. territories and the District of Columbia. Section 457(c) of the Act indicates that the Federal medical assistance percentage rate for child support collections retained by Puerto Rico, the Virgin Islands, Guam, and American Samoa to reimburse TANF assistance is 75 percent. However, this rate does not apply to IV–E collections. The Federal medical assistance percentage rate for Foster Care maintenance payments in Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa is 55 percent, according to section 1905(b) of the Act. (This rate was 50 percent until January 1, 2011.) Therefore, we propose amending § 304.26(a)(1) to clarify that the Federal medical assistance percentage rate for the distribution of child support collections to reimburse IV–E collections is 55 percent for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa according to section 1905(a) of the Act and implementing regulations at 45 CFR 302.52(b)(1) and (3). In addition, we also propose a technical fix to this provision to specify that the Federal medical assistance percentage rate to reimburse IV–E collections for the District of Columbia is 70 percent, according to section 1905(b)(3) of the Act. Please note that this rule only applies to States and other U.S. jurisdictions operating IV–D programs. This currently includes Puerto Rico, Guam, Virgin Islands, and the District of Columbia.

We also propose to delete paragraphs (b) and (c) of § 304.26. Those paragraphs require incentive and hold harmless payments to be made from the Federal

share of collections. This requirement is outdated. Incentive and hold harmless payments are no longer paid from the Federal share of collections.

Section 305.35: Reinvestment

We are proposing several technical changes to this section. A key provision of the Child Support Performance and Incentive Act of 1998 is that State IV–D agencies are required to reinvest the amount of Federal incentive payments received into their child support program. Section 458(f) of the Act provides that incentive funding shall be used to supplement rather than supplant existing funding. In order to ensure that this requirement is met in future years, OCSE promulgated regulations at 45 CFR 305.35 establishing a baseline level of funding that a State would be required to maintain. Although the regulations established a methodology for determining the baseline funding, States are uncertain about how to calculate their current spending level so that they could compare it to the baseline and evaluate their compliance with the statutory requirement.

In response to comments in the Final Rule, published on December 27, 2000 (65 FR 82177) regarding compliance with the prohibition of supplanting funds, we indicated that OCSE staff would have a role in monitoring this requirement. This was also addressed in AT–01–04, ''Reinvestment of Child Support Incentive Payments.'' [81] OCSE proposes adding this language to the regulation in order to clarify the potential consequences.

OCSE proposes adding language that would clarify the definition of State Current Spending Level for purposes of determining if the State has met or fulfilled the baseline expenditures level. This will ensure that a State does not supplant their baseline expenditure level with Federal incentive payments. OCSE is specifically soliciting comments regarding this definition.

To clarify the potential consequences of a State not maintaining the baseline expenditure level, we propose amending 45 CFR 305.35(d) by adding a sentence to the end of the paragraph to read: ''Non-compliance will result in disallowances of incentive amounts equal to the amount of funds supplanted.''

We propose redesignating paragraph (e) as paragraph (f) and adding a new paragraph (e) to clarify how the State Current Spending Level should be calculated. Using the Form OCSE–396A, ''Child Support Enforcement Program Expenditure Report,'' the State Current Spending Level will be calculated by determining the State Share of Total Expenditures Claimed for all four quarters of the fiscal year minus State Share of IV–D Administrative Expenditures Made Using Funds Received as Incentive Payments for all four quarters of the fiscal year, plus the Fees for the Use of the Federal Parent Locator Service (FPLS) for all four quarters of the fiscal year.

The equation for calculating the State Share of Total Expenditures Claimed is: Total Expenditures Claimed for the Current Quarter and the Prior Quarter Adjustments minus the Federal Share of Total Expenditures Claimed for the Current Quarter and Prior Quarter Adjustments. Using the Form OCSE–396A, this equation can also be translated as:

State Share of Expenditure = Line 7 (Columns A + C) − Line 7 (Columns B + D) for all four quarters of the fiscal year.

The equation for calculating the State Share of IV–D Administrative Expenditures Made Using Funds Received as Incentive Payments is:

IV–D Administrative Expenditures Made Using Funds Received as Incentive Payments for the Current Quarter and the Prior Quarter Adjustments minus the Federal Share of IV–D Administrative Expenditures Made Using Funds Received as Incentive Payments for the Current Quarter and Prior Quarter Adjustments. Using the Form OCSE–396A, this equation can also be translated as:

State Share of IV–D Administrative Expenditures Made Using Funds Received as Incentive Payments = Line 1a (Columns A + C) − Line 1a (Columns B + D) for all four quarters of the fiscal year.

The Fees for the Use of the FPLS can be computed by adding the FPLS fees claimed for all four quarters of the fiscal year. Using the Form OCSE–396A, this equation can also be translated as:

Fees for the Use of the FPLS = Line 10 (Columns B) for all four quarters of the fiscal year.

Section 305.63: Standards for Determining Substantial Compliance With IV–D Requirements

Section 305.63(d) erroneously cross references paragraph (b). We propose to replace that cross reference with a reference to paragraph (c). Our proposed revision will make this section consistent with the final rule on intergovernmental child support cases.

Section 308.2: Required Program Compliance Criteria

The term ''State employment security agency'' is removed wherever it appears and replaced by ''State workforce agency.'' This change is for consistency with the terminology used by the Department of Labor, as discussed earlier. In addition, in subparagraph (c)(3)(i), we have capitalized Department of Motor Vehicles and used the section symbol for consistency.

Section 309.85: What records must a tribe or tribal organization agree to maintain in a Tribal IV–D plan?

Section 309.85(b) references part 74. We propose to replace that reference with a reference to part 92.

Section 309.130: How will Tribal IV–D programs be funded and what forms are required?

Section 309.130(b)(3) references Standard Form (SF) 269A, ''Financial Status Report (Short Form).'' That form is obsolete. We propose to replace that reference with a reference to SF 425, ''Federal Financial Report,'' which is the new OMB approved form. To be consistent with our proposed change of § 301.15(b)(2), we also propose in this section to change the reporting due date requirements for the OCSE–34A, ''Quarterly Report of Collections.'' This proposed modification will afford Tribes the same amount of time as States to submit reporting data. We are not making a similar due date change for the SF–425 report since this is determined by OMB.

Section 309 references part 74 in paragraphs (d)(3) and (h). We propose to replace these references with references to part 92.

Section 309.145: What costs are allowable for Tribal IV–D programs carried out under § 309.65(a) of this part?

Section 309.145(a)(3) references part 74. We propose to replace that reference with a reference to part 92.

Section 309.160: How will OCSE determine if Tribal IV–D program funds are appropriately expended?

This section references part 74. We propose to replace that reference with a reference to part 92.

Paperwork Reduction Act

Under the Paperwork Reduction Act (Pub. L. 104–13), all Departments are required to submit to OMB for review and approval any reporting or recordkeeping requirements inherent in a proposed or final rule. There are seven new requirements as a result of these

[81] Available at: *http://www.acf.hhs.gov/programs/cse/pol/AT/2001/at-01-04.htm.*

regulations. These new regulatory requirements are one-time system enhancements to the statewide child support system. The description and total estimated burden for the changes are described in the chart below.

