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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 987

[Docket No. AMS–FV–14–0057; FV14–987–3 FIR]

Domestic Dates Produced or Packed in Riverside County, California; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim rule that decreased the assessment rate established for the California Date Administrative Committee (committee) for the 2014–15 and subsequent crop years from $0.40 to $0.20 per hundredweight of dates handled. The committee locally administers the marketing order, which regulates the handling of dates grown or packed in Riverside County, California. The interim rule decreased the assessment rate due to a significant decrease in the committee's budgeted expenses. The interim rule was necessary to allow the committee to reduce the assessment rate for the 2014–15 crop year.

DATES: Effective December 10, 2014.

FOR FURTHER INFORMATION CONTACT: Terry Vawter, Senior Marketing Specialist, or Martin Engeler, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *Terry.Vawter@ams.usda.gov* or *Martin.Engeler@ams.usda.gov.*

Small businesses may obtain information on complying with this and other marketing order regulations by viewing a guide at the following Web site: *http://www.ams.usda.gov/MarketingOrderSmallBusinessGuide;* or by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 987, both as amended (7 CFR part 987), regulating the handling of dates produced or packed in Riverside County, California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866, 13563, and 13175.

Under the order, California date handlers are subject to assessments, which provide funds to administer the order. Assessment rates issued under the order are intended to be applicable to all assessable dates for the entire crop year, and continue indefinitely until amended, suspended, or terminated. The committee's crop year begins on October 1, and ends on September 30.

In an interim rule published in the **Federal Register** on August 27, 2014, and effective on October 1, 2014, (79 FR 51067, Doc. No. AMS–FV–14–0057, FV14–987–3 IR), § 987.339 was amended by decreasing the assessment rate established for California dates for the 2014–15 crop year and subsequent crop years from $0.40 to $0.20 per hundredweight of dates handled. The decrease in the assessment rate was the result of decreased committee expenses for the 2014–15 crop year.

Final Regulatory Flexibility Analysis

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

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 70 date producers in the production area and 11 handlers subject to regulation under the marketing order. The Small Business Administration defines small agricultural producers as those having annual receipts of less than $750,000, and small agricultural service firms as those whose annual receipts are less than $7,000,000. (13 CFR 121.201)

According to the National Agricultural Statistics Service (NASS), data for the most-recently completed crop year (2012) shows that about 4.04 tons, or 8,080 pounds, of dates were produced per acre. The 2012 grower price published by NASS was $1,340 per ton, or $0.67 per pound. Thus, the value of date production per acre in 2011–12 averaged about $5,414 (8,080 pounds times $0.67 per pound). At that average price, a producer would have to farm over 138 acres to receive an annual income from dates of $750,000 ($750,000 divided by $5,414 per acre equals 138.53 acres). According to committee staff, the majority of California date producers farm less than 138 acres. Thus, it can be concluded that the majority of date producers could be considered small entities. In addition, according to data from the committee staff, the majority of California date handlers have receipts of less than $7,000,000 and may also be considered small entities.

This rule continues in effect the action that decreased the assessment rate established for the committee and collected from handlers for the 2014–15 and subsequent crop years from $0.40 to $0.20 per hundredweight of dates handled. The committee unanimously recommended 2014–15 expenditures of $56,200, and an assessment rate of $0.20 per hundredweight of dates, which is $0.20 lower than the 2013–14 rate previously in effect. The quantity of assessable dates for the 2014–15 crop year is estimated at 27,000,000 pounds (270,000 hundredweight). Thus, the $0.20 rate should provide $54,000 in assessment income. Income derived from handler assessments, funds already in the committee's monetary reserve,

along with the $5,000 contribution from the surplus program, should be adequate to cover expenses for the 2014–15 crop year.

This rule continues in effect the action that decreased the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers.

In addition, the committee's meeting was widely publicized throughout the California date industry, and all interested persons were invited to attend the meetings and encouraged to participate in committee deliberations on all issues. Like all committee meetings, the June 25, 2014, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178, ''Vegetable and Specialty Crops.'' No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This action imposes no additional reporting or recordkeeping requirements on either small or large Riverside County, California, date handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

Comments on the interim rule were required to be received on or before October 27, 2014. No comments were received. Therefore, for reasons given in the interim rule, we are adopting the interim rule as a final rule, without change.

To view the interim rule, go to: *http://www.regulations.gov/#!documentDetail;D=AMS-FV-14-0057-0001.*

This action also affirms information contained in the interim rule concerning Executive Orders 12866, 12988, 13175, and 13563; the Paperwork Reduction Act (44 U.S.C. Chapter 35); and the E-Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal Register** (79 FR 51067, August 27, 2014) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 987

Dates, Marketing agreements, Reporting and recordkeeping requirements.

PART 987—DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

■ Accordingly, the interim rule amending 7 CFR part 987, which was published at 79 FR 51067 on August 27, 2014, is adopted as a final rule, without change.

Dated: December 4, 2014.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2014–28834 Filed 12–8–14; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0450; Directorate Identifier 2013–NM–250–AD; Amendment 39–18037; AD 2014–24–04]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model MD–90–30 airplanes. This AD was prompted by reports of cracks emanating from the aft-most barrel nut holes of the left and right upper rear spar caps of the horizontal stabilizer. This AD requires repetitive high frequency eddy current (ETHF) inspections for cracks in the areas around the two aft-most barrel nut holes of the upper rear spar caps, and corrective action if necessary; and repetitive ETHF inspections for cracks in the areas around the two aft-most barrel nut holes of any repaired or replaced upper rear spar cap, and corrective actions if necessary. We are issuing this AD to detect and correct such cracks, which could propagate until the upper rear spar cap severs, and result in failure of the horizontal stabilizer upper center or aft skin panel and adversely affect the structural integrity of the airplane.

DATES: This AD is effective January 13, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 13, 2015.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; 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–2014–0450; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: George Garrido, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: *george.garrido@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model MD–90–30 airplanes. The NPRM published in the **Federal Register** on July 18, 2014 (79 FR 41943). The NPRM was prompted by reports of cracks emanating from the aft-most barrel nut holes of the left and right upper rear spar caps of the horizontal stabilizer. The NPRM proposed to require repetitive high frequency eddy current (ETHF) inspections for cracks in the

areas around the two aft-most barrel nut holes of the upper rear spar caps, and corrective action if necessary; and repetitive ETHF inspections for cracks in the areas around the two aft-most barrel nut holes of any repaired or replaced upper rear spar cap, and corrective actions if necessary. We are issuing this AD to detect and correct such cracks, which could propagate until the upper rear spar cap severs, and result in failure of the horizontal stabilizer upper center or aft skin panel and adversely affect the structural integrity of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. We have considered the comment received. Boeing supported the NPRM (79 FR 41943, July 18, 2014).

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 41943, July 18, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 41943, July 18, 2014).

Costs of Compliance

We estimate that this AD affects 52 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	9 work-hours × $85 per hour = $765 per inspection cycle	$1,410	$2,175 per inspection cycle.	Up to $113,100 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair (per side)	368 work-hours × $85 per hour = $31,280	Up to $90,129	Up to $121,409.
Replacement	368 work-hours × $85 per hour = $31,280	$81,764	$113,044.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–24–04 The Boeing Company: Amendment 39–18037; Docket No. FAA–2014–0450; Directorate Identifier 2013–NM–250–AD.

(a) Effective Date

This AD is effective January 13, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model MD–90–30 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code Stabilizers, 55.

(e) Unsafe Condition

This AD was prompted by reports of cracks emanating from the aft-most barrel nut holes of the left and right upper rear spar caps of

the horizontal stabilizer. We are issuing this AD to detect and correct such cracks, which could propagate until the upper rear spar cap severs, and result in failure of the horizontal stabilizer upper center or aft skin panel and adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Inspection

At the applicable compliance time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013, except as provided by paragraph (j) of this AD: Do a high frequency eddy current inspection (ETHF) for cracks in the areas around the two aft-most barrel nut holes of the upper rear spar cap; and do all applicable corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013. Thereafter, repeat the ETHF inspection at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013. Do all corrective actions before further flight.

(h) Post-Repair/Replacement Actions

For airplanes on which a splice repair or replacement was done as specified in Boeing Alert Service Bulletin MD90–55A017: At the applicable compliance time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013, do an ETHF inspection for cracks at the two aft-most barrel nut holes of any repaired or replaced upper rear spar cap, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013. Thereafter, repeat the ETHF inspection at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013. If any cracking is found, before further flight, do the repair or replacement, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013.

(i) Post-Repair Inspections

The post-repair inspections of the upper rear spar cap of the aft flange that has been splice-repaired specified in Table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013, are not required by this AD.

Note 1 to paragraph (i) of this AD: The damage tolerance inspections (post-repair inspections of the upper rear spar cap aft flange) specified in Table 1 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013, may be used in support of compliance with Section 121.1109(c)(2) or 129.109(b)(2) of the Federal Aviation Regulations (14 CFR 121.1109(c)(2) or 14 CFR 129.109(b)(2)). The corresponding actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013, are not required by this AD.

(j) Exception to the Service Information

Where Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles 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) of this AD. Information may be emailed to: *9-ANM-LAACO-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, Los Angeles ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and 14 CFR 25.571, Amendment 45, and the approval must specifically refer to this AD.

(l) Related Information

For more information about this AD, contact George Garrido, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: *george.garrido@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin MD90–55A017, dated September 27, 2013.

(ii) Reserved.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; Internet *https://www.myboeingfleet.com.*

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

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

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

Suzanne Masterson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–28145 Filed 12–8–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 117 and 121

[Docket No. FAA–2009–1093]

RIN 2120–AJ58

Flightcrew Member Duty and Rest Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notification of availability.

SUMMARY: The FAA is issuing a Final Supplemental Regulatory Impact Analysis (Final SRIA) of its final rule that amended its existing flight, duty and rest regulations applicable to certain certificate holders and their flightcrew members. A copy of the Final SRIA may be found in the docket for the rulemaking. The Final SRIA responds to comments that were made in response to the Initial Supplemental Regulatory Impact Analysis, and, where appropriate, incorporates new information provided by the commenters. In addition, the Final SRIA makes adjustments to the methodology used to estimate the costs and benefits of applying the final flight, duty, and rest rule to cargo-only operations, and includes additional sensitivity analyses. The results of the Final SRIA concludes that the base-case benefits of applying the flight, duty, and rest rule to cargo-only operations would be about $3 million, and the high-case benefits of doing so would be about $10 million. Conversely, the costs of applying the flight, duty, and rest rule to cargo-only operations would be about $452 million. Because the results of the analysis continue to indicate that the costs of mandating all-cargo operation compliance with the new flight, duty, and rest rule significantly outweigh the

benefits, the FAA has determined that no revisions to the final rule are warranted.

DATES: Effective December 9, 2014.

FOR FURTHER INFORMATION CONTACT: For technical issues: Nan Shellabarger, Aviation Policy and Plans (APO–1), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3274; email: *nan.shellabarger@faa.gov*. For legal issues: Alex Zektser, Office of the Chief Counsel, International Law, Legislation, and Regulations Division (AGC–200), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3073; email: *alex.zektser@faa.gov*.

SUPPLEMENTARY INFORMATION: On January 4, 2012, the Federal Aviation Administration (FAA) issued a final rule that was published in the **Federal Register** as *Flight Crew Member Duty and Rest Requirements.* 77 FR 330–403. The regulations, which only apply to passenger operations conducted under 14 CFR 121 (part 121), became effective on January 4, 2014. On December 21, 2011, the FAA also issued a Regulatory Impact Analysis (original RIA) dated November 18, 2011 (FAA–2009–1093–2477). The original RIA provides the basis for the FAA's decision to (1) promulgate the final rule establishing new flight, duty, and rest requirements for flight crews in passenger operations; and (2) exclude flight crews in cargo-only operations from the new mandatory requirements. While cargo-only operations are not required to meet the new regulations, the rule permits these operators to opt in to the rule if they so choose.

On December 22, 2011 the Independent Pilots Association (IPA) filed a timely petition for review in the United States Court of Appeals for the District of Columbia Circuit. During the course of reviewing the administrative record for the purpose of preparing the government's brief, the FAA discovered errors in the original RIA that supports the final rule. The errors were associated with the scope of costs related to the implementation of the regulations for cargo-only operations. These errors appeared to be of a sufficient amount that the FAA concluded it was prudent to review the portion of the cost-benefit analysis related to cargo-only operations and allow interested parties an opportunity to comment on the corrected analysis.

On May 17, 2012, the FAA asked the Court to remand the record to the agency and to hold the case in abeyance while the agency corrected the inadvertent errors it had discovered. The court granted the FAA's motion on June 8, 2012. While the passenger operations rule is not at issue in the court proceedings, the FAA, in an abundance of caution, decided to have that portion of the original RIA reevaluated as well.

The FAA contracted with the John A. Volpe National Transportation Systems Center to review the original RIA for accuracy, correct any errors identified, and prepare a supplemental regulatory evaluation of the revised analysis. As a result of that review, the FAA issued an Initial Supplemental RIA (Initial SRIA), which provided an expanded discussion of the methodology and information sources used in the rulemaking analysis, corrected reporting and calculation errors identified in the original RIA, and presented a sensitivity analysis on key assumptions used in the analysis. The Initial SRIA invited public comment on: (1) Whether FAA was statutorily foreclosed from considering costs and benefits as part the flight, duty, and rest rulemaking; and (2) any other aspect of the initial SRIA.

In response to the Initial SRIA, the FAA received comments from the Independent Pilots Association (IPA); the Cargo Airline Association (CAA); the Air Line Pilots Association, International (ALPA); Airlines for America (A4A); the U.S. Airlines Pilots Association (USAPA); the Airline Professionals Association, Teamsters Local 1224 (Teamsters Local 1224); Atlas Air Worldwide Holdings, Inc. (Atlas Air); the NetJets Association of Shared Aircraft Pilots (NetJets); and the Coalition of Airline Pilots Associations (CAPA). The FAA has considered these comments, and now issues the Final SRIA as a product of that consideration.