Section and purpose	Instrument	Number of respondents: 54	Average burden hours per response	Total cost	National federal share	National state share
Added requirement under § 302.33 to generate notices.	Systems Modification.	One-time system enhancement.	300 hours × $100 per 54 States to modify statewide child support system.	$1,620,000	$1,069,200	$550,800
Added optional requirement under § 302.33 for revised applications for limited services.	Systems Modification.	One-time system enhancement.	5,000 hours × $100 per 27 States to modify statewide child support system.	13,500,000	8,910,000	4,590,000
Added requirement under § 303.8 for notice of the right to request review and adjustment when parent is incarcerated.	Systems Modification.	One-time system enhancement.	200 hours × $100 × 54 States	1,080,000	712,800	367,200
Added optional requirement under § 303.11 for notice to recipient when case closed because limited service has been completed.	Systems Modification.	One-time system enhancement.	1,000 hours × $100 × 27 States.	2,700,000	1,782,000	918,000
Added requirement under § 303.11 for notice because the referring agency does not respond to a notice or does not provide information demonstrating that services are needed.	System Modification.	One-time system enhancement.	500 hours × $100 × 54 States	2,700,000	1,782,000	918,000
Under § 303.72 discontinue notice requirement for interstate tax refund offset.	Systems Modification.	One-time system enhancement.	500 hours × $100 × 54 States	2,700,000	1,782,000	918,000
Under § 307.11 develop automated procedures to identify the recipient of Supplemental Security Income (SSI).	Systems Modification.	One-time system enhancement.	400 hours × $100 × 54 States	2,160,000	1,425,600	734,400
Under 42 CFR 433.152, regarding state plan amendments.	State plan amendment.	One time for 54 State Medicaid Programs, (which includes DC and 3 territories).	2 hours × $36.63 × 54 States	3,956.04	1,978.02	1,978.02
Under 42 CFR 433.152, regarding cooperative agreements.	Cooperative agreement.	.....	10 hours × $36.63 × 54 States.	19,780.20	9,890.10	9,890.10
Totals	.....	.....	.....	26,483,736.24	17,475,468.12	9,008,268.12

Part 302 contains information collection requirements as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Although we believe that the States will have to submit revised Child Support State plan pages for §§ 302.33, 302.56, and 302.70, we do not estimate any additional burden on the ''State Plan for Child Support Collection and Establishment of Paternity Under Title IV–D of the Social Security Act,'' and the State Plan Transmittal Form [OMB 0970–0017], which were reauthorized until July 31, 2014. When these forms were submitted for reauthorization, we had estimated that each State would be submitting eight State plan preprint pages annually as a result of changes in regulations, policies, and/or procedures.

Additionally, various forms are discussed for use in different processes. None of these discussions are new burdens. For example § 303.11 clarifies the current regulation that states are required to use the Income Withholding Order (IWO) form. Use of the OMB-approved form is already required. The OMB Control # is 0970–0154 which expires on 06/30/2014. Section 303.35 clarifies that the OCSE–396A is used to calculate the state current spending level. This form is an OMB-approved form, Control # 0970–0181 which expires on 05/31/2017. Finally, there has been an update from use of form SF 269A to SF 425. This is a technical update with no addition burden. SF425 is an OMB-approved form Control #0348–0061 which expires 2/28/2015.

With regard to the proposed requirements for cooperative agreements for third party collections under 42 CFR 433.152, Medicaid State plan amendments will be required as well as amendments to state cooperative agreements. The one-time burden associated with the requirements under § 433.152 is the time and effort it would take each of the 54 State Medicaid Programs, which includes the District of Columbia and 3 territories, to submit State plan amendments and amend their cooperative agreements.

Specifically, we estimate that it will take each State 2 hours to amend their state plans and 10 hours to amend their cooperative agreements. We estimate 12 total annual hours at a total estimated cost of $23,736.24 with a State share of $11,868.12. CMS reimburses States for 50 percent of the administrative costs incurred to administer the Medicaid State plan.

In deriving these figures, we used the hourly rate of $36.63/hour for a GS–13–3 working in the Washington DC Baltimore area according to the calendar year 2013 federal pay scale.

Besides what is addressed above, no additional information collection burdens, as described in the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), are imposed by this proposed regulation.

ACF and CMS will consider comments by the public on this proposed collection of information in the following areas:

1. Evaluating whether the proposed collection is necessary for the proper performance of the functions of ACF and CMS, including whether the information will have practical utility;

2. Evaluating the accuracy of ACF's and CMS' estimates of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhancing the quality, usefulness, and clarity of the information to be collected; and

4. Minimizing the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technology, e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment to the Department on the proposed regulations. Written comments to OMB for the proposed information collection should be sent directly to the following: Office of Management and Budget, either by fax to 202–395–6974 or by email to *OIRA_submission@omb.eop.gov.* Please mark faxes and emails to the attention of the desk officer for ACF.

Regulatory Flexibility Analysis

The Secretary certifies, under 5 U.S.C. 605(b), and enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this proposed regulation will not result in a significant impact on a substantial number of small entities. The primary impact is on State Governments. State Governments are not considered small entities under the Act.

Regulatory Impact Analysis

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if the regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity.) Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, harmonizing rules, and of promoting flexibility. While there are some costs associated with these regulations, they are not economically significant as defined under E.O. 12866. However, the regulation is significant and has been reviewed by OMB.

Within the NPRM an area with associated Federal costs is modifying the child support statewide automated system for one-time system enhancements to accommodate new requirements such as notices, applications, and identifying noncustodial parents receiving SSI. This proposal has an approximately $26,484,000 cost. There is a cost of $26,460,000 to modify statewide IV–D systems for the 54 (with an assumption that 27 States will implement the optional requirements) States or Territories at a cost of $100 an hour. A cost of approximately $24,000 is designated to CMS' costs for State plan amendments and cooperative agreements. Another area associated with Federal costs is that of job services. We propose to allow FFP for certain job services for noncustodial parents responsible for paying child support. The estimated total average annual net cost (over the first five years) of the job services proposal is $26,096,596 with $18,592,939 as the Federal cost. Thus, the total net cost of the NPRM is $52,580,596. These proposed regulations, along with proposed changes in recognition of technological advances, will improve the delivery of child support services, support the efforts of noncustodial parents to provide for their children, and improve the efficiency of operations.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that a covered agency prepare a budgetary impact statement before promulgating a rule that includes any Federal mandate that may result in the expenditure by State, Tribal and local Governments, in the aggregate, or by the private sector, of $100 million or more in any one year. This $100 million threshold was based on 1995 dollars. The current threshold, adjusted for inflation is $141 million. This proposed rule would not impose a mandate that will result in the expenditure by State, local, and Tribal Governments, in the aggregate, or by the private sector, of more than $141 million in any one year.

Congressional Review

This notice of proposed rulemaking is not a major rule as defined in 5 U.S.C. Chapter 8.

Assessment of Federal Regulation and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act of 1999 requires Federal agencies to determine whether a policy or regulation may negatively affect family well-being. If the agency's determination is affirmative, then the agency must prepare an impact assessment addressing seven criteria specified in the law. The required review of the regulations and policies to determine their effect on family well-being has been completed, and this rule will have a positive impact on family well-being as defined in the legislation by proposing evidence-informed policies and practices that help to ensure that noncustodial parents support their children more consistently and reliably as they grow up.

Executive Order 13132

Executive Order 13132 prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. We do not believe the regulation has federalism impact as defined in the Executive Order. However, consistent with Executive Order 13132, the Department specifically solicits comments from State and local government officials on this proposed rule.

List of Subjects

42 CFR Part 433

Administrative practice and procedure, Child support, Claims, Grant programs—health, Medicaid, Reporting and recordkeeping requirements.

45 CFR Part 301

Child support, State plan approval and grant procedures.

45 CFR Part 302

Child support, State plan requirements.

45 CFR Part 303

Child support, Standards for program operations.

45 CFR Part 304

Child support, Federal financial participation.

45 CFR Part 305

Child support, Program performance measures, Standards, Financial incentives, Penalties.

45 CFR Part 307

Child support, Computerized support enforcement systems.

45 CFR Part 308

Child support, Annual State self-assessment review and report.

45 CFR Part 309

Child support, Grant programs—social programs, Indians, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Programs No. 93.563, Child Support Enforcement Program.)

Dated: August 26, 2014.

Mark Greenberg,

Acting Assistant Secretary for Children and Families.

Dated: September 16, 2014.

Marilyn Tavenner,

Administrator for the Centers for Medicare & Medicaid Services.

Approved: September 29, 2014.

Sylvia M. Burwell,

Secretary of Health and Human Services.

For the reasons discussed above, the Department of Health and Human Services proposes the following changes to 42 CFR Part 433 and 45 CFR Chapter III as set forth below:

Centers for Medicare and Medicaid Services

42 CFR Chapter IV

PART 433—STATE FISCAL ADMINISTRATION

■ 1. The authority citation for part 433 is revised to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

■ 2. Section 433.152 is amended by revising paragraph (b) to read as follows:

§ 433.152 Requirements for cooperative agreements for third party collections.

* * * * *

(b) Agreements with title IV–D agencies must specify that:

(1) The Medicaid agency may not refer a case for medical support enforcement when the following criteria have been met:

(i) The Medicaid referral is based solely upon health care services, including contract health services, provided through an Indian Health Program (as defined at 25 U.S.C. 1603(12)) to a child who is eligible for health care services from the Indian Health Service (IHS).

(ii) [Reserved]

(2) The Medicaid agency will provide reimbursement to the IV–D agency only for those child support services performed that are not reimbursable by the Office of Child Support Enforcement under title IV–D of the Act and that are necessary for the collection of amounts for the Medicaid program.

Administration for Children and Families

45 CFR Chapter III

PART 301—STATE PLAN APPROVAL AND GRANT PROCEDURES

■ 3. The authority citation for part 301 continues to read as follows:

Authority: 42 U.S.C. 651 through 658, 659a, 660, 664, 666, 667, 1301, and 1302.

■ 4. Amend § 301.1 by revising the first sentence of the definition of ''Procedures'' and adding the definition of ''Record'' in alphabetical order to read as follows:

§ 301.1 General definitions.

* * * * *

Procedures means a set of instructions in a record which describe in detail the step by step actions to be taken by child support enforcement personnel in the performance of a specific function under the State's IV–D plan. * * *

* * * * *

Record means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

* * * * *

■ 5. Amend § 301.13 by revising the first sentence of the introductory text and paragraphs (e) and (f) to read as follows:

§ 301.13 Approval of State plans and amendments.

The State plan consists of records furnished by the State to cover its Child Support Enforcement program under title IV–D of the Act. * * *

* * * * *

(e) *Prompt approval of the State plan.* The determination as to whether the State plan submitted for approval conforms to the requirements for approval under the Act and regulations issued pursuant thereto shall be made promptly and not later than the 90th day following the date on which the plan submittal is received in OCSE Regional Program Office, unless the Regional Office has secured from the IV–D agency an agreement, which is reflected in a record, to extend that period.

(f) *Prompt approval of plan amendments.* Any amendment of an approved State plan may, at the option of the State, be considered as a submission of a new State plan. If the State requests that such amendments be so considered, the determination as to its conformity with the requirements for approval shall be made promptly and not later than the 90th day following the date on which such a request is received in the Regional Office with respect to an amendment that has been received in such office, unless the Regional Office has secured from the State agency an agreement, which is reflected in a record, to extend that period.

* * * * *

■ 6. Amend § 301.15 by revising paragraphs (a), (b), (c), and (d), and by removing paragraph (e) to read as follows:

§ 301.15 Grants.

* * * * *

(a) *Financial reporting forms.* (1) *Form OCSE–396A: Child Support Enforcement Program Expenditure Report.* States submit this form quarterly to report the actual amount of State and Federal Share of title IV–D program expenditures and program income of the current quarter and to report the estimated amount of the State and Federal share of title IV–D program expenditures for the next quarter. This form is completed in accordance with published instructions. The signature of the authorized State program official on this document certifies that the reported expenditures and estimates are accurate and that the State has or will have the necessary State share of estimated program expenditures available when needed.

(2) *Form OCSE–34A: Child Support Enforcement Program Collection Report.* States submit this form quarterly to report the State and Federal share of child support collections received, distributed, disbursed, and remaining undistributed under the title IV–D program. This form is completed in accordance with published instructions. The signature of the authorized State program official on this document certifies that the reported amounts are accurate. The Federal share of actual program expenditures and collections and the Federal share of estimated program expenditures reported on Form OCSE–396A and the Federal share of child support collections reported on Form OCSE–34A are used in the computation of quarterly grant awards issued to the State.

(b) *Submission, review, and approval.* (1) *Manner of submission.* The Administration for Children and Families (ACF) maintains an On-line Data Collection (OLDC) system available to every State. States must use OLDC to submit reporting information electronically. To use OLDC, a State must request access from the ACF Office of Grants Management and use an approved digital signature.

(2) *Schedule of submission.* Forms OCSE–396A and OCSE–34A must be electronically submitted no later than 45

days following the end of the each fiscal quarter. No submission, revisions, or adjustments of the financial reports submitted for any quarter of the fiscal year will be accepted by OCSE later than December 31, 3 months after the end of the fiscal year.

(3) *Review and approval.* The data submitted on Forms OCSE–396A and OCSE–34A are subject to analysis and review by the Regional Grants Officer in the appropriate ACF Regional Office and approval by the Director, Office of Grants Management, in the ACF central office. In the course of this analysis, review, and approval process, any reported program expenditures that cannot be determined to be allowable are subject to the deferral procedures found at 45 CFR 201.15 or the disallowance process found at 45 CFR 304.29 and 201.14 and 45 CFR part 16.

(c) *Grant award.* (1) *Award documents.* The grant award consists of a signed award letter and an accompanying ''Computation of Grant Award'' to detail the award calculation.

(2) *Award calculation.* The quarterly grant award is based on the information submitted by the State on the financial reporting forms and consists of:

(i) An advance of funds for the next quarter, based on the State's approved estimate; and

(ii) The reconciliation of the advance provided for the current quarter, based on the State's approved expenditures.

(3) *Access to funds.* A copy of the grant documents are provided to the HHS Division of Payment Management, which maintains the Payment Management System (PMS). The State is able to request a drawdown of funds from PMS through a commercial bank and the Federal Reserve System against a continuing letter of credit. The letter of credit system for payment of advances of Federal funds was established pursuant to Treasury Department regulations. (Circular No. 1075).

(d) *General requirements.* A copy of the Terms and Conditions applicable to this program is available to the State annually. In general, the following Federal regulations govern the administration of this program:

(1) 2 CFR part 225, ''Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A–87);''

(2) 45 CFR part 92, ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Tribal Governments,'' with the following exceptions:

(i) 45 CFR 92.24, ''Matching or cost sharing;'' and

(ii) 45 CFR 92.41, ''Financial reporting;'' and

(3) 45 CFR part 95, ''General Administration—Grant Programs (Public Assistance, Medical Assistance and State Children's Health Insurance Programs).''

PART 302—STATE PLAN REQUIREMENTS

■ 7. The authority citation for part 302 continues to read as follows:

Authority: 42 U.S.C. 651 through 658, 659a, 660, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), and 1396(k).

■ 8. Revise § 302.14 to read as follows:

§ 302.14 Fiscal policies and accountability.

The State plan shall provide that the IV–D agency, in discharging its fiscal accountability, will maintain an accounting system and supporting fiscal records adequate to assure that claims for Federal funds are in accord with applicable Federal requirements. The retention and custodial requirements for these records are prescribed in 45 CFR part 92.

■ 9. Amend § 302.15 by revising paragraph (a)(7), redesignating the undesignated concluding paragraph of paragraph (a) as paragraph (a)(8), and revising newly redesignated paragraph (a)(8) to read as follows:

§ 302.15 Reports and maintenance of records.

* * * * *

(a) * * *

(7) Statistical, fiscal, and other records necessary for reporting and accountability required by the Secretary.

(8) The retention and custodial requirements for the records in this section are prescribed in 45 CFR part 92.

* * * * *

■ 10. Amend § 302.32 by revising the introductory text, paragraph (a), paragraph (b) introductory text, and paragraph (b)(1) to read as follows:

§ 302.32 Collection and disbursement of support payments by the IV–D Agency.

The State plan shall provide that:

(a) The IV–D agency must establish and operate a State Disbursement Unit (SDU) for the collection and disbursement of payments under support orders—

(1) In all cases being enforced under the State IV–D plan; and

(2) In all cases not being enforced under the State IV–D plan in which the support order is initially issued in the State on or after January 1, 1994, and in which the income of the noncustodial parent is subject to withholding pursuant to section 466(a)(8)(B) of the Act.

(b) Timeframes for disbursement of support payments by SDUs under section 454B of the Act.