The FAA's discussion of public comments is divided into two parts. Consideration of whether the FAA was statutorily foreclosed from considering costs and benefits is set out in the next section of this notice. Consideration of all other significant issues raised in the comments is set out in the Final SRIA in the section entitled *Disposition of Issues Raised by Comments Received Regarding the Initial Supplemental RIA.* Because the FAA concludes that it is permitted to consider costs and benefits and because the costs of mandating all-cargo-operation compliance with the new flight, duty, and rest rule significantly outweigh the benefits, the FAA has determined that no revisions to the final rule are warranted.

A. Whether the FAA Is Statutorily-Foreclosed From Considering Costs and Benefits

In their comments, IPA, ALPA, and Teamsters Local 1224 argue that section 212 of Public Law 111–216 [1] prohibits the FAA from considering costs as part of its flight, duty, and rest rulemaking. These commenters rely on *Whitman* v. *Am. Trucking Ass'n*, 531 U.S. 457 (2001) for the proposition that Congress' commitment of authority to consider costs must be express. Because Public Law 111–216 does not explicitly state that the FAA may consider the costs of a flight, duty, and rest rule, these commenters argue that the FAA is statutorily foreclosed from considering the costs and benefits of this rule. IPA and Teamsters Local 1224 also cite to unrelated statutory provisions that explicitly discuss costs for the proposition that Congress will explicitly specify when an agency must consider costs as part of rulemaking. The statutes that these commenters cite to are: (1) Two FAA statutes concerning airports (49 U.S.C. 44706(c) and (d)); and (2) a Federal Motor Carrier Safety Administration (FMCSA) statute concerning fatigue (49 U.S.C. 31136(c)(2)).

ALPA argues that Public Law 111–216 prohibits consideration of costs and benefits because it requires the FAA to issue a rule based upon the ''best available scientific information . . . to address problems related to pilot fatigue.'' [2] ALPA asserts that the FAA's decision to make compliance with the final rule voluntary for all-cargo operations was based solely on cost considerations, and as such, failed to satisfy these statutory mandates. ALPA and Teamsters Local 1224 also state that section 212 of Public Law 111–216 includes a list of factors that Congress wanted the FAA to consider and costs and benefits were not included as factors for consideration. With regard to the fact that this list included a statement directing the FAA to consider ''[a]ny other factor the [FAA] Administrator considers appropriate,'' [3] IPA argues that ''Congress would not have relied on such a modest phrase as 'other matters [FAA] considers appropriate' to allow cost considerations to cancel out the scientific information and safety issues it specified.'' [4]

[1] Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111–216, 124 Stat. 2362 (49 U.S.C. 44701 note).

[2] ALPA Comment at 7.

[3] Public Law 111–216, sec. 212(a)(2)(M).

[4] IPA Comment at 74.

IPA argues that the legislative history also shows that Congress intended to foreclose the FAA from considering costs and benefits. In support of its argument, IPA cites to a sentence in the H.R. Report No. 111–284, which states that an '' 'updated rule will more adequately reflect the operating environment of today's pilots and will reflect scientific research on fatigue.' '' [5] IPA asserts that costs do not reflect the pilot's operating environment or scientific research on fatigue and thus, they cannot be considered.

Conversely, CAA, A4A, and Atlas Air argue that the FAA is not statutorily prohibited from considering the costs and benefits of the flight, duty, and rest rule. CAA asserts that the statutory direction for the FAA to issue regulations ''based on the best available scientific information'' includes a ''scientifically sound cost-benefit analysis,'' as benefits could not be calculated without the use of scientific information.[6] CAA, A4A, and Atlas Air, and A4A also point out that Public Law 111–216 explicitly authorizes the FAA to consider ''[a]ny other matter the Administrator considers appropriate.'' [7] These commenters assert that Congress would have considered it appropriate for the FAA to consider costs because: (1) The FAA has long used cost-benefit analysis in its rulemakings; and (2) Executive Order 13,563 explicitly requires the consideration of costs and benefits in rulemaking.

Finally, CAA, Atlas Air, and A4A argue that statutory silence as to the issue of costs and benefits does not prohibit an agency from considering costs and benefits because an analysis of costs and benefits must be specifically barred by statute. In support of this position, these commenters cite to *Entergy Corp.* v. *Riverkeeper, Inc.*, 556 U.S. 208 (2009) and *Michigan* v. *EPA*, 213 F.3d 663 (D.C. Cir. 2000).

1. Overview of Cost-Benefit Analysis Legal Framework

The process used by a federal executive-branch agency to conduct a legislative rulemaking, such as the one at issue here, is governed by statutes and executive orders. This process includes, among other things, providing notice and an opportunity for the public to comment on the proposed rule [8] and considering the costs and benefits of rulemaking.[9] The requirement to consider the costs and benefits of a rulemaking has been a longstanding feature of administrative law. This requirement was first imposed on executive agencies in 1981 by President Reagan's Executive Order 12291, which stated that ''[r]egulatory action shall not be undertaken unless the potential benefits to society for the regulation outweigh the potential costs to society; [and] . . . each agency shall, in connection with every major rule, prepare, and to the extent permitted by law consider, a Regulatory Impact Analysis.'' [10] Each successive president after President Reagan has retained the requirement of cost-benefit analysis for significant rulemakings. Currently, this requirement is imposed by Executive Orders 12866 and 13563.

Executive Order 12866, issued on September 30, 1993, specifies that ''[i]n deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.'' [11] The executive order first requires an agency to determine whether a problem exists and whether direct regulation is the best way of addressing that problem.[12] If an agency determines that a problem exists and that regulation is the best way of addressing the problem, then the agency must design regulations ''in the most cost-effective manner to achieve the regulatory objective.'' [13] As part of this process the agency must ''assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs.'' [14]

Executive Order 13563 was issued in January 2011, and it reaffirms the cost-benefit analysis required by Executive Order 12866.[15] Specifically, Executive Order 13563 emphasizes that each agency must ''propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify).'' [16] The executive order further states that ''[i]n applying these principles, each agency is directed to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. Where appropriate and permitted by law, each agency may consider (and discuss qualitatively) values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.'' [17]

In short, cost benefit analysis, as imposed by executive order, has been a central feature of agency rulemaking. The FAA is no exception, and since 1981, it has consistently used cost-benefit analysis in its rulemakings.[18] For example, in its last flight, duty, and rest rulemaking, which took place in 1985, the FAA issued a final rule that included a cost-benefit analysis.[19] The FAA's cost benefit analysis in that instance showed that ''the benefits of the amendments [in the final rule] exceed any costs involved with showing compliance.'' [20]

2. Analysis of Public Law 111–216

Next, we turn to an examination of whether Congress intended the FAA to ignore its statutory and Executive Order rulemaking requirements and not consider a cost-benefit analysis in its decision-making process.

First, we consider IPA, ALPA, and Teamsters Local 1224's argument that the list of factors in Public Law 111–216 sec. 212(a)(2) was intended to be exhaustive. Subsections 212(a)(2)(A) through (L) list 12 specific factors that Congress wanted the FAA to consider as part of a flight, duty, and rest rulemaking.

(A) Time of day of flights in a duty period.

(B) Number of takeoff and landings in a duty period.

(C) Number of time zones crossed in a duty period.

(D) The impact of functioning in multiple time zones on different daily schedules.

(E) Research conducted on fatigue, sleep, and circadian rhythms.

(F) Sleep and rest requirements recommended by the National Transportation Safety Board and the National Aeronautics and Space Administration.

[5] IPA Comment at 71 (quoting H.R. Rep. No. 111–284, at 7).

[6] CAA Comment at 4.

[7] *Id.*; Atlas Air Comment at 6; A4A Comment at 2–3.

[8] 5 U.S.C. 553.

[9] Executive Orders 12866 and 13563.

[10] Executive Order 12291, 46 FR 13193 (February 17, 1981).

[11] Executive Order 12866, sec. 1(a).

[12] *Id.* sec.1(b)(1)–1(b)(3).

[13] *Id.* sec. 1(b)(5).

[14] *Id.* sec. 1(b)(6).

[15] *See* Executive Order 13563, sec. 1(b).

[16] *Id.*

[17] *Id.* sec. 1(c).

[18] *See, e.g., Commuter Operations and General Certification and Operations Requirements*, 60 FR 65832, 65911–12 (Dec. 20, 1995) (conducting a cost-benefit analysis); *Reduction of Fuel Tank Flammability in Transport Category Airplanes*, 73 FR 42444, 42486–88 (July 21, 2008) (same); *Safety Management Systems for Part 121 Certificate Holders Notice of Proposed Rulemaking*, 75 FR 68224 (Nov. 5, 2010). *See also Pilot Certification and Qualification Requirements Final Rule*, 78 FR 42324 (July 15, 2013); *Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers Final Rule*, 78 FR 67800 (Nov. 12, 2013).

[19] 50 FR 29306, 29319 (July 18, 1985).

[20] *Id.*

(G) International standards regarding flight schedules and duty periods.

(H) Alternative procedures to facilitate alertness in the cockpit.

(I) Scheduling and attendance policies and practices, including sick leave.

(J) The effects of commuting, the means of commuting, and the length of the commute.

(K) Medical screening and treatment.

(L) Rest environments.

However, in subsection 212(a)(2)(M), Congress stated that the FAA could also consider ''[a]ny other matters the [FAA] Administrator considers appropriate.'' Because in sec. 212(a)(2)(M) Congress expressly provided the FAA with the discretion to consider factors that were not explicitly listed in sec. 212(a)(2)(A)–(L), we conclude that Congress did not intend the list of factors in sec. 212(a)(2)(A)–(L) to be exhaustive.

We are also unpersuaded by IPA's argument that the language in sec. 212(a)(2)(M) does not include the consideration of costs. This statutory section allows the FAA to consider ''*[a]ny* other matters the Administrator considers appropriate.'' (emphasis added). Thus, by the plain language of the statute, the FAA can consider any other matter that the FAA Administrator considers appropriate for the flight, duty, and rest rulemaking. Here, in light of the requirements in Executive Orders 12866 and 13563, the FAA Administrator considered a cost-benefit analysis to be a necessary and appropriate consideration for the flight, duty, and rest rulemaking, thus making the analysis an acceptable consideration under sec. 212(a)(2)(M).

This means that, by the plain language of Public Law 111–216, sec. 212(a)(2)(M), the FAA was not foreclosed from satisfying its cost-benefit-analysis obligations under Executive Orders 12866 and 13563. Rather, by requiring the agency to ''conduct a rulemaking proceeding'' [21] and allowing the agency to consider other matters, it is clear, based on the plain language of the statute, that Congress intended that the FAA follow its long-standing rulemaking process and comply with its obligations under the Administrative Procedure Act and executive orders, including Executive Order 12866 and 13563.

Next, we turn to ALPA's argument that Public Law 111–216, sec. 212(a)(1) was intended to foreclose a cost-benefit analysis. That section states ''[i]n accordance with paragraph [(a)](3),[22] the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information, to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue.'' While sec. 212(a)(1) requires the FAA to conduct a flight, duty, and rest rulemaking, sec. 212(a)(1) is silent as to the scope of the final rule that must be issued under this statute. Because of this silence, a flight, duty, and rest rule, such as the one at issue here, that applies to a subset of pilots subject to FAA jurisdiction would not violate sec. 212(a)(1), as this statutory provision does not require the final flight, duty, and rest rule to apply to all pilots subject to FAA's jurisdiction.

We now turn to IPA, ALPA, and Teamsters Local 1224's argument that an agency may not consider costs and benefits unless that agency's statute explicitly instructs it to do so. We disagree with this assertion and agree with CAA, A4A, and Atlas Air that statutory silence as to costs means that an agency may consider costs and benefits.

In 2000, the Court of Appeals for the D.C. Circuit conducted an examination of the governing caselaw at that time, and concluded that an agency is barred from considering costs ''only where there is clear congressional intent to preclude consideration of cost.'' *Michigan* v. *EPA,* 213 F.3d 663, 678 (D.C. Cir. 2000). While the Supreme Court has issued several cases on this issue since that time, we do not believe that these cases changed this fundamental principle of statutory interpretation.

In the most recent case to address this issue, *Entergy Corp.* v. *Riverkeeper, Inc.,* 556 U.S. 208 (2009), the Supreme Court examined a statutory provision in the Clean Water Act. The statutory provision at issue in that case directed the EPA to set regulatory standards for cooling water intake structures that reflect '' 'the best technology available for minimizing adverse environmental impact.' '' *Id.* at 218 (quoting 33 U.S.C. 1326(b)). The statute made no explicit mention of a cost-benefit analysis. *Riverkeeper,* 556 U.S. at 222. The Supreme Court concluded that the statute's silence as to agency consideration of costs and benefits ''is meant to convey nothing more than a refusal to tie the agency's hands as to whether cost-benefit analysis should be used, and if so to what degree.'' *Id.*

In a case decided eight years prior to *Riverkeeper, Whitman* v. *Am. Trucking Ass'n,* 531 U.S. 457 (2001), the Supreme Court examined a different EPA statute. In *Whitman,* the court examined EPA's consideration of costs under the Clean Air Act. While the provisions of the Clean Air Act at issue in that case did not explicitly mandate cost considerations, there were other provisions of the Clean Air Act that did contain explicit cost-consideration requirements.[23] In that context, the fact that the Clean Air Act provisions at issue did not have explicit cost considerations meant that Congress did not want the agency to consider costs. Thus, as the Supreme Court subsequently pointed out, *Whitman* ''stands for the rather unremarkable proposition that sometimes statutory silence, *when viewed in context,* is best interpreted as limiting agency discretion.'' [24]

We agree with CAA, A4A, and Atlas Air that the situation in this case is more analogous to *Riverkeeper* than it is to *Whitman.* Unlike the Clean Air Act statute at issue in *Whitman,* there are no statutory provisions in Public Law 111–216 that contain explicit cost-benefit consideration requirements. Indeed, in addition to the flight, duty, and rest rulemaking provisions of section 212, Public Law 111–216 contains seven other mandates for the FAA to conduct rulemaking proceedings, none of which mention a cost benefit analysis.[25] Consequently, the fact that section 212 of Public Law 111–216 does not explicitly mention a cost-benefit analysis is meaningless, as this analysis also is not explicitly mentioned anywhere in Public Law 111–216. Thus, we conclude that, just like the statute in *Riverkeeper,* Congress' omission of an

[21] Public Law 111–216, sec. 212(a)(2).