(1) In interstate IV–D cases, amounts collected by the responding State on behalf of the initiating State must be forwarded to the initiating State within 2 business days of the date of receipt by the SDU in the responding State, in accordance with § 303.7(d)(6)(v) of this chapter.

* * * * *

■ 11. Amend § 302.33 by revising paragraph (a)(4), adding paragraph (a)(6), and revising the first sentence of paragraph (d)(2) to read as follows:

§ 302.33 Services to individuals not receiving title IV–A assistance.

(a) * * *

(4) Whenever a family is no longer eligible for assistance under the State's title IV–A and Medicaid programs, the IV–D agency must notify the family, within 5 working days of the notification of ineligibility, that IV–D services will be continued unless the family notifies the IV–D agency that it no longer wants services but instead wants to close the case. This notice must inform the family of the benefits and consequences of continuing to receive IV–D services, including the available services and the State's fees, cost recovery and distribution policies. This requirement to notify the family that services will be continued, unless the family notifies the IV–D agency to the contrary, also applies when a child is no longer eligible for IV–E foster care, but only in those cases that the IV–D agency determines that such services and notice would be appropriate.

* * * * *

(6) The State may elect in its State plan to allow an individual under paragraph (a)(1)(i) of this section who files an application to request limited services. If the State chooses this option, the State must define how this process will be implemented and must establish and use procedures, which are reflected in a record, that specifies when and what limited services will be allowed. The State's procedures must require that a limited services applicant requesting enforcement services will receive all mandatory enforcement services, if appropriate, including income withholding, Federal Tax Refund Offset, and credit bureau reporting. An application will be considered full-service unless the parent specifically applies for limited services in accordance with the State's procedures. If one parent specifically requests limited services and the other parent requests full services, the case will automatically receive full services. The

State will be required to charge the application and service fees required under paragraphs (c) and (e) of this section for a limited service, and may recover costs in accordance with paragraph (d) of this section if the State has chosen this option in its State plan. The State must provide the applicant an application form with information on the range of available services, consequences of selecting a limited service, and an explanation that the case will be closed when the limited service is completed.

* * * * *

(d) * * *

(2) A State that recovers standardized costs under paragraph (d)(1) of this section shall develop a methodology, which is reflected in a record, to determine standardized costs which are as close to actual costs as is possible. * * *

* * * * *

■ 12. Amend § 302.34 by revising the first sentence to read as follows:

§ 302.34 Cooperative arrangements.

The State plan shall provide that the State will enter into agreements, which are reflected in a record, for cooperative arrangements under § 303.107 of this chapter with appropriate courts; law enforcement officials, such as district attorneys, attorneys general, and similar public attorneys and prosecutors; corrections officials; Indian tribes or tribal organizations. * * *

* * * * *

■ 13. Revise § 302.38 to read as follows:

§ 302.38 Payments to the family.

The State plan shall provide that any payment required to be made under §§ 302.32 and 302.51 to a family will be made directly to the resident parent, legal guardian, or caretaker relative having custody of or responsibility for the child or children.

■ 14. Amend § 302.50 by revising paragraph (b)(2) to read as follows:

§ 302.50 Assignment of rights to support.

* * * * *

(b) * * *

(2) If there is no court or administrative order, an amount determined in a record by the IV–D agency as part of the legal process referred to in paragraph (a)(2) of this section in accordance with the requirements of § 302.56.

* * * * *

■ 15. Revise § 302.56 to read as follows:

§ 302.56 Guidelines for setting child support awards.

(a) Within one year after completion of the State's next quadrennial review of its guidelines, pursuant to § 302.56(e), as a condition of approval of its State plan, the State must establish one set of guidelines by law or by judicial or administrative action for setting and modifying child support award amounts within the State that meet the requirements in this section.

(b) The State must have procedures for making the guidelines available to all persons in the State whose duty it is to set child support award amounts.

(c) The guidelines established under paragraph (a) of this section must at a minimum:

(1) Take into consideration actual earnings and income of the noncustodial parent;

(2) Be based on specific descriptive and numeric criteria and result in a computation of the support obligation;

(3) Address how the parents will provide for the child(ren)'s health care needs through health insurance coverage and/or through cash medical support in accordance with § 303.31 of this chapter;

(4) Take into consideration the noncustodial parent's subsistence needs and provide that any amount ordered for support be based upon available data related to the parent's actual earnings, income, assets, or other evidence of ability to pay, such as testimony that income or assets are not consistent with a noncustodial parent's current standard of living; and

(5) Provide that incarceration may not be treated as voluntary unemployment in establishing or modifying support orders.

(d) The State must include a copy of the guidelines in its State plan.

(e) The State must review, and revise, if appropriate, the guidelines established under paragraph (a) of this section at least once every four years to ensure that their application results in the determination of appropriate child support award amounts.

(f) The State must provide that there will be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of guidelines established under paragraph (a) of this section is the correct amount of child support to be awarded.

(g) A written finding or specific finding on the record of a judicial or administrative proceeding for the award of child support that the application of the guidelines established under paragraph (a) of this section would be unjust or inappropriate in a particular case will be sufficient to rebut the presumption in that case, as determined under criteria established by the State. Such criteria must take into consideration the best interests of the child. Findings that rebut the guidelines shall state the amount of support that would have been required under the guidelines and include a justification of why the order varies from the guidelines.

(h) Child support awards established under paragraph (a) of this section may recognize parenting time provisions pursuant to State child support guidelines or when both parents have agreed to the parenting time provisions.

(i) As part of the review of a State's guidelines required under paragraph (e) of this section, a State must consider economic data on the cost of raising children and analyze case data, gathered through sampling or other methods, on the application of, and deviations from, the guidelines. The analysis of the data must be used in the State's review of the guidelines to ensure that deviations from the guidelines are limited. Deviation from the presumptive child support amount may be based on factors established by the State.

■ 16. Amend § 302.65 by:

■ a. In paragraph (a), removing the definition of ''State employment security agency'';

■ b. In paragraph (a), adding the definition of ''State workforce agency'' in alphabetical order;

■ c. Removing the term ''SESA'' wherever it appears and adding in its place the term ''SWA'' in paragraphs (c)(1), (2), and (5) through (7); and

■ d. Revising paragraphs (b) and (c)(3).

The revisions and additions read as follows.

§ 302.65 Withholding of unemployment compensation.

* * * * *

(a) * * *

State workforce agency or *SWA* means the State agency charged with the administration of the State unemployment compensation laws in accordance with title III of the Act.

* * * * *

(b) *Agreement.* The State IV–D agency shall enter into an agreement, which is reflected in a record, with the SWA in its State for the purpose of withholding unemployment compensation from individuals with unmet support obligations being enforced by the IV–D agency. The IV–D agency shall agree only to a withholding program that it expects to be cost-effective and to reimbursement for the SWA's actual, incremental costs of providing services to the IV–D agency.

(c) * * *

(3) Establish and use criteria, which are reflected in a record, for selecting

cases to pursue via the withholding of unemployment compensation for support purposes. These criteria must be designed to insure maximum case selection and minimal discretion in the selection process.

* * * * *

■ 17. Amend § 302.70, by revising paragraphs (a)(5)(v), (a)(8), and the first sentence of paragraph (d)(2) to read as follows:

§ 302.70 Required State laws.

(a) * * *

(5) * * *

(v) Procedures which provide that any objection to genetic testing results must be made in writing within a specified number of days before any hearing at which such results may be introduced into evidence; and if no objection is made, a report of the test results, which is reflected in a record, is admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy;

* * * * *

(8) Procedures under which all child support orders which are issued or modified in the State will include provision for withholding from income, in order to assure that withholding as a means of collecting child support is available if arrearages occur without the necessity of filing an application for services under § 302.33, in accordance with § 303.100(g) of this chapter.

* * * * *

(d) * * *

(2) *Basis for granting exemption.* The Secretary will grant a State, or political subdivision in the case of section 466(a)(2) of the Act, an exemption from any of the requirements of paragraph (a) of this section for a period not to exceed 5 years if the State demonstrates that compliance would not increase the effectiveness and efficiency of its Child Support Enforcement program. * * *

* * * * *

■ 18. Section 302.76 is added to read as follows:

§ 302.76 Job services.