[22] Section 212(a)(3) requires that the FAA issue a notice of proposed rulemaking within 180 days of enactment and issue a final rule within a year of enactment.

[23] *See Riverkeeper,* 556 U.S. at 223 (explaining the rationale for the *Whitman* decision).

[24] *Id.* (emphasis added).

[25] Those provisions are in Public Law 111–216, secs. 203(b)(2) (requiring the Administrator to issue regulations to carry out this subsection); 206(b)(1)–(2) (requiring the Administrator to issue an NPRM and final rule based on the recommendations of an aviation rulemaking committee regarding flight crewmember mentoring, professional development, and leadership); 208(a) (requiring ''the Administrator . . . [to] conduct a rulemaking proceeding to require'' air carriers to provide ground and flight training to flight crewmembers on aircraft stall recognition and recover, as well as recognition of aircraft upset and recovery); 209(a) (requiring the Administrator to issue a final rule with respect to the NPRM published on Jan. 12, 2009 relating to training programs for flight crewmembers and aircraft dispatchers); 215(a) (requiring the Administrator to ''conduct a rulemaking proceeding to require all part 121 air carriers to implement a safety management system''); 216(a)(1) (requiring the Administrator to ''conduct a rulemaking proceeding to develop and implement means and methods for ensuring that flight crew members have proper qualifications and experience''), and 217(a) (requiring the Administrator to ''conduct a rulemaking proceeding to amend part 61 of title 14, Code of Federal Regulations, to modify requirements for the issuance of an airline transport pilot certificate'').

explicit cost-benefit discussion in Public Law 111–216, sec. 212 was ''meant to convey nothing more than a refusal to tie the agency's hands as to whether cost-benefit analysis should be used, and if so to what degree.'' *Riverkeeper,* 556 U.S. at 222.

Furthermore, we do not find IPA and Teamsters Local 1224's citation to statutory language in unrelated statutes discussing cost considerations to be persuasive. These commenters cite to the cost considerations specified in the following statutes: (1) Two FAA statutes concerning airports (49 U.S.C. 44706(c) and (d)); and (2) a Federal Motor Carrier Safety Administration (FMCSA) statute concerning fatigue (49 U.S.C. 31136(c)(2)).

Here, the two airports statutes cited by IPA and Teamsters Local 1224 (49 U.S.C. 44706(c) and (d)) deal with the issuance of an airport operating certificate to a person desiring to operate an airport. Both of these statutes are completely unrelated to the flight, duty, and rest rulemaking at issue in this case, as the flight, duty, and rest rule is limited to 14 CFR part 121 air-carrier operations and does not affect airport operating certificates. In addition, neither 49 U.S.C. 44706(c) nor 49 U.S.C. 44706(d) was enacted or changed by Public Law 111–216, and thus fall outside the scope of the Supreme Court's holding in *Whitman.* Accordingly, the fact that Congress explicitly mentioned costs in 49 U.S.C. 44706(c) and (d) is irrelevant for the purposes of construing the meaning of Public Law 111–216, sec. 212(a).

Furthermore, the mere fact that both of these statutes are administered by the FAA is not dispositive. In *Whitman,* the Supreme Court analyzed a Clean Air Act statute administered by the EPA and concluded that the statute prohibited the consideration of costs. *Whitman,* 531 U.S. at 457. In *Riverkeeper,* the Supreme Court analyzed a Clean Water Act statute, also administered by the EPA, and reached a different result: That the statute's silence as to costs meant that the EPA could consider costs and benefits. *See Riverkeeper,* 556 U.S. at 222. If one cost-benefit statutory provision is carried over to all other statutes administered by an agency, regardless of whether the statutory provisions fall within the same Act or Public Law, then *Riverkeeper* would have been decided differently, as the EPA-administered Clean Air Act provisions would have controlled the statutory construction of the EPA-administered Clean Water Act provisions at issue in *Riverkeeper.*

Similarly, the FMCSA statute cited by the commenters (49 U.S.C. 31136(c)(2)) was not enacted or changed by Public Law 111–216 and does not apply to the FAA's flight, duty, and rest rulemaking. Section 31136 gives FMCSA the power to prescribe regulations for commercial motor vehicle safety. Because the FAA does not have jurisdiction to regulate in this area, this statute is not relevant for FAA purposes.

Finally, we are unpersuaded by IPA's legislative history argument. IPA points to a single sentence in the H.R. Report, which states that an '' 'updated rule will more adequately reflect the operating environment of today's pilots and will reflect scientific research on fatigue,' '' [26] to assert that the FAA was limited to considering scientific research on fatigue in its decision-making process. Neither this sentence, nor the legislative history, provide any indication that Congress intended for the FAA to ignore its statutory and executive order obligations and not consider cost-benefit analysis in conducting this rulemaking. Furthermore, the legislative history regarding all of the rulemaking mandates in Public Law 111–216 makes no mention of Congress's intent to foreclose FAA's consideration of costs and benefits.[27] To the contrary, as discussed earlier, Congress explicitly instructed the FAA in section 212(a)(2)(M) of Public Law 111–216 to consider ''[a]ny other matters the [FAA] Administrator considers appropriate.'' Accordingly, we find that Congress did not intend to statutorily foreclose the FAA from considering costs and benefits in the flight, duty, and rest rulemaking at issue here.

B. Summary of Final Supplemental RIA

Turning to the Final Supplemental RIA (Final SRIA), the Final SRIA responds to comments made in response to the Initial SRIA, and, where appropriate, the Final SRIA incorporates information and suggestions made by the commenters. The Final SRIA adjusts the methodology used to estimate the benefits of applying the final rule to cargo-only operations in the following ways (there are no changes to the benefits estimates for passenger operations):

- Adjusts the aircraft models used in the base and high case.
- Accounts for the possibility of non-crew passengers being involved in a catastrophic accident for the high case.
- Accounts for the possibility of ground fatalities resulting from a catastrophic accident for the high case.
- Accounts for additional medical costs of non-fatal injuries for the base case.
- Revises the effectiveness rating of the final rule for the sole cargo accident in the accident history analysis from 75 percent to 15 percent.[28]
- Includes a section describing the non-quantified benefits of the final rule.

This Final SRIA adjusts the methodology used to estimate the costs of applying the final rule in the following ways:

- Calculates the cost of the aircraft downtime separately for passenger and cargo operations.
- Incorporates new data on the number of primary lineholders relative to the number of flightcrew members for carriers in the freight industry groups.
- Includes the costs of employer provided benefits for airline employees in addition to wage costs when estimating labor costs associated with the final rule for both passenger and cargo-only operations.

Moreover, the Final SRIA includes an additional sensitivity analysis (found in Appendix B) to explore whether using a limited number of alternative assumptions suggested in comments to the Initial SRIA would impact the central conclusion that the costs of applying the final rule to cargo-only operations vastly outweigh the estimated benefits. The sensitivity analysis does not alter that central conclusion. Table 1 and Table 2 summarize the differences between the original RIA the Initial SRIA, and the Final SRIA.

[26] IPA Comment at 71 (quoting H.R. Rep. No. 111–284, at 7).

[27] *See* H.R. Report No. 111–284 (House committee report making no mention of a Congressional intent to foreclose a cost-benefit analysis or override Executive Orders 12866 and 13563).

[28] This change was made in response to CAA's comment concerning the single all-cargo accident that would have been mitigated by the provisions of this rule. As discussed more fully in the Final SRIA, CAA correctly pointed out that the schedules of the flightcrew members involved in the accident would have complied with the provisions of this rule if this rule had applied to those flightcrew members. Thus the FAA reduced the effectiveness rating to 15% in the final SRIA.

TABLE 1—NOMINAL COSTS AND BENEFITS (2012–2023), PASSENGER OPERATIONS

[2011 $Millions]

	Original RIA	Initial SRIA	Final SRIA
Total Benefits—Base Case	$376	$401	$401
Total Benefits—High Case	716	757	757
Total Costs	390	457	462

TABLE 2—NOMINAL COSTS AND BENEFITS (2012–2023), CARGO OPERATIONS

[2011 $Millions]

	Original RIA	Initial SRIA	Final SRIA
Total Benefits—Base Case	$20.35	$5	$3
Total Benefits—High Case	32.55	31	10
Total Costs	306	550	452

The Final SRIA results in data that provides justification for the exclusion of cargo operations from the final rule, and continues to provide justification for the final rule on passenger operations.[29] As discussed above, the FAA is not only required by Executive Orders 12866 and 13563 to consider the costs and benefits of making compliance with this flight, duty, and rest rule mandatory for all-cargo operations, but Congress specifically permitted FAA to consider ''[a]ny other matters the Administrator considers appropriate.'' [30] Because the costs of mandating all-cargo-operation compliance significantly exceed the benefits of doing so, the FAA has determined that no revisions to the final rule are warranted.

Issued on December 3, 2014.

Mark W. Bury,

Assistant Chief Counsel for International Law, Legislation and Regulations.

[FR Doc. 2014–28868 Filed 12–8–14; 8:45 am]

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[29] The costs of the final rule for passenger operations are somewhat higher than the base case benefits estimate for those operations but well below the high case estimate.

We also note that saving just 85 lives in a 10 year period would cause this rule to be cost beneficial.

[30] Public Law 111–216, sec. 212(a)(2)(M).

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0978]

Drawbridge Operation Regulation; Upper Mississippi River, Dubuque, IA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Illinois Central Railroad Drawbridge, across the Upper Mississippi River, mile 579.9, at Dubuque, Iowa. The deviation is necessary to allow the bridge owner time to perform preventive maintenance that is essential to the continued safe operation of the drawbridge. Maintenance is scheduled in the winter when there is less impact on navigation, instead of scheduling work in the summer when river traffic increases. This deviation allows the bridge to open on signal if at least 24-hours advance notice is given. It further allows the bridge to remain closed for up to 72 hours in duration occasionally to replace larger components as long as 72-hours notice is given to the USCG District Eight Western Rivers Bridge Branch.

DATES: This deviation is effective from 5 p.m., December 15, 2014 until 9 a.m., March 1, 2015.

ADDRESSES: The docket for this deviation, (USCG–2014–0978) is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

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

SUPPLEMENTARY INFORMATION: The Chicago, Central & Pacific Railroad requested a temporary deviation for the Illinois Central Railroad Drawbridge, across the Upper Mississippi River, mile 579.9, at Dubuque, Iowa to open on signal if at least 24-hours advance notice is given for 76 days from 5 p.m., December 15, 2014 until 9 a.m., March 1, 2015 for scheduled maintenance on the bridge. The deviation further allows the bridge to remain closed for up to 72 hours in duration occasionally to replace larger components as long as 72-hours notice is given to the USCG District Eight Western Rivers Bridge Branch.

The Illinois Central Railroad Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that the drawbridge shall open on signal.

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

Winter conditions on the Upper Mississippi River coupled with the closure of Army Corps of Engineer's Lock No. 17 (Mile 437.1 UMR) and Lock No. 20 (Mile 343.2 UMR) from 7 a.m. January 5, 2015 until 12 p.m., March 6, 2015 will preclude any significant navigation demands for the drawspan opening. In addition, Army Corps Lock No. 12 (Mile 556.7 UMR) and Lock No. 13 (Mile 522.5 UMR) will be closed from 7:30 a.m. December 15, 2014 to 11:00 March 1, 2015.

The Illinois Central Railroad Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 19.9 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational

watercraft and will not be significantly impacted. The drawbridge will open if at least 24-hours advance notice is given and will close for up to 72 hours provided 72-hours advance notice is given to the USCG District Eight Western Rivers Bridge Branch. This temporary deviation has been coordinated with waterway users. No objections were received.

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

Dated: November 24, 2014.

Eric A. Washburn,

Bridge Administrator, Western Rivers.

[FR Doc. 2014–28842 Filed 12–8–14; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2014–0206; FRL–9920–20-Region 5]

Approval and Promulgation of Implementation Plans; Wisconsin; Nitrogen Oxide Combustion Turbine Alternative Control Requirements for the Milwaukee-Racine Former Nonattainment Area

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On February 24, 2014, the Wisconsin Department of Natural Resources (WDNR) submitted revisions to the limits found in its nitrogen oxides (NO_X) combustion turbine rule for the Milwaukee-Racine area formerly nonattainment for the 1997 ozone standard. This revision is contained in ''2013 Wisconsin Act 91—Senate Bill 371,'' which provides for alternative NO_X requirements, subject to Environmental Protection Agency (EPA) approval on a case-by-case basis, to determine whether these alternative limits satisfy the reasonably available control technology (RACT) requirements of the Clean Air Act (CAA). EPA proposed to approve this rule as a revision to the State Implementation Plan (SIP) on April 30, 2014, and received adverse comments. EPA subsequently issued a supplemental proposal on October 9, 2014, to address the issue of whether the SIP revision satisfies certain anti-backsliding requirements of the CAA. EPA received an adverse comment on this supplemental proposal on October 23, 2014. After duly considering both this comment and the adverse comments received in response to the April 30, 2014, proposal, EPA is approving this rule because the process established will ensure that modified sources meet RACT and the revision meets the anti-backsliding requirements of the CAA. This final action addresses all of these adverse comments.

DATES: This final rule is effective on December 9, 2014.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2014–0206. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Steven Rosenthal, at (312) 886–6052 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Environmental Engineer, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 866–6052, *rosenthal.steven@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is the background for this final approval?
II. What are EPA's response to comments?
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews

I. What is the background for this final approval?

A detailed background for this approval is contained in the April 30, 2014, direct final rule (79 FR 24337), which can also be found in the docket for this action.

Under Wisconsin's current SIP-approved NO_X control program, NR 428, existing simple cycle combustion turbines larger than 84 megawatts (MW) that undergo a major modification after February 2001 must meet the emission limitations set forth in s. NR 428.04(2)(g)1.a. and 2.a. This provision sets NO_X emission limits of 12 or 25 parts per million dry volume (ppmdv) at 15% oxygen (O_2), on a 30-day rolling basis, when firing natural gas or distillate oil, respectively.

The WDNR originally set the NO_X emission limitations for combustion turbines, in NR 428.04(2)(g)1.a. and 2.a., based on the mistaken assumption that dry low NO_X (DLN) combustion technology was feasible and available for both new and modified combustion turbines and that such technology was capable of meeting the established emission limitations. As previously stated, the emission limitations in NR 428.04(2)(g)1.a. and 2.a. apply to simple cycle combustion turbines that are larger than 84 MW (of which there are only four in the Milwaukee-Racine maintenance area) and undergo a major modification. These four combustion turbines are the model 11N turbines that were manufactured by ASEA Brown-Boveri (ABB) and are operated by We Energies at its Paris generating facility. These four combustion turbines were designed and manufactured to use water injection instead of DLN technology to control NO_X emissions. Use of water injection limits NO_X emissions to the alternate levels provided by Wisconsin Act 91 (25 ppmdv, for natural gas and 65 ppmdv for oil), but cannot achieve the emission limits required by NR 428.04(2)(g), Wis. Admin. Code (12 and 25 ppmdv). These combustion turbines are all located in an area that is designated attainment for both the 1997 and 2008 ozone standards, although there is a monitor in the area with a design value that exceeds the 2008 ozone standard for the most recent three-year period for which certified data are available (2011–2013).

For reasons described in the April 30, 2014, direct final rule (79 FR 24337), WDNR has determined that the previously-approved SIP NO_X emission limits for simple cycle combustion turbines that undergo a major modification in the Milwaukee-Racine area are not feasible for the four existing combustion turbines to which these limits would apply. EPA agrees with this determination. The Wisconsin legislature adopted s. 285.27(3m), which became effective on December 15, 2013, to establish feasible RACT limits in the event of a major modification. EPA finds that these limits constitute RACT and issued both a direct final rule and a proposed rule to approve the rule into the SIP.

In response to EPA's rulemaking, the Sierra Club and Midwest Environmental Defense Center provided comments objecting to the proposed revision. One of their comments stated that because two of We Energies' units had undergone modifications in 2002, they were subject to the lower limits of s. NR 428.04(2)(g)1.a. and 2.a. and, as a result, the SIP revision was relaxing the limits for these units and that ''EPA has done no analysis of whether this increase would result in problems maintaining compliance with ozone standards or 1-hour NO_2 standards.''

In response to this comment, EPA withdrew the direct final rule and published a supplemental proposal on October 9, 2014, explaining its basis for concluding that the SIP revision satisfies the anti-backsliding requirements of section 110(l) of the CAA. The Midwest Environmental Defense Center submitted an adverse comment in response to this supplemental proposal.

II. What are EPA's responses to comments?

A. On May 30, 2014, David Bender provided the following comment on behalf of the Sierra Club and Midwest Environmental Defense Center.

Comment—The proposed SIP revision is an unlawful backslide that increases allowable emissions. Contrary to EPA's suggestion that Wis. Stat. section 285.27(3m) ''will not increase allowable NO_X emission rates above current levels for the affected combustion turbines,'' that the provisions of section 285.27(3m) ''are significantly more stringent than the ROP emission limitations'' and ''do not relax current allowable emission requirements,'' the statute is clearly a backslide from the limits that currently apply under the approved Wisconsin SIP.

The Paris Generating Station emission units P01 and P04 were modified in June 2002. Therefore, from June 2002, to the present, those units were subject to the 12 ppmdv and 25 ppmdv limits in NR 428.04(2)(g)1.a. and 2.a. when burning natural gas and oil, respectively. WDNR's submission incorrectly suggests that currently-applicable NO_X limits are higher than the proposed 25 ppm limit, when in fact the currently applicable NO_X limits are significantly lower than 25 ppm. The limits that EPA proposes to adopt would increase the allowable emissions from units P01 and P04 by more than 100 percent. This is an unlawful backslide. Moreover, EPA has done no analysis of whether this increase would result in problems maintaining compliance with ozone standards or 1-hour NO_2 standards.

EPA response—EPA notes the point raised by the commenters that, although the rule is not expected to result in any units operating at higher emissions rates than in the past, the rule would increase the emissions limits applicable to these sources under the SIP.[1] Section 110(l) of the CAA provides in part that, ''The Administrator shall not approve a revision of a [SIP] if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of [the Act].''

In order to avoid any potential for interference with attainment or maintenance of the NAAQS for ozone and nitrogen dioxide, Wisconsin has identified contemporaneous, offsetting emission reductions of NO_X from a different emission source to compensate for the change in the SIP limits for NO_X proposed in the rule at issue.[2] We explained in the supplemental proposal for this action (79 FR 61042) how Wisconsin calculated the appropriate amounts of offsets, and additional information on the source of the offsets.

Wisconsin submitted to EPA 54.6 tons per year of excess NO_X emission credits generated by the South Oak Creek (SOC) Unit 5 generating facility to be used to address potential backsliding under this SIP revision. Wisconsin also notes that a total of 61,970 tons of NO_X was emitted in the Milwaukee-Racine ozone area from all sources in 2011. The emission reductions of 54.6 tons per year being addressed here for anti-backsliding represents less than 0.07% of that total. Taking these offsets into account, EPA has concluded that approval of this SIP revision will not interfere with attainment or maintenance of the ozone or NO_2 NAAQS, or any other applicable CAA requirement.

B. On October 23, 2014, Karen J.T. Jansen, on behalf of the Midwest Environmental Defense Center, submitted the following comment in response to EPA's supplemental proposed rule.

Comment—The proposed rule constitutes impermissible backsliding under CAA Section 110(l) and the EPA should not approve the proposed rule.

The Paris Generating Station emission units P01 and P04 underwent a major modification in June 2002, which changed those units' NO_X emission limits to 12 ppmdv when burning gas and 25 ppmdv when burning oil. The proposed rule would raise these limits to 25/65 ppmdv. This is a huge increase. According to the WDNR, the amount of NO_X at issue is only .07% of the ozone area's total; however, each increase in NO_X emission limits contributes to SIP attainment or non-attainment. Increasing these NO_X limits by over 100% contributes, however incrementally, to unlawful backsliding.

While the WDNR has identified the SOC Unit 5 as an offsetting option, it assumes that the Paris Generating Station was meeting the 25 ppmdv limits, while it actually regularly exceeded 25 ppmdv. The station is currently shut down due to a compliance order from the WDNR, so its actual emissions are unknown. Based on its past history, it is likely that the Paris Generating Station will exceed the calculated 25 ppmdv. Because of the unlawful backsliding, the EPA must reject the proposed rule.

EPA response—As discussed above, EPA agrees that the rule would increase the emissions limits applicable to these sources under the SIP. In order to avoid any potential for interference with attainment or maintenance of the NAAQS for ozone and nitrogen oxide, Wisconsin has identified contemporaneous, offsetting emission reductions of NO_X from a different emission source to compensate for the change in the SIP limits for NO_X proposed in the rule at issue.

Wisconsin has identified enforceable emission reductions to be used in offsetting the 54.6 tons per year of excess emissions in order to offset any backsliding. These emission reductions are generated by enforceable emission limitations currently in place for the SOC Unit 5 electric generating facility, which operates in the Milwaukee-Racine former ozone nonattainment area.

There is no guarantee that any source will always comply with its SIP limit. However, if the Paris units exceed their SIP limits, they become subject to an enforcement action. Furthermore, Wisconsin has documented that the Paris combustion turbines have been in compliance with the 25 ppmdv limit since at least May 2009.

C. On May 30, 2014, David Bender also provided the following comment on behalf of the Sierra Club and Midwest Environmental Defense Center.

Comment—EPA relies on a best available control technology (BACT) determination by WDNR in 2008 for the Concord Generating Station to find that

[1] As noted above, EPA believes that the emissions rates in the SIP are technically infeasible for these sources to meet.

[2] As the offset is for NO_X emissions, the analysis is equally applicable to the NAAQS for ozone and nitrogen dioxide.

selective catalytic reduction (SCR) technology is too costly to be the basis for a RACT limit for the Paris plant. The only basis for finding 25/65 ppm is an appropriate RACT limit is the Concord BACT determination. But, because the Concord BACT determination was wrong, there is no basis to find that the 25/65 ppm limit constitutes RACT. The commenter goes on to criticize Wisconsin's BACT determination both for incorrectly determining the cost-effectiveness of an SCR to be $8,236 per ton of NO_X removed and also for its criteria in evaluating BACT.

EPA response—The purpose of our referring to the Concord BACT determination process was to explain how the State identified the issue that the emission limits in the approved SIP, which were based on DLN technology, were adopted in error. Based on the information submitted by the State, we agree that DLN is not feasible at this time for the four combustion turbines to which the limits that were promulgated in error might apply. This action is not reviewing or approving the BACT process for the Concord facility.

Once the State identified the infeasibility of the standards in the existing SIP, a determination of RACT was made. For purposes of meeting the RACT requirement of the CAA, the BACT determination is not dispositive as the two standards are different. RACT is ''reasonably available control technology'' and BACT is ''best available control technology.'' For purposes of determining whether the revised limits are RACT, the State looked at emission limits that apply to similar turbines at other facilities. None of those facilities were subject to limits tighter than those the State of Wisconsin has adopted and the commenter does not identify any sources subject to tighter RACT limits. Moreover, we note that before a turbine would be subject to the newly adopted, less stringent limits, the source would need to demonstrate that it was not technologically or economically feasible to meet the tighter limits and EPA would need to approve such demonstration.

III. What action is EPA taking?

EPA is approving Section 1.285.27(3m), into Wisconsin's NO_X SIP.

Section 553(d) of the Administrative Procedure Act (APA), 5 U.S.C. chapter 5, generally provides that rules may not take effect earlier than 30 days after they are published in the **Federal Register**. However, APA section 553(d) allows an effective date less than 30 days after publication for a rule that ''that grants or recognizes an exemption or relieves a restriction.'' 5 U.S.C. 553(d)(1). Since today's action relieves a restriction (*i.e.,* NO_X emission limits of 12 or 25 ppmdv at 15% O_2, on a 30-day rolling basis) that prohibited these turbines from operating, EPA is making this action effective immediately upon publication.

IV. Statutory and Executive Order Reviews

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

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

This rule is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175, nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 9, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Nitrogen oxides.

Dated: November 24, 2014.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. Section 52.2570 is amended by adding paragraph (c)(133) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(133) On February 24, 2014, the Wisconsin Department of Natural Resources submitted revisions to its nitrogen oxide (NO_X) combustion turbine rule for the Milwaukee-Racine former nonattainment area for the 1997 ozone standard. This revision is contained in ''2013 Wisconsin Act 91—Senate Bill 371'' which allows alternative NO_X emission requirements for simple cycle combustion turbines, that undergo a modification on or after February 1, 2001, if dry low NO_X combustion is not technically or economically feasible. This revision is approvable because it provides for alternative NO_X requirements subject to EPA approval on a case-by-case basis and therefore satisfies the reasonably available control technology (RACT) requirements of the Clean Air Act (Act).

(i) *Incorporation by reference.* Wisconsin statute, Section 285.27(3m), Exemption from Standards for Certain Combustion Turbines, as revised by 2013 Wisconsin Act 91 enacted December 13, 2013. (A copy of 2013 Wisconsin Act 91 is attached to Section 285.27(3m) to verify the enactment date.)

[FR Doc. 2014–28727 Filed 12–8–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2011–0968; FRL–9920–15–Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Indiana; Open Burning Rule

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a November 14, 2011, request by Indiana to revise the state implementation plan (SIP) to update the open burning provisions in Title 326 of the Indiana Administrative Code (IAC), Article 4, Rule 1 (326 IAC 4–1), Open Burning Rule. This action applies statewide, with the exception of Clark, Floyd, Lake and Porter counties. EPA is approving this rule for attainment counties and is taking no action on the rule for Clark, Floyd, Lake and Porter counties which are nonattainment or maintenance areas for ozone (O_3) or particulate matter (PM).

DATES: This final rule is effective on January 8, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2011–0968. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Charles Hatten, Environmental Engineer, at (312) 886–6031 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Charles Hatten, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6031, *hatten.charles@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is EPA addressing in this document?
II. Public Comments Received and EPA's Response
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews

I. What is EPA addressing in this document?

On September 17, 2014 (79 FR 55641, 79 FR 55712), EPA published a direct final approval of revisions to 326 IAC 4–1, Indiana's open burning rule. The revisions improve and expand the applicability of open burning and its impact on air quality statewide.

On November 5, 2014, EPA withdrew the direct final approval because of an adverse comment (79 FR 65589). In this document EPA is responding to the comment and taking final action to approve Indiana's SIP revision request.