The State plan may provide for job services for eligible noncustodial parents pursuant to § 303.6(c)(5) of this chapter. If the State chooses this option, the State plan must include a description of the job services and the eligibility criteria.

■ 19. Amend § 302.85 by revising paragraph (b)(2)(ii) to read as follows:

§ 302.85 Mandatory computerized support enforcement system.

* * * * *

(b) * * *

(2) * * *

(ii) The State provides assurances, which are reflected in a record, that steps will be taken to otherwise improve the State's Child Support Enforcement program.

PART 303—STANDARDS FOR PROGRAM OPERATIONS

■ 20. The authority citation for part 303 is revised to read as follows:

Authority: 42 U.S.C. 651 through 658, 659a, 660, 663, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), 1396(k), and 25 U.S.C. 1603(12) and 1621e.

■ 21. Amend § 303.2 by revising the first sentence of paragraph (a)(2) and revising paragraph (a)(3) to read as follows:

§ 303.2 Establishment of cases and maintenance of case records.

(a) * * *

(2) When an individual requests an application for IV–D services, provide an application to the individual on the day the individual makes a request in person or send an application to the individual within no more than 5 working days of a request made by telephone or in a record. * * *

(3) Accept an application as filed on the day it and the application fee are received. An application is a record that is provided or used by the State which indicates that the individual is applying for child support enforcement services under the State's title IV–D program and is signed, electronically or otherwise, by the individual applying for IV–D services.

* * * * *

§ 303.3 [Amended]

■ 22. Amend § 303.3 by:

■ a. In paragraph (b)(1), adding ''corrections institutions;'' after ''unions;'' and before ''fraternal organizations;''; and

■ b. In paragraph (b)(5), removing the term ''State employment security'' and adding the term ''State workforce'' in its place.

■ 23. Amend § 303.5 by revising paragraph (g)(6) to read as follows:

§ 303.5 Establishment of paternity.

* * * * *

(g) * * *

(6) The State must provide training, guidance, and instructions, which are reflected in a record, regarding voluntary acknowledgment of paternity, as necessary to operate the voluntary paternity establishment services in the hospitals, State birth record agencies, and other entities designated by the State and participating in the State's voluntary paternity establishment program.

* * * * *

■ 24. Amend § 303.6 by:

■ a. Removing ''and'' at the end of paragraph (c)(3);

■ b. Redesignating paragraph (c)(4) as paragraph (c)(6); and

■ c. Adding paragraphs (c)(4) and (5).

The revision and addition read as follows:

§ 303.6 Enforcement of support obligations.

* * * * *

(c) * * *

(4) Having procedures ensuring that enforcement activity in civil contempt proceedings takes into consideration the subsistence needs of the noncustodial parent, and ensures that a purge amount the noncustodial parent must pay in order to avoid incarceration takes into consideration actual earnings and income and the subsistence needs of the noncustodial parent. A purge amount must be based upon a written evidentiary finding that the noncustodial parent has the actual means to pay the amount from his or her current income or assets; and

(5) As elected by the State in § 302.76 of this chapter, provide job services to eligible noncustodial parents. In addition to eligibility criteria which may be set by the IV–D agency, the noncustodial parent must have a IV–D case, have a current child support order, be unemployed or not making regular child support payments, not be receiving TANF assistance or assistance funded with State dollars counting toward TANF maintenance of effort, not be enrolled in a Supplemental Nutrition Assistance Program Employment and Training program under 7 CFR 273.7 and 273.24, not be receiving the same job services under Workforce Investment Act (WIA) under 20 CFR parts 652 and 660 through 671, and not be receiving a Federal Pell Grant under 34 CFR part 690. These job services may include:

(i) Job search assistance;

(ii) Job readiness training;

(iii) Job development and job placement services;

(iv) Skills assessments to facilitate job placement;

(v) Job retention services;

(vi) Certificate programs and other skills training directly related to employment, which may include activities to improve literacy and basic skills, such as programs to complete high school or a General Education Development (GED) certificate, as long as they are included in the same job services plan; and

(vii) Work supports, such as transportation assistance, uniforms, and tools.

* * * * *

■ 25. Amend § 303.7 by revising paragraph (d)(10) and adding paragraph (f) to read as follows:

§ 303.7 Provision of services in intergovernmental IV–D cases.

* * * * *

(d) * * *

(10) Notify the initiating agency when a case is closed pursuant to §§ 303.11(b)(17) through (19) and 303.7(d)(9).

* * * * *

(f) *Imposition and reporting of annual $25 fee in interstate cases.* The title IV–D agency in the initiating State must impose and report the annual $25 fee in accordance with § 302.33(e) of this chapter.

■ 26. Amend § 303.8 by:

■ a. Redesignating paragraphs (b)(2) through (6) as paragraphs (b)(3) through (7), respectively;

■ b. Adding paragraph (b)(2); and

■ c. Revising newly redesignated paragraph (b)(7) and paragraph (d).

The addition and revision read as follows:

§ 303.8 Review and adjustment of child support orders.

* * * * *

(b) * * *

(2) The State may elect in its State plan to initiate review of an order, after being notified that a noncustodial parent will be incarcerated for more than 90 days and without the need for a specific request, and, upon notice to both parents, adjust the order, if appropriate, pursuant to paragraph (b)(1)(i) of this section.

* * * * *

(7) The State must provide notice—

(i) Not less than once every 3 years to both parents subject to the order informing the parents of their right to request the State to review and, if appropriate, adjust the order consistent with this section. The notice must specify the place and manner in which the request should be made. The initial notice may be included in the order.

(ii) If the State has not elected paragraph (b)(2) of this section, when the IV–D agency learns that a noncustodial parent is incarcerated, to the incarcerated noncustodial parent and the custodial parent informing them of the right to request the State to review and, upon request, to adjust the order consistent with this section. The notice must specify, at a minimum, the place and manner in which the request should be made.

* * * * *

(d) *Health care needs must be an adequate basis.* The need to provide for the child's health care needs in the order, through health insurance or other means, must be an adequate basis under State law to initiate an adjustment of an order, regardless of whether an adjustment in the amount of child support is necessary.

* * * * *

■ 27. Revise § 303.11 to read as follows:

§ 303.11 Case closure criteria.

(a) The IV–D agency shall establish a system for case closure.

(b) The IV–D agency may elect to close a case if the case meets at least one of the following criteria and supporting documentation for the case closure decision is maintained in the case record:

(1) There is no longer a current support order and arrearages are under $500 or unenforceable under State law;

(2) There is no longer a current support order and all arrearages in the case are assigned to the State;

(3) There is no longer a current support order, the children have reached the age of majority, the noncustodial parent is entering or has entered long-term care arrangements (such as a residential care facility or home health care), and the noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support;

(4) The noncustodial parent or alleged father is deceased and no further action, including a levy against the estate, can be taken;

(5) The noncustodial parent is living with the minor child (as the primary caregiver or in an intact two parent household), and the IV–D agency has determined that services are not appropriate;

(6) Paternity cannot be established because:

(i) The child is at least 18 years old and action to establish paternity is barred by a statute of limitations which meets the requirements of § 302.70(a)(5) of this chapter;

(ii) A genetic test or a court or administrative process has excluded the alleged father and no other alleged father can be identified;

(iii) In accordance with § 303.5(b), the IV–D agency has determined that it would not be in the best interests of the child to establish paternity in a case involving incest or forcible rape, or in any case where legal proceedings for adoption are pending; or

(iv) The identity of the biological father is unknown and cannot be identified after diligent efforts, including at least one interview by the IV–D agency with the recipient of services;

(7) The noncustodial parent's location is unknown, and the State has made diligent efforts using multiple sources, in accordance with § 303.3, all of which have been unsuccessful, to locate the noncustodial parent:

(i) Over a 2-year period when there is sufficient information to initiate an automated locate effort; or

(ii) Over a 6-month period when there is not sufficient information to initiate an automated locate effort; or

(iii) After a 1-year period when there is sufficient information to initiate an automated locate effort, but locate interfaces are unable to verify a Social Security Number;

(8) The IV–D agency has determined that throughout the duration of the child's minority (or after the child has reached the age of majority), the noncustodial parent cannot pay support and shows no evidence of support potential because the parent has been institutionalized in a psychiatric facility, is incarcerated, has a medically-verified total and permanent disability, or has had multiple referrals for services by the State over a 5-year period which have been unsuccessful. The State must also determine that the noncustodial parent has no income or assets available above the subsistence level that could be levied or attached for support;

(9) The noncustodial parent's sole income is from:

(i) Supplemental Security Income (SSI) payments made pursuant to sections 1601 *et seq.,* of title XVI of the Act, 42 U.S.C. 1381 *et seq.;*

(ii) both SSI and benefits under title II of the Act; or

(iii) other needs-based benefits not subject to garnishment;

(10) The noncustodial parent is a citizen of, and lives in, a foreign country, does not work for the Federal government or a company with headquarters or offices in the United States, and has no reachable domestic income or assets; and State has been unable to establish reciprocity with the country;

(11) The IV–D agency has provided location-only services as requested under § 302.35(c)(3) of this chapter;

(12) The non–IV–A recipient of services requests closure of a case and there is no assignment to the State of medical support under 42 CFR 433.146 or of arrearages which accrued under a support order;

(13) The IV–D agency has completed a limited service under § 302.33(a)(6) of this chapter;

(14) There has been a finding by the responsible State agency of good cause or other exceptions to cooperation with the IV–D agency and the State or local assistance program, such as IV–A, IV–D, IV–E, and Medicaid, which has determined that support enforcement may not proceed without risk of harm to the child or caretaker relative;

(15) In a non–IV–A case receiving services under § 302.33(a)(1)(i) or (iii) of this chapter, or under § 302.33(a)(1)(ii) when cooperation with the IV–D agency is not required of the recipient of services, the IV–D agency is unable to contact the recipient of services despite a good faith effort to contact the recipient through at least two different methods;

(16) In a non–IV–A case receiving services under § 302.33(a)(1)(i) or (iii) of this chapter, or under § 302.33(a)(1)(ii) when cooperation with the IV–D agency is not required of the recipient of services, the IV–D agency documents the circumstances of the recipient's noncooperation and an action by the recipient of services is essential for the next step in providing IV–D services;

(17) The IV–D agency documents failure by the initiating agency to take an action which is essential for the next step in providing services;

(18) The initiating agency has notified the responding State that the initiating State has closed its case under § 303.7(c)(11);

(19) The initiating agency has notified the responding State that its intergovernmental services are no longer needed;

(20) Another assistance program, including IV–A, IV–E, and Medicaid has referred a case to the IV–D agency that is inappropriate to establish, enforce, or continue to enforce a child support order and the custodial or noncustodial parent has not applied for services; or

(21) The case has been transferred to a Tribal IV–D agency and the State IV–D agency has complied with the following procedures:

(i) Before transferring the case to a Tribal IV–D agency:

(A) The recipient of services requested the State to transfer its case to the Tribal IV–D agency; or

(B) The IV–D agency has notified the recipient of services of its intent to transfer the case to the Tribal IV–D agency and the recipient did not respond to the notice to transfer the case within 60 calendar days from the date notice was provided;

(ii) The IV–D agency completely and fully transferred the case; and

(iii) The IV–D agency notified the recipient of services that the case has been transferred to the Tribal IV–D agency.

(c) The IV–D agency must close a case and maintain supporting documentation for the case closure decision when the following criteria have been met:

(1) The child is eligible for health care services from the Indian Health Service (IHS); and

(2) The IV–D case was opened because of a Medicaid referral based solely upon health care services, including contract health services, provided through an Indian Health Program (as defined at 25 U.S.C. 1603(12)).

(d) The IV–D agency must have the following requirements for case closure notification and case reopening:

(1) In cases meeting the criteria in paragraphs (b)(1) through (10) and (b)(15) through (16) of this section, the State must notify the recipient of services in writing 60 calendar days prior to closure of the case of the State's intent to close the case.

(2) In an intergovernmental case meeting the criteria for closure under paragraph (b)(17) of this section, the responding State must notify the initiating agency, in a record, 60 calendar days prior to closure of the case of the State's intent to close the case.

(3) The case must be kept open if the recipient of services, or the initiating agency supplies information in response to the notice provided under paragraph (d)(1) or (2) of this section which could lead to the establishment of paternity or a support order or enforcement of an order, or, in the instance of paragraph (b)(15) of this section, if contact is reestablished with the recipient of services.

(4) In a case meeting the criteria for closure in paragraph (b)(20) or (c) of this section, the IV–D agency must notify the referring agency, in a record, 60 calendar days prior to closure of the case of the State's intent to close the case.

(5) If the referring agency does not respond to the notice provided under paragraph (d)(4) of this section, or does not provide information that indicates that child support services are needed for the case, the IV–D agency may close the case.

(6) For cases closed pursuant to paragraphs (b)(13) and (d)(5) of this section, the State must notify the recipient that the case has been closed within 30 calendar days of closing the case. This notice must also provide information regarding reapplying for child support services and the consequences of receiving services, including any State fees, cost recovery, and distribution policies. If the recipient reapplies for child support services in a case that was closed pursuant to paragraph (b)(13) of this section, the recipient will complete a new application for IV–D services and pay any applicable fee. If the recipient reapplies for services in a case that was closed pursuant to (d)(5), the recipient will complete a new application for IV–D services but will not be charged a fee.

(7) If the case is closed, the former recipient of services may request at a later date that the case be reopened if there is a change in circumstances which could lead to the establishment of paternity or a support order or enforcement of an order by completing a new application for IV–D services and paying any applicable application fee.

(e) The IV–D agency must retain all records for cases closed pursuant to this section for a minimum of three years, in accordance with 45 CFR part 92.

■ 28. Amend § 303.31 by revising paragraphs (a)(2), (a)(3), (b)(1), (b)(2), (b)(3) introductory text, (b)(3)(i), and (b)(4) to read as follows:

§ 303.31 Securing and enforcing medical support obligations.

(a) * * *

(2) Health insurance includes fee for service, health maintenance organization, preferred provider organization, and other types of private and public coverage which is available to either parent, under which medical services could be provided to the dependent child(ren).

(3) Cash medical support or the cost of health insurance is considered reasonable in cost if the cost to the parent responsible for providing medical support does not exceed five percent of his or her gross income or, at State option, a reasonable alternative income-based numeric standard defined in State law, regulations, or court rule having the force of law or State child support guidelines adopted in accordance with § 302.56(c) of this chapter.

(b) * * *

(1) Petition the court or administrative authority to:

(i) Include health insurance that is accessible to the child(ren), as defined by the State, and is available to the parent responsible for providing medical support at reasonable cost, as defined under paragraph (a)(3) of this section, in new or modified court or administrative orders for support; and

(ii) Determine how to allocate the cost of coverage between the parents.

(2) If health insurance described in paragraph (b)(1) of this section is not available at the time the order is entered or modified, petition to include cash medical support in new or modified orders until such time as health insurance, that is accessible and reasonable in cost as defined under paragraph (a)(3) of this section, becomes available. In appropriate cases, as defined by the State, cash medical support may be sought in addition to health insurance coverage.

(3) Establish criteria, which are reflected in a record, to identify orders that do not address the health care needs of children based on—

(i) Evidence that health insurance may be available to either parent at reasonable cost, as defined under paragraph (a)(3) of this section; and

* * * * *

(4) Petition the court or administrative authority to modify support orders, in accordance with State child support guidelines, for cases identified in paragraph (b)(3) of this section to include health insurance and/or cash medical support in accordance with paragraphs (b)(1) and (2) of this section.

* * * * *

■ 29. Amend § 303.72 by revising paragraph (d)(1) to read as follows:

§ 303.72 Requests for collection of past-due support by Federal tax refund offset.