II. Public Comment Received and EPA's Response

EPA received one adverse comment on the September 17, 2014, proposed approval of this Indiana rule.

Comment: Commenter disagrees with approval of Indiana's open burning rule. Commenter says the wind in Indiana moves in an easterly direction and that fine PM emissions from Indiana contributes to the cause of serious health effects (lung cancer, heart attacks, strokes, asthma, pneumonia, and allergies) for all people breathing the polluted air from Indiana. The commenter also said that the allowance of open burning hurts the nation and raises the concern of huge health costs for people breathing dirty air from Indiana.

EPA Response: EPA agrees that exposure to fine PM may be linked to a number of health related problems. The revision to rule 326 IAC 4–1 strengthens Indiana's existing open burning rule by reducing the amount of open burning allowed to take place in Indiana, thereby reducing the exposure of the general population to PM emissions and minimizing health care costs.

III. What action is EPA taking?

EPA is approving the November 14, 2011, request by IDEM to revise Indiana's SIP to update 326 IAC 4–1, Indiana's Open Burning Rule, because reducing open burning will reduce PM, volatile organic compounds, and other pollutants. EPA's action applies statewide, with the exception of Clark, Floyd, Lake and Porter counties. EPA is taking no action in Clark, Floyd, Lake, and Porter counties which are nonattainment or maintenance areas for O_3 or PM.

IV. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

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

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

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

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

This rule is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 9, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Emission reporting, Incorporation by reference, Ozone, Volatile organic compounds.

Dated: November 24, 2014.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.770, the table in paragraph (c) is amended by revising the entries under the subheading entitled ''Article 4. Burning Regulations'' and by adding footnote 1 to the end of the table to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED INDIANA REGULATIONS

Indiana citation	Subject	Indiana effective date	EPA Approval date	Notes
*	*	*	*	*
Article 4. Burning Regulations				
Rule 1. Open Burning [1]				
4–1–0.5	Definitions	02/10/2001	12/9/2014, [insert **Federal Register** citation].	
4–1–1	Scope	02/10/2001	12/9/2014, [insert **Federal Register** citation].	
4–1–2	Prohibition against open burning	02/10/2001	12/9/2014, [insert **Federal Register** citation].	
4–1–3	Exemptions	10/28/2011	12/9/2014, [insert **Federal Register** citation].	
4–1–4	Emergency burning	10/28/2011	12/9/2014, [insert **Federal Register** citation].	
4–1–4.1	Open burning approval; criteria and conditions.	12/15/2002	12/9/2014, [insert **Federal Register** citation].	
4–1–4.2	Open burning; approval revocation	02/10/2001	12/9/2014, [insert **Federal Register** citation].	
4–1–4.3	Open burning approval; delegation of authority.	02/10/2001	12/9/2014, [insert **Federal Register** citation].	
Rule 2. Incinerators				
4–2–1	Applicability	12/15/2002	11/30/2004, 69 FR 69531.	
4–2–2	Incinerators	12/15/2002	11/30/2004, 69 FR 69531.	
4–2–3	Portable incinerators (Repealed)	12/15/2002	11/30/2004, 69 FR 69531.	

EPA-APPROVED INDIANA REGULATIONS—Continued

Indiana citation	Subject	Indiana effective date	EPA Approval date	Notes
*	*	*	*	*

[1] EPA is approving this rule for the counties of Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Harrison, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Knox, Kosciusko, La Porte, Lagrange, Lawrence, Madison, Marion, Marshall, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, St. Joseph, Scott, Shelby, Spencer, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Warrick, Washington, Wayne, Wells, White, and Whitley.

* * * * *

[FR Doc. 2014–28798 Filed 12–8–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R09–OAR–2012–0781; FLR–9920–18–Region 9]

Redesignation Request and Maintenance Plan for $PM_{2.5}$; Yuba City-Marysville; California

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve, as a revision of the California state implementation plan (SIP), the State's request to redesignate the Yuba City-Marysville nonattainment area to attainment for the 2006 24-hour fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard. The EPA is also taking final action to approve the $PM_{2.5}$ maintenance plan and the associated motor vehicle emissions budgets for use in transportation conformity determinations necessary for the Yuba City-Marysville area. Finally, the EPA is taking final action to approve the attainment year emissions inventory. The EPA is approving this revision because it meets the requirements of the Clean Air Act and EPA guidance for such plans, motor vehicle emissions budgets, and inventories.

DATES: This final rule is effective on January 8, 2015.

ADDRESSES: The EPA has established a docket for this action: Docket ID No. EPA–R09–2012–0781. Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: John Ungvarsky, Air Planning Office (AIR–2), U.S. Environmental Protection Agency, Region IX, (415) 972–3963, *ungvarsky.john@epa.gov.*

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

Table of Contents

I. Summary of Today's Final Action
A. Background
II. What comments did the EPA receive on the proposed rule?
III. What action is the EPA taking?
IV. Statutory and Executive Order Reviews

I. Summary of Today's Final Action

Under Clean Air Act (CAA or ''the Act'') section 107(d)(3)(D), the EPA is approving the State's request to redesignate the Yuba City-Marysville $PM_{2.5}$ nonattainment area [1] to attainment for the 2006 24-hour $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS or ''standard''). We are doing so based on our conclusion that the area has met the five criteria for redesignation under CAA section 107(d)(3)(E): (1) That the area has attained the 24-hour $PM_{2.5}$ NAAQS in the 2010–2012 time period and that the area continues to attain the $PM_{2.5}$ standard since that time; (2) that relevant portions of the California state implementation plan (SIP) are fully approved; (3) that the improvement in air quality is due to permanent and enforceable reductions in emissions; (4) that California has met all requirements applicable to the Yuba City-Marysville $PM_{2.5}$ nonattainment area with respect to section 110 and part D of the CAA; and (5) that the *Yuba City-Marysville $PM_{2.5}$ Redesignation Request and Maintenance Plan* (''Yuba City-Marysville $PM_{2.5}$ Plan'' or ''Plan'') [2] meets the requirements of section 175A of the CAA.

In addition, under CAA section 110(k)(3), the EPA is approving the Yuba City-Marysville $PM_{2.5}$ Plan as a revision to the California SIP. The EPA finds that the maintenance demonstration shows how the area will continue to attain the 2006 24-hour $PM_{2.5}$ NAAQS for at least 10 years beyond redesignation (*i.e.,* through 2024), and that the contingency provisions describing the actions that the Feather River Air Quality Management District (FRAQMD) will take in the event of a future monitored violation meet all applicable requirements for maintenance plans and related contingency provisions in CAA section 175A. The EPA is also approving the motor vehicle emissions budgets (MVEBs) in the Yuba City-Marysville $PM_{2.5}$ Plan because we find that the MVEBs meet the applicable transportation conformity requirements under 40 CFR 93.118(e). Finally, the EPA is approving the 2011 emissions inventory included in the Yuba City-Marysville $PM_{2.5}$ Plan as the attainment year emissions inventory because it meets the requirements of CAA section 172(c)(3).

The EPA is finalizing these actions because they meet the requirements of the CAA, its implementing regulations,

[1] The boundaries for this area are described in 40 CFR 81.305.

[2] See letter from Richard W. Corey, Executive Officer, California Air Resources Board, to Jared Blumenfeld, Regional Administrator, EPA Region 9, dated May 23, 2013, with attachments. On February 20, 2014, the California Air Resources Board (CARB) submitted to the EPA a technical supplement to the Yuba City-Marysville $PM_{2.5}$ Plan (''technical supplement''). The technical supplement included: A Staff Report titled ''Minor Updates to Yuba City-Marysville $PM_{2.5}$ Maintenance Plan and Redesignation Request'' (''CARB 2014 Staff Report''); a letter from Christopher D. Brown, Air Pollution Control Officer, FRAQMD to Deborah Jordan, Director, Air Division, USEPA Region 9, and Richard Corey, Executive Officer, CARB, clarify the contingency plan; a notice of February 20, 2014 public meeting to consider approval of minor updates to the Yuba City-Marysville $PM_{2.5}$ Maintenance Plan and Redesignation Request; transcripts from February 20, 2014 CARB Board meeting; and Board Resolution 14–6.

and EPA guidance for such plans and budgets.

A. Background

On October 15, 2014, the EPA issued a notice of rulemaking proposing to approve California's request to redesignate the Yuba City-Marysville area to attainment for the 2006 24-hour $PM_{2.5}$ standard, as well as proposing to approve California's ten-year ozone maintenance plan for the area, the MVEBs, and the 2011 emissions inventory as the attainment year emissions inventory as revisions of the California SIP. See 79 FR 61822. The proposed rulemaking set forth the basis for determining that California's redesignation request meets the CAA requirements for redesignation for the 2006 24-hour $PM_{2.5}$ standard. The proposed rulemaking provided an extensive background on the 2006 24-hour $PM_{2.5}$ standard, CAA requirements for redesignation for the 2006 24-hour $PM_{2.5}$ standard, and their relationship to air quality in the Yuba City-Marysville nonattainment area.

In our October 15, 2014 proposal we also took into account a January 4, 2013 decision by the United States Court of Appeals, District of Columbia Circuit (D.C. Circuit) regarding *Natural Resources Defense Council* v. *EPA.* In its 2013 decision, the D.C. Circuit remanded to the EPA the ''Clean Air Fine Particle Implementation Rule'' (72 FR 20586, April 25, 2007) and the ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)'' final rule (73 FR 28321, May 16, 2008). 706 F.3d 428 (D.C. Cir. 2013). The effect of the 2013 DC Circuit decision regarding $PM_{2.5}$ implementation under subpart 4 of Part D of Title I of the CAA is discussed at length in our October 15, 2014 proposed action. See 79 FR 61824, 61840. In summary, the EPA proposed that the redesignation request for the Yuba City-Marysville nonattainment area, though not expressed in terms of subpart 4 requirements, substantively meets the requirements of that subpart for purposes of redesignating the area to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS.

Our proposed rulemaking also described the complete, quality-assured, and certified air quality monitoring data for the Yuba City-Marysville nonattainment area for 2011–2013 showing that this area continued to attain the 2006 24-hour $PM_{2.5}$ standard.[3] Preliminary data available to date for 2014 are consistent with continued attainment of the 2006 24-hour $PM_{2.5}$ standard.

II. What comments did the EPA receive on the proposed rule?

The EPA's proposed rule provided a 30-day public comment period. During this period, we did not receive any comments opposing the proposed rule.

III. What action is the EPA taking?

Based on our review of the Yuba City-Marysville $PM_{2.5}$ Plan submitted by the State, air quality monitoring data, other relevant materials, and for the reasons described in depth in the proposed rule, the EPA finds that the State has addressed all the necessary requirements for redesignation of the Yuba City-Marysville nonattainment area to attainment of the 2006 24-hr $PM_{2.5}$ NAAQS, pursuant to CAA sections 107(d)(3)(E) and 175A.

First, under CAA section 107(d)(3)(D), we are approving the California Air Resources Board's (CARB) request, which accompanied the submittal of the Yuba City-Marysville $PM_{2.5}$ Plan, to redesignate the Yuba City-Marysville $PM_{2.5}$ nonattainment area to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. We are doing so based on our conclusion that the area has met the five criteria for redesignation under CAA section 107(d)(3)(E). Our conclusion is based on our determination that the area has attained the 2006 24-hour $PM_{2.5}$ NAAQS; that relevant portions of the California SIP are fully approved; that the improvement in air quality is due to permanent and enforceable reductions in emissions; that California has met all requirements applicable to the Yuba City-Marysville $PM_{2.5}$ nonattainment area with respect to section 110 and part D of the CAA; and is based on our approval of the Yuba City-Marysville $PM_{2.5}$ Plan as part of this action.

Second, in connection with the Yuba City-Marysville $PM_{2.5}$ Plan showing maintenance through 2024, the EPA finds that the maintenance demonstration, which documents how the area will continue to attain the 2006 24-hour $PM_{2.5}$ NAAQS for 10 years beyond redesignation (*i.e.,* through 2024) and the actions that FRAQMD will take if a future monitored violation triggers the contingency plan, meets all applicable requirements for maintenance plans and related contingency provisions in section 175A of the CAA. The EPA is also approving the motor vehicle emissions budgets in the Yuba City-Marysville $PM_{2.5}$ Plan because we find they meet the applicable transportation conformity requirements under 40 CFR 93.118(e). Lastly, the EPA is approving the 2011 inventory, which serves as the Yuba City-Marysville $PM_{2.5}$ Plan's attainment year inventory, as satisfying the requirements of section 172(c)(3) of the CAA.

IV. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by State law. Redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, these actions merely approve a State plan and redesignation request as meeting federal requirements and do not impose additional requirements beyond those by State law. For these reasons, these final actions:

- Are not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

[3] The EPA previously determined that the Yuba City-Marysville $PM_{2.5}$ nonattainment area attained the 2006 24-hour $PM_{2.5}$ NAAQS based on the 2009–2011 monitoring period. See 78 FR 2211 (January 10, 2013).

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

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

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

In addition, this final rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and the EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law. There are no federally recognized tribes located within the Yuba City-Marysville $PM_{2.5}$ nonattainment area.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 9, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: November 20, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(446) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(446) A plan was submitted on May 23, 2013, by the Governor's designee.

(i) [Reserved]

(ii) Additional materials

(A) Feather River Air Quality Management District (FRAQMD).

(1) Yuba City-Marysville $PM_{2.5}$ Redesignation Request and Maintenance Plan, including motor vehicle emissions budgets (MVEBs) and attainment year emission inventory, dated April 1, 2013.

(2) FRAQMD Board of Directors Resolution 2013–01, dated April 1, 2013. ''Resolution Adopting the $PM_{2.5}$ Redesignation Request and Maintenance Plan,'' including attainment year emissions inventory and MVEBs for 2017 and 2024.

(B) State of California Air Resources Board (CARB).

(1) CARB Resolution Number 13–14, dated April 25, 2013. ''Yuba City-Marysville $PM_{2.5}$ Maintenance Plan and Redesignation Request.''

(*2*) CARB Resolution Number 14–6, dated February 20, 2014. ''Minor Updates to Yuba City-Marysville $PM_{2.5}$ Maintenance Plan and Redesignation Request.''

PART 81–DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

Subpart C—[Amended]

■ 4. Section 81.305 is amended in the table for ''California—2006 24-Hour $PM_{2.5}$ NAAQS'' by revising the entry under ''Yuba City-Marysville, CA'' to read as follows:

§ 81.305 California.

* * * * *

CALIFORNIA—2006 24-HOUR $PM_{2.5}$ NAAQS

[Primary and secondary]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [2]	Type
* *	*	*	*	*
Yuba City-Marysville, CA				
Sutter County	January 8, 2015	Attainment.		
Yuba County (part)	January 8, 2015	Attainment.		

CALIFORNIA—2006 24-HOUR $PM_{2.5}$ NAAQS—Continued

[Primary and secondary]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [2]	Type
That portion of Yuba County which lies west of the line described as follows: (Mount Diablo Base and Meridian) Beginning at the intersection of the Yuba-Nevada county line and the range line common to ranges R7E and R8E, north to the southeast corner of township T18N R7E, then west along the township line common to T17N and T18N, then north along the range line common to ranges R6E and R7E, then west along the township line common to T19N and T18N to the Yuba-Butte County boundary.				
* * * * * * *				

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 30 days after November 13, 2009, unless otherwise noted.
[2] This date is July 2, 2014, unless otherwise noted.

* * * * *

[FR Doc. 2014–28729 Filed 12–8–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 766

[EPA–HQ–OPPT–2014–0261; FRL–9919–05]

Decision on Request for Waiver From Testing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Decision on request for waiver from testing.

SUMMARY: EPA denied a request from Nation Ford Chemical (NFC) for a waiver from testing chloranil (2,3,5,6-tetrachloro-2,5-cyclohexadiene-1,4-dione). Regulations issued by EPA under the Toxic Substances Control Act (TSCA) require that specified chemical substances be tested to determine if they are contaminated with halogenated dibenzo-p-dioxins (HDDs) or halogenated dibenzofurans (HDFs), and that results be reported to EPA. However, the regulations allow for exclusion or waiver from these requirements if an appropriate application is submitted to EPA and is approved. EPA received a request for a waiver from these testing requirements from NFC.

DATES: EPA denied the NFC waiver on October 17, 2014.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2014–0261, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Hiroshi Dodahara, National Program Chemicals Division (7404T), Office Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 566–0507; email address: *dodahara.hiroshi@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities to which this action may apply. Although others may be affected, this action applies directly to the submitter of the request for waiver. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

II. Background

A. What action is the Agency taking?

This document announces the denial of the request from NFC for a waiver from testing under 40 CFR 766.32(a)(2)(ii) for chloranil (2,3,5,6-tetrachloro-2,5-cyclohexadiene-1,4-dione; Chemical Abstracts Service Registry Number (CASRN) 118–75–2).

B. What is the Agency's authority for taking this action?

This document is issued under sections 4 and 8 of TSCA (15 U.S.C. 2603 and 2607).

Under 40 CFR part 766, EPA requires testing of certain chemical substances to determine whether they may be contaminated with HDDs and HDFs. Under 40 CFR 766.32(a)(2)(ii), a waiver may be granted if, in the judgment of EPA, the cost of testing would drive the chemical substance off the market, or prevent resumption of manufacture or import of the chemical substance, if it is not currently manufactured, and the chemical substance will be produced so that no unreasonable risk will occur due to its manufacture, import, processing, distribution, use, or disposal. In this case, the manufacturer must submit to

EPA all data supporting the determination.

Under 40 CFR 766.32(b), any request for a waiver must be made 60 days before resumption of manufacture or importation of a chemical substance not being manufactured, imported, or processed as of June 5, 1987.

C. NFC Request for Waiver From Testing and Reporting Requirements

EPA received submissions from NFC dated March 18, 2014 (Refs. 1 and 2), May 16, 2014 (Ref. 3), and August 7, 2014 (Ref. 4), which collectively requested that NFC be granted a waiver from the testing and reporting requirements of the ''Polyhalogenated Dibenzo-p-Dioxins/Dibenzofurans; Testing and Reporting Requirements'' (Dioxins/Furans Test Rule) 40 CFR part 766 for the import of chloranil. EPA published a notice of receipt of the waiver request and requested public comment in the **Federal Register** on June 17, 2014 (Ref. 5); the Agency received no public comments. The waiver request indicates that NFC intends to import chloranil, a chemical substance subject to testing under 40 CFR part 766, for the manufacture of a crude pigment. EPA determined that the information provided by NFC was insufficient to establish that any adverse economic impact from testing would likely be large enough to ''drive the chemical substance off the market, or prevent resumption of manufacture or import of the chemical substance'' (Ref. 6). EPA therefore denied NFC's waiver request (Ref. 7).

III. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. NFC. Letter from Phillip McCarter to Wendy Cleland-Hamnett, EPA/OPPT. March 18, 2014 (Received by EPA on March 27, 2014).
2. NFC. Technical Correction to Letter from Phillip McCarter to Wendy Cleland-Hamnett, EPA/OPPT. March 18, 2014 (Received by EPA on April 2, 2014).
3. NFC. Letter from Phillip McCarter to Tanya Hodge Mottley EPA/OPPT. May 16, 2014 (Received by EPA on May 21, 2014).
4. NFC. Letter from Phillip McCarter to Wendy Cleland-Hamnett, EPA/OPPT. August 7, 2014 (Received by EPA on August 8, 2014).
5. Receipt of Request for Waiver from Testing; Proposed Rule. **Federal Register** (79 FR 34484, June 17, 2014) (FRL–9911–88).
6. EPA. Nation Ford Chemical Waiver Petition for Dioxin/Furan Test Rule Regarding Import of Chloranil—Economic Assessment (contains no confidential business information). October 9, 2014.
7. EPA. Letter from Wendy Cleland-Hamnett, EPA/OPPT, to Phillip McCarter, NFC. October 17, 2014.

IV. Congressional Review Act (CRA)

The Congressional Review Act (5 U.S.C. 801 *et seq.*), does not apply because this action is not a rule, for purposes of 5 U.S.C. 804(3).

List of Subjects in 40 CFR Part 766

Environmental protection, Chloranil, Dibenzofurans, Dioxins, Hazardous substances.

Dated: December 1, 2014.

Wendy C. Hamnett,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2014–28824 Filed 12–8–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Parts 60–1, 60–2, 60–4, and 60–50

RIN 1250–AA07

Implementation of Executive Order 13672 Prohibiting Discrimination Based on Sexual Orientation and Gender Identity by Contractors and Subcontractors

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Final rule.

SUMMARY: The Office of Federal Contract Compliance Programs (OFCCP) is revising the regulations implementing Executive Order (EO) 11246, as amended, in accordance with Executive Order (EO) 13672, ''Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government, and Executive Order 11246, Equal Employment Opportunity,'' which was signed by President Barack Obama on July 21, 2014. EO 13672 amended EO 11246, which previously only prohibited discrimination by Federal contractors and subcontractors on the bases of race, color, religion, sex, and national origin and required them to take affirmative measures to prevent discrimination on those bases from occurring. More specifically, EO 13672 amended section 202 and section 203 of EO 11246, by substituting the phrase ''sex, sexual orientation, gender identity, or national origin'' for ''sex or national origin.'' This final rule implements EO 13672 by making the same substitution wherever the phrase ''sex or national origin'' appears in the regulations implementing EO 11246.

DATES: *Effective date:* These regulations are effective April 8, 2015.

Applicability date: These regulations will apply to Federal contractors who hold contracts entered into or modified on or after April 8, 2015.

FOR FURTHER INFORMATION CONTACT: Debra A. Carr, Director, Division of Policy and Program Development, Office of Federal Contract Compliance Programs, at 200 Constitution Avenue, NW., Room C–3325, Washington, DC 20210, or by calling (202) 693–0103 (voice) or (202) 693–1337(TTY). The alternative formats available for copies of this rule are large print and electronic file on computer disk. The rule also is available on the Internet on the Regulations.gov Web site at *http://www.regulations.gov* or on the OFCCP Web site at *http://www.dol.gov/ofccp.*

SUPPLEMENTARY INFORMATION:

Executive Summary

The Office of Federal Contract Compliance Programs (OFCCP) is a civil rights and worker protection agency that enforces Executive Order 11246, as amended, which, prior to the issuance of Executive Order 13672, prohibited employment discrimination by companies doing business with the Federal Government on the bases of race, color, religion, sex, and national origin and required those companies to take affirmative steps to ensure nondiscrimination on those grounds.[1]

On July 21, 2014, President Barack Obama issued EO 13672, ''Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government, and Executive Order 11246, Equal Employment

[1] OFCCP also enforces the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, which requires affirmative action and prohibits employment discrimination against certain protected veterans and section 503 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of disability and requires affirmative action on behalf of qualified individuals with disabilities.

Opportunity.'' The new EO added sexual orientation and gender identity to the prohibited bases of discrimination in EO 11246 (''the protected bases'').[2]

In pertinent part, Section 2 of EO 13672 amended numbered paragraphs 1 and 2 of section 202 and paragraph (d) of section 203 of EO 11246. Section 202 sets forth language that Government agencies must insert into all covered contracts and prime contractors must insert into covered subcontracts (''the Equal Opportunity Clause''). Prior to the issuance of EO 13672, numbered paragraph 1 of the Equal Opportunity Clause prohibited discrimination and required that contractors take affirmative action to ensure that job applicants and employees are treated without regard to their race, color, religion, sex, or national origin.

EO 13672 amended section 202, numbered paragraph 1, by adding ''sexual orientation'' and ''gender identity'' to the bases upon which Federal contractors[3] are prohibited from discriminating against job applicants and employees. It further amended the paragraph by requiring that contractors take affirmative action to ensure that applicants are employed, and that employees are treated, without regard to their sexual orientation or gender identity during their employment. EO 13672 states, specifically, that section 202, numbered paragraph 1, of EO 11246 is ''revised by substituting 'sex, sexual orientation, gender identity or national origin' for 'sex, or national origin.'''

Section 202, numbered paragraph 2, is also part of the Equal Opportunity Clause. This paragraph requires that solicitations or advertisements for employees state that the contractor considers all applicants for employment without regard to any of the protected bases. Executive Order 13672 specifically amended this paragraph by substituting ''sex, sexual orientation, gender identity, or national origin'' for ''sex or national origin.''

Section 203(d) of EO 11246 provides that prospective contractors may be required by the Secretary of Labor to provide a statement from any labor union or any agency referring workers or providing or supervising apprenticeships or other training with which the prospective contractor deals stating that their practices and policies do not discriminate in employment on any of the protected bases, as part of their Compliance Report. Executive Order 13672 amended the text of 203(d) by substituting ''sex, sexual orientation, gender identity, or national origin'' for ''sex or national origin.''

Section 3 of EO 13672 directs the Secretary of Labor to ''prepare regulations to implement the requirements of section 2'' within 90 days of the date of the order. Section 5 of EO 13672 provides that section 2 applies to Federal contracts ''entered into on or after the effective date of the rules'' promulgated by the Department of Labor in accordance with section 3 of the order. The existing OFCCP regulation, modeled on language from EO 11246 itself, defines a ''Government contract'' as ''any agreement *or modification thereof* between any contracting agency and any person * * *'', and thus this rule also applies to contracts modified on or after the effective date of these regulations. *See* 41 CFR 60–1.3 (emphasis added). Accordingly, revisions have been made to 41 CFR part 60–1—Obligations of Contractors and Subcontractors, 41 CFR part 60–2—Affirmative Action Programs, 41 CFR part 60–4—Construction Contractors—Affirmative Action Requirements, and 41 CFR part 60–50—Guidelines on Discrimination because of Religion or National Origin.

The regulatory changes made by this final rule directly implement the changes to EO 11246 made by EO 13672; specifically, the replacement of the words ''sex, or national origin'' with the words ''sex, sexual orientation, gender identity, or national origin'' throughout the EO 11246 implementing regulations.[4] No other regulatory changes are being made.

The only affirmative action requirements affected by this final rule are those contained in 41 CFR part 60–1. Contractors satisfy this obligation by including the updated Equal Opportunity Clause in new or modified subcontracts and purchase orders, ensuring that applicants and employees are treated without regard to their sexual orientation and gender identity, and by updating the equal opportunity language used in job solicitations and posting updated notices. *See* 41 CFR 60–1.4(a) paragraphs 1, 2, and 7 of the Equal Opportunity Clause, and 60–1.4(b)(1) paragraphs 1, 2, and 7 of the Equal Opportunity Clause. This final rule makes no changes to the provisions governing reporting and information collection set forth at 41 CFR 60–1.7 and 60–1.12(c). The obligations updated by this final rule are separate from the additional affirmative action requirements set forth in 41 CFR parts 60–2 and 60–4 that comprise the contents of contractors' written affirmative action programs. No changes are being made to the written affirmative action program requirements of 41 CFR part 60–2, or the affirmative action requirements contained in § 60–4.3(a)(7) of 41 CFR part 60–4, and thus those programs will continue to be limited to gender, race, and ethnicity. While the terms ''sexual orientation'' and ''gender identity'' will now appear in two sections within part 60–2 that include the full list of protected bases (in §§ 60–2.16(e)(2) and 60–2.35), the final rule does not require contractors to set placement goals on the bases of sexual orientation or gender identity, nor does it require contractors to collect and analyze any data on these bases. Section 60–2.16(e)(2) simply states that placement goals for women and minorities under the existing regulations may not be used as a basis for discrimination on one of the bases protected by EO 11246, including sexual orientation and gender identity. The affected provision of § 60–2.35 indicates that both statistical and non-statistical data will be considered in determining whether contractors have complied with their nondiscrimination obligations; it does not require contractors to collect any statistical data.[5]

In addition, as section 204(c) of EO 11246, which provides an exemption for religious organizations, was not amended by EO 13672, this rule does not make changes to the corresponding regulation at 41 CFR 60–1.5(a)(5), which

[2] The White House, *FACT SHEET: Taking Action to Support LGBT Workplace Equality is Good For Business,* (July 21, 2014), *http://www.whitehouse.gov/the-press-office/2014/07/21/fact-sheet-taking-action-support-lgbt-workplace-equality-good-business-0* (last accessed Nov. 28, 2014).