* * * * *

(d) * * *

(1) The State referring past-due support for offset must, in interstate situations, notify any other State involved in enforcing the support order when it receives the offset amount from the Secretary of the U.S. Treasury.

* * * * *

■ 30. Amend § 303.100 by revising paragraph (e)(1) introductory text and adding paragraphs (h) and (i) to read as follows:

§ 303.100 Procedures for income withholding.

* * * * *

(e) *Notice to the employer for immediate and initiated withholding.* (1) To initiate withholding, the State must send the noncustodial parent's employer a notice using the required OMB-approved Income Withholding for Support form that includes the following:

* * * * *

(h) *Notice to employers in all child support orders.* The notice to employers in all child support orders must be on an OMB-approved Income Withholding for Support form.

(i) *Payments sent to the SDU in child support order not enforced under the State IV–D plan.* Income withholding payments made under child support orders initially issued in the State on or after January 1, 1994 that are not being enforced under the State IV–D plan must be sent to the State Disbursement Unit for disbursement to the family in accordance with sections 454B and 466(a)(8) and (b)(5) of the Act and § 302.32(a) of this chapter.

PART 304—FEDERAL FINANCIAL PARTICIPATION

■ 31. The authority for part 304 continues to read as follows:

Authority: 42 U.S.C. 651 through 655, 657, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), and 1396(k).

■ 32. Revise § 304.10 to read as follows:

§ 304.10 General administrative requirements.

As a condition for Federal financial participation, the provisions of part 92 of this title (with the exception of 45 CFR 92.24, Matching or Cost Sharing and 45 CFR 92.41, Financial Reporting) establishing uniform administrative requirements and cost principles shall apply to all grants made to States under this part.

§ 304.12 [Amended]

■ 33. Amend § 304.12 by removing paragraphs (c)(4) and (5).

■ 34. Amend § 304.20 by:

■ a. Revising paragraphs (a)(1), (b) introductory text, (b)(1)(iii) introductory text, (b)(1)(viii) introductory text, (b)(1)(viii)(A), (b)(1)(ix), (b)(2) introductory text, (b)(2)(vii), (b)(3) introductory text, and (b)(11);

■ b. Removing the ''.'' at the end of paragraph (b)(1)(viii)(C) and adding a '';'' in its place;

■ c. Redesignating paragraph (b)(3)(v) as paragraph (b)(3)(viii);

■ d. Adding paragraphs (b)(1)(viii)(D), (b)(1)(viii)(E), (b)(3)(v) through (vii), (b)(3)(ix), and (b)(12);

■ e. Removing ''and'' at the end of paragraph (b)(9); and

■ f. Removing paragraphs (c) and (d).

The additions and revisions read as follows:

§ 304.20 Availability and rate of Federal financial participation.

(a) * * *

(1) Necessary and reasonable expenditures for child support services and activities to carry out the State title IV–D plan;

* * * * *

(b) Services and activities for which Federal financial participation will be available will be those made to carry out the title IV–D State plan, including obtaining child support, locating noncustodial parents, and establishing paternity, that are determined by the Secretary to be necessary and reasonable expenditures properly attributed to the Child Support Enforcement program, including, but not limited to the following:

(1) * * *

(iii) The establishment of all necessary agreements with other Federal, State, and local agencies or private providers to carry out Child Support Enforcement program activities in accordance with Procurement Standards, 45 CFR 92.36(b). These agreements may include:

* * * * *

(viii) The establishment of agreements with agencies administering the State's title IV–A and IV–E plans including criteria for:

(A) Referring cases to and from the IV–D agency;

* * * * *

(D) The procedures to be used to coordinate services; and

(E) Agreements to exchange data as authorized by law.

(ix) The establishment of agreements with State agencies administering Medicaid or CHIP, including criteria for:

(A) Referring cases to and from the IV–D agency;

(B) The procedures to be used to coordinate services; and

(C) Agreements to exchange data as authorized by law.

(2) The establishment of paternity, including, but not limited to:

* * * * *

(vii) Developing and providing to parents and family members, hospitals, State birth records agencies, and other entities designated by the State and participating in the State's voluntary paternity establishment program, under § 303.5(g) of this chapter, educational and outreach activities, written and audiovisual materials about paternity establishment and forms necessary to voluntarily acknowledge paternity; and

* * * * *

(3) The establishment and enforcement of support obligations including, but not limited to:

* * * * *

(v) Bus fare or other minor transportation expenses to enable custodial or noncustodial parties to participate in child support proceedings and related activities;

(vi) Services to increase *pro se* access to adjudicative and alternative dispute resolution processes in IV–D cases;

(vii) *De minimis* costs associated with the inclusion of parenting time provisions entered as part of a child

support order and incidental to a child support enforcement proceeding;

* * * * *

(ix) Job services activities pursuant to § 303.6(c)(5) of this chapter.

* * * * *

(11) Medical support activities as specified in §§ 303.30, 303.31, and 303.32 of this chapter; and

(12) Educational and outreach activities intended to inform the public, parents and family members, and young people who are not yet parents about the Child Support Enforcement program, responsible parenting and co-parenting, family budgeting, and other financial consequences of raising children when the parents are not married to each other.

■ 35. Amend § 304.21 by revising paragraphs (a) introductory text and (a)(1) to read as follows:

§ 304.21 Federal financial participation in the costs of cooperative arrangements with courts and law enforcement officials.

(a) *General.* Subject to the conditions and limitations specified in this part, Federal financial participation (FFP) at the applicable matching rate is available in the costs of cooperative agreements with appropriate courts and law enforcement officials in accordance with the requirements of § 302.34 of this chapter. *Law enforcement officials* means district attorneys, attorneys general, similar public attorneys and prosecutors and their staff, and corrections officials. When performed under agreement, which is reflected in a record, costs of the following activities are subject to reimbursement:

(1) The activities, including administration of such activities, specified in § 304.20(b)(2) through (8) and (b)(11);

* * * * *

■ 36. Revise § 304.23 to read as follows:

§ 304.23 Expenditures for which Federal financial participation is not available.

Federal financial participation at the applicable matching rate is not available for:

(a) Activities related to administering titles I, IV–A, IV–B, IV–E, X, XIV, XVI, XIX, XX, or XXI of the Act or 7 U.S.C. Chapter 51.

(b) Purchased support enforcement services which are not secured in accordance with § 304.22.

(c) Construction and major renovations.

(d) Education and training programs and educational services for State and county employees and court personnel except direct cost of short term training provided to IV–D agency staff or pursuant to §§ 304.20(b)(2)(viii) and 304.21.

(e) Any expenditures which have been reimbursed by fees collected as required by this chapter.

(f) Any costs of those caseworkers described in § 303.20(e) of this chapter.

(g) Any expenditures made to carry out an agreement under § 303.15 of this chapter.

(h) The costs of counsel for indigent defendants in IV–D actions.

(i) The costs of guardians ad litem in IV–D actions.

§ 304.25 [Amended]

■ 37. Amend § 304.25 by:

■ a. In paragraph (a), removing the reference ''part 74'' and adding the reference ''part 92'' in its place; and

■ b. In paragraph (b), removing ''30 days'' and adding ''45 days'' in its place.

■ 38. Amend § 304.26 by revising paragraph (a)(1), removing and reserving paragraph (b), and removing paragraph (c) to read as follows:

§ 304.26 Determination of Federal share of collections.

(a) * * *

(1) 75 percent for Puerto Rico, the Virgin Islands, Guam, and American Samoa for the distribution of retained IV–A collections; 55 percent for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa for the distribution of retained IV–E collections; 70 percent for the District of Columbia for the distribution of retained IV–E collections; and

* * * * *

■ 39. Amend § 304.40 by revising paragraph (a)(2) to read as follows:

§ 304.40 Repayment of Federal funds by installments.

(a) * * *

(2) The State has notified the OCSE Regional Office in a record of its intent to make installment repayments. Such notice must be given prior to the time repayment of the total was otherwise due.

* * * * *

PART 305—PROGRAM PERFORMANCE MEASURES, STANDARDS, FINANCIAL INCENTIVES, AND PENALTIES

■ 40. The authority for part 305 is revised to read as follows:

Authority: 42 U.S.C. 609(a)(8), 652(a)(4) and (g), 658a, and 1302.