[3] Unless otherwise stated, the term ''contractor'' includes both ''contractors'' and ''subcontractors,'' and the term ''contract'' also includes ''subcontracts.''

[4] While the text of 41 CFR 60–1.11 contains the full list of protected characteristics, that section has been indefinitely suspended as per *Notice of Further Deferral of Effective Dates of Regulations,* 46 FR 18951 (Mar. 27, 1981) and *Payment of Membership Fees and Other Expenses to Private Organizations; Proposed Rule Withdrawal,* 46 FR 19004 (Mar. 27, 1981), and thus cannot be amended.

[5] In accordance with its long-standing practice, OFCCP will continue to utilize the analytical framework of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.,* to determine whether discrimination has occurred under Executive Order 11246. *See* OFCCP, FCCM § 2H01 (July 2013), *available at http://www.dol.gov/ofccp/regs/compliance/fccm/FCCM_FINAL_508c.pdf* (last accessed November 28, 2014); *see also OFCCP* v. *Honeywell,* 77–OFC–3, Sec'y of Labor Dec. and Order on Mediation, June 2, 1993, at 14 and 16 & Sec'y of Labor Dec. and Remand Order, March 2, 1994; *OFCCP* v. *Illinois Institute of Technology,* 80–OFC–11, Sec'y Final Order, December 23, 1982; *OFCCP* v. *Firestone,* 80–OFC–15, Sec'y Dec., July 13, 1980, *rev'd on other grounds, Firestone* v. *Marshall,* 507 F. Supp. 1330 (E.D. Tex. 1981).

tracks the language of the Executive Order.[6]

Lastly, although EO 13672 adds ''gender identity'' as an independent basis upon which discrimination is prohibited under EO 11246, nothing in EO 13672 or this final rule diminishes the pre-existing coverage of discrimination on the basis of gender identity or discrimination on the basis of transgender status as a form of sex discrimination. *See Price Waterhouse* v. *Hopkins,* 490 U.S. 228 (1989); *Macy* v. *Holder,* EEOC Appeal No. 0120120821 (April 20, 2012); OFCCP Directive 2014–02, ''Gender Identity and Sex Discrimination,'' effective August 19, 2014 (available online at *http://www.dol.gov/ofccp/regs/compliance/directives/dir2014_02.html*).

Publication as a Final Rule

OFCCP is promulgating this final rule without notice or an opportunity for public comment (''notice and comment'') because the Administrative Procedure Act's (''APA'') ''good cause'' exemption allows the agency to dispense with notice and comment when ''impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(B).[7] Notice and comment are unnecessary when changes to regulations merely restate the changes in the enabling authority they implement. *Gray Panthers Advocacy Committee* v. *Sullivan,* 936 F.2d 1284, 1291 (D.C. Cir. 1991), citing *Komjathy* v. *National Transportation Safety Board,* 832 F.2d 1294, 1296–97 (D.C. Cir. 1987). Because these final rules merely amend 41 CFR parts 60–1, 60–2, 60–4, and 60–50 to conform with the amendments made to EO 11246 by EO 13672, amendments as to which OFCCP lacks discretion as to whether to make, notice and comment are unnecessary and the ''good cause'' exemption applies to this final rule.

OFCCP has previously relied on the ''good cause'' exemption in amending its rules under EO 11246 without notice and comment to implement EO 11375, which amended Executive Order 11246 to add sex as a basis of prohibited discrimination and replaced the term ''creed'' with ''religion;'' OFCCP's rule amended the regulations in the same way. Obligations of Contractors and Subcontractors; Miscellaneous Amendments; Final Rule; 34 FR 744 (Jan. 17, 1969). Similarly, when EO 13279 added a religious exemption to EO 11246, OFCCP promulgated a rule without notice and comment under the good cause exemption by restating the religious exemption as a new provision in its regulations. Affirmative Action Obligations of Government Contractors, Executive Order 11246, as Amended; Exemption for Religious Entities; Final Rule; 68 FR 56392 (Sept. 30, 2003).

Sections Revised

Several sections in 41 CFR chapter 60 are being revised by this final rule: §§ 60–1.1, 60–1.4(a)(1), 60–1.4(a)(2), 60–1.4(b)(1)(1), 60–1.4(b)(1)(2), 60–1.8, 60–1.10, 60–1.20, 60–1.41(a), 60–1.41(c), 60–1.42(a), 60–2.16(e)(2), 60–2.35, 60–4.3(a)(10), and 60–50.5. As noted above, in each of these sections, wherever the words ''sex, or national origin'' appear, they have been replaced with the words ''sex, sexual orientation, gender identity, or national origin,'' as required by EO 13672. No other revisions have been made. However, for the convenience of the reader, the entire section or paragraph containing the revised language is reprinted in this final rule.

Regulatory Procedures

Executive Order 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review)

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives, and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects, distributive impacts, and equity, dignity, and fairness concerns). Here, the specific changes being made to the regulations are required by the amendments to Executive Order 11246 made by Executive Order 13672, and thus no less burdensome alternatives existed. Although this rule is not economically significant within the meaning of Executive Order 12866, it has been reviewed by the Office of Management and Budget (OMB).

This rule replaces the words ''sex, or national origin'' with the words ''sex, sexual orientation, gender identity, or national origin'' wherever they appear in the current regulations. No other revisions have been made.

Benefits of this rule include equity, fairness, and human dignity. Such benefits are difficult to quantify but nevertheless are important and specifically recognized by Executive Order 13563. In addition, employment discrimination on the basis of sexual orientation or gender identity, like employment discrimination on other bases prohibited by EO 11246, may have economic consequences. It, like other forms of discrimination, may lead to reduced productivity and lower profits. Contractor employees who face discrimination on the basis of sexual orientation or gender identity on the job may experience lower self-esteem, greater anxiety and conflict, and less job satisfaction. Such employees may also receive less pay and have less opportunity for advancement. Job applicants who experience discrimination on the basis of sexual orientation or gender identity may not be considered for a job at all, even though they may be well-qualified. This rule is designed to address these problems to ensure a fair and inclusive work environment in the context of Federal contractors.

The expected costs to employers resulting from this rule are: Regulatory familiarization, incorporation of the modified new language into the equal opportunity clauses they currently use in covered subcontracts and purchase orders, the reporting of any visa denials, and administrative costs associated with providing required notices to employees and modifying existing job posting templates. OFCCP expects that other changes made by this rule—such as the prohibition of segregation of facilities on the basis of sexual orientation or gender identity will have minimal costs to employers. This rule does not require contractors to set goals for employing persons on the basis of sexual orientation or gender identify, collect and maintain statistics on applicants or employees on the basis of sexual orientation or gender identity, or conduct statistical analysis of applicants or employees on the basis of sexual orientation or gender identity. Therefore, the costs of performing such activities are not included in this analysis.

Assumptions

The estimated labor cost to contractors and subcontractors is based on U.S. Department of Labor, Bureau of Labor Statistics (BLS) data in the publication ''Employer Costs for Employee Compensation'' issued in December 2013, which lists total

[6] This regulation states: ''Section 202 of Executive Order 11246, as amended, shall not apply to a Government contractor or subcontractor that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. Such contractors and subcontractors are not exempted or excused from complying with the other requirements contained in this Order.''

[7] Although the Administrative Procedure Act's notice and comment requirement does not apply to matters relating to public contracts, 5 U.S.C. 553(a), it is the policy of the Department of Labor not to rely upon that exemption. *See* 29 CFR 2.7.

compensation for management, professional, and related occupations as $51.58 per hour and for administrative support as $24.23 per hour. OFCCP estimates that 25 percent of the burden will fall to management, professional, and related occupations and 75 percent will be administrative support.

For purposes of analyzing the economic effect of rules on federal contractors, OFCCP typically assumes 500,000 contractor companies or firms may be affected by these provisions because 500,000 contractor firms are registered in the General Service Administration's System for Award Management (SAM). OFCCP recognizes that using SAM likely results in an overestimation of the number of covered contractors and subcontractors. For example, the SAM data includes recipients of Federal grants and Federal financial assistance, none of which are covered by this Rule. The SAM data also includes firms that do not meet the jurisdictional dollar threshold of EO 11246. In addition, a large percentage of Federal contractors already prohibit discrimination based on sexual orientation and gender identity and/or operate in states or localities that do, and will therefore already be in compliance with the requirements of this Rule. This approach is consistent with the approach used in other recent OFCCP and WHD rulemakings.[8] However, the estimate of 500,000 contractor companies or firms does not include new companies and firms that become contractors in the future. OFCCP does not currently have a reliable data source or method for estimating the number of new contractor companies or firms each year.

Cost of Regulatory Familiarization

OFCCP expects that human resources or personnel managers at each contractor establishment or firm will spend time becoming familiar with the amended requirements. In order to minimize the burden of these changes, OFCCP will publish compliance assistance materials such as, but not limited to, fact sheets and ''Frequently Asked Questions.'' OFCCP will also host webinars for the contractor community that will describe the amended requirements and engage in outreach to identify any specific challenges contractors believe they face, or may face, when complying with the requirements.

Therefore, OFCCP estimates that it will take 60 minutes or 1 hour for a management professional at each contractor establishment to either read the compliance assistance materials provided by OFCCP or participate in an OFCCP webinar to learn more about the amended requirements. Consequently, the estimated burden for rule familiarization is 500,000 hours (500,000 contractor companies × 1 hour = 500,000 hours). We calculate the total estimated cost as $25,790,000 (500,000 hours × $51.58/hour = $25,790,000).

Cost of Specific Provisions

Sections 60–1.4(a) and (b) and 60–4.3(a) require contractors to incorporate this modified new language into the equal opportunity clauses they currently use in covered subcontracts and purchase orders. The amended Equal Opportunity Clause may be incorporated by reference. OFCCP estimates that contractors and subcontractors will spend approximately 15 minutes modifying existing contract templates to ensure the additional language is added. The estimated burden for this provision is 125,000 hours (500,000 contractors × 0.25 hours). The estimated cost for incorporating the changes into the Equal Opportunity Clause is $3,883,438 ((125,000 hours × 0.25 × $51.58) + (125,000 × 0.75 × $24.23) = $3,883,438).

Sections 1.4(a)(1) and 1.4(b)(1) require contractors to notify job applicants and employees of their nondiscrimination policy by posting specific notices, provided by contracting officers, in conspicuous places. OFCCP recognizes that this rule requires contractors to update their existing postings to comply with the revised regulations. OFCCP estimates that it will take 15 minutes (or 0.25 hours) for contractors to locate the revised notice on OFCCP's Web site and one hour to print, copy and replace current posters with the revised notice. Therefore, OFCCP estimates that the burden of this provision is 625,000 hours (500,000 contractor companies × 1.25 hours). OFCCP assumes that 95 percent of the time for this activity (finding the notice online; printing, copying, and posting the notice) will be at the administrative support level and 5 percent (reviewing the notice) will be at the management, professional, and related occupations level. Thus, the cost for this provision is $15,998,438 ((625,000 hours × 0.05 × $51.58) + (625,000 hours × 0.95 × $24.23) = $15,998,438). OFCCP believes that contractors will have some operations and maintenance costs associated with this provision and those costs are detailed in the Operations and Maintenance discussion, below.

Sections 60–1.4(a), paragraph 2 of the Equal Opportunity Clause, and 1.4(b), paragraph 2 of the Equal Opportunity Clause, require contractors to expressly state in solicitations for employees that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin. Section 60–1.41(a) details the options available to contractors for complying with this requirement, which range from stating in employment solicitations that ''all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin'' to simply including the phrase ''an equal opportunity employer.''[9] While some contractors include the detailed list, others include the phrase ''equal opportunity employer.'' OFCCP estimates that 50 percent of contractors will include the detailed list, and the remainder will use ''an equal opportunity employer.'' Thus, OFCCP acknowledges that 50 percent or 250,000 contractors that include the detailed list will thus be affected by this change. OFCCP believes that contractors will modify their existing solicitation or job advertisement templates to incorporate the revised terminology. A substantial number of contractors are unlikely to see an increased cost, though, as most costs involved with advertisements and solicitations are not based on the number of words or specific words included. Therefore, OFCCP believes that the cost of the solicitation or advertisement will not be greatly impacted by adding the words ''sexual orientation'' and ''gender identity'' to the advertisement. OFCCP believes that contractors will spend approximately 15 minutes modifying existing job posting templates to ensure the additional words are added. The burden for this provision is 62,500 hours (250,000 contractors × 0.25

[8] There is at least one reason to believe the SAM data yields an underestimate of the number of entities affected by this rule and other reasons to believe the data yields an overestimate. SAM does not necessarily include all subcontractors, thus potentially leading to an underestimate, but this limitation of the data is offset somewhat because of the overlap among contractors and subcontractors; a firm may be a subcontractor on some activities but have a contract on others and thus be included in the SAM data.