■ 41. Amend § 305.35 by:

■ a. In paragraph (d), adding a sentence to the end of the paragraph;

■ b. Redesignating paragraph (e) as paragraph (f); and

■ c. Adding paragraph (e).

The revision and addition read as follows:

§ 305.35 Reinvestment.

* * * * *

(d) * * * Non-compliance will result in disallowances of incentive amounts equal to the amount of funds supplanted.

(e) Using the Form OCSE–396A, ''Child Support Enforcement Program Expenditure Report,'' the State Current Spending Level will be calculated by determining the State Share of Total Expenditures Claimed for all four quarters of the fiscal year minus State Share of IV–D Administrative Expenditures Made Using Funds Received as Incentive Payments for all four quarters of the fiscal year, plus the Federal Parent Locator Service (FPLS) fees for all four quarters of the fiscal year.

(1) The State Share of Expenditures claimed is: Total Expenditures Claimed for the Current Quarter and the Prior Quarter Adjustments minus the Federal Share of Total Expenditures Claimed for the Current Quarter and Prior Quarter Adjustments claimed on the Form OCSE–396A for all four quarter of the fiscal year.

(2) The State Share of IV–D Administrative Expenditures Made Using Funds Received as Incentive Payments is: IV–D Administrative Expenditures Made Using Funds Received as Incentive Payments for the Current Quarter and the Prior Quarter Adjustments minus the Federal Share of IV–D Administrative Expenditures Made Using Funds Received as Incentive Payments for the Current Quarter and Prior Quarter Adjustments claimed on the Form OCSE–396A for all four quarters of the fiscal year.

(3) The Fees for the Use of the Federal Parent Locator Service (FPLS) can be computed by adding the FPLS fees claimed on the Form OCSE–396A for all four quarters of the fiscal year.

* * * * *

■ 42. Amend § 305.63 by revising paragraph (d) introductory text to read as follows:

§ 305.63 Standards for determining substantial compliance with IV–D requirements.

* * * * *

(d) With respect to the 75 percent standard in paragraph (c) of this section:

* * * * *

■ 43. Amend § 305.64 by revising the second sentence of paragraph (c) to read as follows:

§ 305.64 Audit procedures and State comments.

* * * * *

(c) * * * Within a specified timeframe from the date the report was sent, the IV–D agency may submit comments, which are reflected in a record, on any part of the report which the IV–D agency believes is in error.

* * *

■ 44. Amend § 305.66 by revising paragraph (a) to read as follows:

§ 305.66 Notice, corrective action year, and imposition of penalty.

(a) If a State is found by the Secretary to be subject to a penalty as described in § 305.61, the OCSE will notify the State, in a record, of such finding.

* * * * *

PART 307—COMPUTERIZED SUPPORT ENFORCEMENT SYSTEMS

■ 45. The authority for part 307 continues to read as follows:

Authority: 42 U.S.C. 652 through 658, 664, 666 through 669A, and 1302.

■ 46. Amend § 307.5 by revising paragraph (c)(3) to read as follows:

§ 307.5 Mandatory computerized support enforcement systems.

* * * * *

(c) * * *

(3) The State provides assurance, which is reflected in a record, that steps will be taken to otherwise improve the State's Child Support Enforcement program.

* * * * *

■ 47. Amend § 307.11 by revising paragraph (c)(3) to read as follows:

§ 307.11 Functional requirements for computerized support enforcement systems in operation by October 1, 2000.

* * * * *

(c) * * *

(3) Automatic use of enforcement procedures, including those under section 466(c) of the Act if payments are not timely, and the following procedures:

(i) Identify cases which have been previously identified as involving a noncustodial parent who is a recipient of SSI or concurrent SSI and benefits under title II of the Act, to prevent garnishment of the noncustodial parent's financial account; and

(ii) Return funds to a noncustodial parent, within 2 days after the agency determines that SSI or concurrent SSI and benefits under title II of the Act, in the noncustodial parent's financial account have been incorrectly garnished.

* * * * *

PART 308—ANNUAL STATE SELF-ASSESSMENT REVIEW AND REPORT

■ 48. The authority for part 308 continues to read as follows:

Authority: 42 U.S.C. 654(15)(A) and 1302.

■ 49. Amend § 308.2 by revising paragraphs (b)(2)(ii), (c)(3)(i), and (f)(2)(i) to read as follows:

§ 308.2 Required program compliance criteria.

* * * * *

(b) * * *

(2) * * *

(ii) If location activities are necessary, using all appropriate sources within 75 days pursuant to § 303.3(b)(3) of this chapter. This includes all the following locate sources as appropriate: Custodial parent, Federal and State Parent Locator Services, U.S. Postal Service, State workforce agency, employment data, Department of Motor Vehicles, and credit bureaus;

* * * * *

(c) * * *

(3) * * *

(i) If location activities are necessary, using all appropriate location sources within 75 days pursuant to § 303.3(b)(3) of this chapter. Location sources include: Custodial parent, Federal and State Parent Locator Services, U.S. Postal Service, State workforce agency, Department of Motor Vehicles, and credit bureaus;

* * * * *

(f) * * *

(2) * * *

(i) If location is necessary to conduct a review, using all appropriate location sources within 75 days of opening the case pursuant to § 303.3(b)(3) of this chapter. Location sources include: Custodial parent, Federal and State Parent Locator Services, U.S. Postal Service, State workforce agency, unemployment data, Department of Motor Vehicles, and credit bureaus;

* * * * *

PART 309—TRIBAL CHILD SUPPORT ENFORCEMENT (IV–D) PROGRAM

■ 50. The authority for part 309 is revised to read as follows:

Authority: 42 U.S.C. 655(f) and 1302.

■ 51. Amend § 309.85 by revising paragraph (b) to read as follows:

§ 309.85 What records must a Tribe or Tribal organization agree to maintain in a Tribal IV–D plan?

* * * * *

(b) The Tribal IV–D agency will comply with the retention and access requirements at 45 CFR 92.42, including the requirement that records be retained for at least 3 years.

■ 52. Amend § 309.130 by revising paragraphs (b)(3), (b)(4), (d)(3), and (h) to read as follows:

§ 309.130 How will Tribal IV–D programs be funded and what forms are required?

* * * * *

(b) * * *

(3) SF 425, ''Federal Financial Report,'' to be submitted quarterly within 30 days after the end of each of the first three quarters of the funding period and within 30 days after the end of each of the first three quarters of the liquidation period. The final report for each period is due within 90 days after the end of the fourth quarter of both the funding and the liquidation period; and

(4) Form OCSE–34A, ''Quarterly Report of Collections'' must be submitted no later than 45 days following the end of each fiscal quarter. No revisions or adjustments of the financial reports submitted for any quarter of the fiscal year will be accepted by OCSE later than December 31, 3 months after the end of the fiscal year.

* * * * *

(d) * * *

(3) The non-federal share of program expenditures must be provided either with cash or with in-kind contributions and must meet the requirements found in 45 CFR 92.24.

* * * * *

(h) *Grant administration requirements.* The provisions of part 92 of this title, establishing uniform administrative requirements and cost principles, shall apply to all grants made to Tribes and Tribal organizations under this part.

■ 53. Amend § 309.145 by revising paragraph (a)(3) introductory text to read as follows:

§ 309.145 What costs are allowable for Tribal IV–D programs carried out under § 309.65(a) of this part?

* * * * *

(a) * * *

(3) Establishment of all necessary agreements with other Tribal, State, and local agencies or private providers for the provision of child support enforcement services in accordance with Procurement Standards found in 45 CFR part 92. These agreements may include:

* * * * *

■ 54. Amend § 309.160 by revising the first sentence to read as follows:

§ 309.160 How will OCSE determine if Tribal IV–D program funds are appropriately expended?

OCSE will rely on audits required by OMB Circular A–133, ''Audits of States, Local Governments, and Non-Profit Organizations'' and 45 CFR part 92. * * *

* * * * *

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