[9] The other options include using an insignia approved by the Director of OFCCP in job advertisements and including a single advertisement in a group of advertisements which includes the statement that ''all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identify, or national origin.'' Based on OFCCP's reviews of job advertisements, contractors typically use either the ''equal opportunity employer'' tag line or include ''all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identify, or national origin.''

hours). The cost for incorporating the changes into the Equal Opportunity Clause is $1,941,719 ((62,500 hours × 0.25 × $51.58) + (62,500 × 0.75 × $24.23) = $1,941,719).

Section 60–1.8 requires contractors to ensure that facilities provided for employees are not segregated by any of the covered bases. This rule adds sexual orientation and gender identity as prohibited bases of segregation in the existing provision. OFCCP believes that this modification will not incur additional burden, as the provision does not require contractors to modify or construct additional facilities, but rather only provide equal access to any facilities that exist.

Section 60–1.10 prohibits contractors from discriminating against employees for work to be performed in the United States or abroad. It provides an exemption for employees hired outside the United States. Further, if a contractor is unable to obtain a visa of entry for an employee or potential employee to a country in which or with which it is doing business, and it believes that refusal is due to a basis covered by EO 11246, as amended by EO 13672, then the contractor must immediately notify the OFCCP and the Department of State. Neither OFCCP nor the current office directors or senior officials in the Department of State's Bureau of Political-Military Affairs have received any visa denial notifications related to the existing protected categories.

There is no precise way of calculating how many LGBT employees of federal contractors will travel to foreign countries for work-related purposes. Although there is no single, authoritative source of labor force population data regarding sexual orientation and gender identity, separate independent surveys published between 2011 and 2014 estimate that between 2.3 and 4.0 percent of the U.S. population identify as LGBT.[10] This represents approximately 3.6 to 6.2 million LGBT individuals in the civilian labor force, approximately 1.5 to 2.6 million of who are employed by federal contractors.[11] According to the Department of Commerce's International Trade Administration, 4,875,000 U.S. residents departed the country for business or convention purposes in 2013, representing approximately 3.1 percent of the civilian labor force.[12] In the absence of data as to what percent of the LGBT employees in the federal contractor workforce would depart the country for business or convention purposes, a conservative estimate is that 6.1 percent (double the rate of the general national civilian labor force) of LGBT employees in the federal contractor workforce may visit foreign countries for work purposes, yielding a total of 91,500 to 158,600 LGBT employees each year.

The International Trade Administration tracks patterns as to what destinations United States residents travel to, both in general and for work purposes.[13] There is very limited precedent for LGBT individuals being denied entry on the basis of sexual orientation or gender identity. There are two countries with immigration laws that prohibit entry of ''homosexual'' persons, but there is no indication that these laws are actively enforced. Statistically, therefore, the percent of United States resident business travel to countries where LGBT individuals may face denial of entry on the basis of sexual orientation or gender identity, due to law or custom, is less than 1 percent.[14] As an overestimate, presuming all LGBT federal contractor employees who visit these countries for work purposes are denied a visa on the basis of sexual orientation or gender identity, this would lead to 915 to 1,586 incidences (or 1 percent of total LGBT employees who travel abroad for business) per year. To adjust this calculation from an incidence count to the estimate of burden on contractors, OFCCP assumes a ratio of one incident per contractor, thus an estimated 1,586 contractors could be impacted by this provision.

OFCCP estimates that it will take two hours for a contractor to identify from the Federal Acquisition Regulation (FAR) a contact at the Department of State, and prepare and send the notification of visa denial to the Department of State and OFCCP. Therefore, the burden is 3,172 hours per year (1,586 contractors × 2 hours). Because of the nature of this provision, OFCCP estimates that 50 percent of the time addressing this provision will be management and 50 percent of the time will be administrative. Thus, using the high end of the estimate, the cost of this provision is estimated as $120,235 ((3,172 hours × 0.50 × $51.58) + (3,172 hours × 0.50 × $24.23) = $120,235).

The revised regulations incorporate the terms ''sexual orientation'' and ''gender identity'' into §§ 60–2.16 and 60–4.3. As modified, these provisions state that goals and timetables or affirmative action standards shall not be used to discriminate against any person because of their race, color, religion, sex, sexual orientation, gender identity, or national origin. Because these incorporations merely clarify that affirmative action programs may not be used to carry out discrimination prohibited by other sections of the regulations, and do not require any

[10] This estimated range is derived from four separate sources: (1) Brian W. Ward, Ph.D. et al., Centers for Disease Control and Prevention, *Sexual Orientation and Health Among U.S. Adults: National Health Interview Survey,* 2013 (July 15, 2014), *http://www.cdc.gov/nchs/data/nhsr/nhsr077.pdf* (last accessed Nov. 28, 2014) (Survey of approximately 35,000 adults, age 18 and over found 2.3 percent identified as gay/lesbian or bisexual. An additional 1.1 percent identified as ''something else.''); (2) Gary J. Gates and Frank Newport, The Gallup Organization, *Special Report: 3.4% of U.S. Adults Identify as LGBT* (October 18, 2012), *http://www.gallup.com/poll/158066/special-report-adults-identify-lgbt.aspx?utm_source=alert&utm_medium=email&utm_campaign=syndication&utm_content=morelink&utm_term=All%20Gallup%20Headlines* (last accessed Nov. 28, 2014) (Gallup poll of a representative sample of 120,000 adults conducted in 2012 found 3.4 percent identified as LGBT); (3) Movement Advancement Project, Center for American Progress, Human Rights Campaign, *A Broken Bargain: Discrimination, Fewer Benefits, and More Taxes for LGBT Workers* at 5 (June 2013), *http://www.americanprogress.org/issues/lgbt/report/2013/06/04/65133/a-broken-bargain/* (last accessed Nov. 28, 2014) (2011 study aggregating results of five separate surveys conducted between 2004 and 2009 found 3.5 percent of those surveyed identified as lesbian, gay, or bisexual and 0.3 percent identified as transgender); and (4) Jennifer C. Pizer, Brad Sears, Christy Mallory, and Nan D. Hunter, *Evidence of Persistent and Pervasive Workplace Discrimination Against LGBT People: The Need for Federal Legislation Prohibiting Discrimination and Providing for Equal Employment Benefits*, 45 Loy. L.A. L. Rev. 715, 717 (2012), *http://williamsinstitute.law.ucla.edu/wp-content/uploads/Pizer-Mallory-Sears-Hunter-ENDA-LLR-2012.pdf* (last accessed Nov. 28, 2014) (analyzing a 2002 study from the National Survey of Family Growth finding 4 percent of the U.S. workforce identified as lesbian, gay, bisexual, or transgender).

[11] Recent BLS data indicates that in October 2014 there were approximately 156 million people in the civilian labor force. U.S. Department of Labor Bureau of Labor Statistics, Table A–1, Employment Status of the Civilian Population by Sex and Age, online at *http://www.bls.gov/news.release/empsit.t01.htm* (last accessed Nov. 28, 2014). The estimated range of LGBT workers in the civilian labor force was derived by applying the 2.3 to 4.0 percent range to the total number of people in the civilian labor force, while the estimated range of LGBT federal contractor workers was derived by applying the 2.3 to 4.0 percent range to the contractor work force data from SAM (65 million).

[12] U.S. Department of Commerce, International Trade Administration, National Travel and Tourism Office, 2013 U.S. Resident Travel: Business and Convention Travel, available at *http://travel.trade.gov/outreachpages/download_data_table/2013-US-Business.pdf* (last accessed Nov. 28, 2014). This data excludes U.S. resident travel to Canada. OFCCP does not believe the exclusion of Canadian travel will have any impact on the burden incurred.

[13] *See id.;* U.S. Department of Commerce, International Trade Administration, National Travel and Tourism Office, 2013 United States Resident Travel Abroad, available at *http://travel.trade.gov/outreachpages/download_data_table/2013_US_Travel_Abroad.pdf* (last accessed Sept. 30, 2014).

[14] This figure is derived from tables in the two above-cited International Trade Administration reports.

change in contractors' procedures or practices, OFCCP believes that there are no additional burdens associated with this modification.

Section 60–2.35 states that each contractor's compliance status with EO 11246 and its implementing regulations will be determined by analysis of statistical data and other non-statistical information. The change in the regulation adds sexual orientation and gender identity to the prohibited bases of discrimination. However, as with religion, contractors are not required to collect, keep, or report data on gender identity or sexual orientation. As this provision merely explains OFCCP's processes, no additional burden is incurred.

Section 60–50.5 clarifies that contractors may not use the Guidelines contained in part 60–50 to discriminate against qualified applicants and employees on any of the protected bases. The revision to § 60–50.5 incorporates the terms ''sexual orientation'' and ''gender identity'' into the list of prohibited bases of discrimination. This provision does not require any action by contractors, and thus does not incur any additional burden.

Operations and Maintenance Costs

OFCCP estimates that contractors will have some operations and maintenance costs in addition to the burden calculated above. Sections 60–1.4(a), paragraph 1 of the Equal Opportunity Clause, and 60–1.4(b), paragraph 1 of the Equal Opportunity Clause, require contractors to post a specific notice provided by the contracting officer for employees and applicants. Section 60–1.42 provides the text included in the notice. OFCCP estimates that contractors will comply with this provision by posting the notice on bulletin boards. The notice is publicly available on OFCCP's Web site and prints on 2 letter-sized sheets of paper. OFCCP assumes that on average these contractors will post it on 10 bulletin boards. Therefore, OFCCP estimates the operations and maintenance cost of this recurring burden to be $800,000 (500,000 × 2 pages × 10 copies × $0.08 = $800,000).

Summary of Total and Annual Costs

Contractors affected by this rule will have different burdens based on whether they are required to report to the Department of State and OFCCP. Thus, in summarizing the costs, Table 1 details the burden for those contractors that are affected by the visa denial reporting provision (''the visa reporting provision''). The recurring cost in Table 1 is limited to reporting denied visas to the Department of State and OFCCP. There are no recurring burdens or costs for ensuring that facilities are not segregated, contractor funded or reimbursed memberships are nondiscriminatory, placement goals do not provide a prohibited preference, nor are there any such burdens or costs associated with with the non-discrimination provisions of Part 60–50, or by the fact that OFCCP's determination of compliance considers both statistical data and non-statistical data. Table 2 details the burden for those contractors that are not affected by the visa reporting provision. There are no recurring burdens or costs for this reporting provision; however, there are one-time costs.

TABLE 1—BURDEN AND COSTS FOR CONTRACTORS AFFECTED BY THE VISA REPORTING PROVISION

Section	Burden hours	Costs
Estimated One-Time Burden:		
Regulatory Familiarization	1,586	$81,806
Amending the Equal Opportunity Clause	397	12,334
Posting the notice for employees and applicants	1,983	50,760
Amending the tag line for solicitations and job advertisements	198	6,151
One-time Burden	4,164	151,051
Estimated Recurring Burden:		
Reporting denied visas to Department of State and OFCCP	3,172	120,235
Total Annual Recurring Burden	3,172	120,235
Estimated Operations and Maintenance	0	2,538
Total Burden and Cost of the Rule	7,336	273,824

TABLE 2—BURDEN AND COSTS FOR CONTRACTORS NOT AFFECTED BY THE VISA REPORTING PROVISION

Section	Burden hours	Costs
Estimated One-Time Burden:		
Regulatory Familiarization	498,414	$25,708,194
Amending the Equal Opportunity Clause	124,604	3,871,135
Posting the notice for employees and applicants	623,018	15,947,703
Amending the tag line for solicitations and job advertisements	62,302	1,935,567
One-time Burden	1,308,338	47,462,599
Total Annual Recurring Burden	0	0
Estimated Operations and Maintenance	0	797,462
Total Burden and Cost of the Rule	1,308,338	48,260,061

OFCCP estimates the total cost of the rule at $273,824 or $173 per affected contractor for those contractors affected by the visa reporting provision and $48,260,061 or $97 per contractor for those contractors not affected by the visa reporting provision. If combined, the total cost of the rule would be $48,533,885. Yet, this rule applies to

contractors who enter into new and modified contracts on or after the effective date of the rule. Thus, some portion of the cost of the rule will not be realized in the first year and may be manifested over at least five years. There are a number of reasons why the pattern of impacts over time is difficult to estimate: there is limited information regarding the number of new Federal contractors in a year, the number of Federal contractors can be fluid, and the terms of contracts may range in duration. While it might be plausible to assume that approximately 20 percent of contracts are new or modified each year, this rule applies to contractors, rather than contracts, and thus its impacts are likely to be relatively high in the first year or two, with lesser impacts through the fifth year of implementation. After all, it is common for contractors to have multiple contracts, and compliance with this rule will be required when the first of such contracts is renewed or modified.

However, there is no precise data with which to determine the number of new Federal contractors and subcontractors each year. Using a 2012 Small Business Administration study, OFCCP determined that, on average, 17.6 percent of Federal contractors that are small businesses were new to Federal contracting.[15] Recognizing that there is limited information regarding the number of new contractors in a year, that the terms of contracts may range in duration, that the rule applies to modifications to existing contracts, and taking into account the variety of industries affected by this rule, OFCCP conservatively assumes for the purposes of this analysis that roughly 20 percent of Federal contractors will be new each year. Thus, Table 3 shows the annual cost of this rule over the next five years for contractors affected by the reporting provision and Table 4 shows the annual cost of the rule over the next five years for those contractors not affected by the reporting provision.

TABLE 3—ANNUAL COST SUMMARY FOR CONTRACTORS AFFECTED BY THE REPORTING PROVISIONS *

	Contractors	One-time cost	Recurring cost	Total cost
Year 1	317	$30,718	$24,047	$54,765
Year 2	634	30,718	48,094	78,812
Year 3	952	30,718	72,141	102,859
Year 4	1,268	30,718	96,188	126,906
Year 5	1,586	30,718	120,235	150,953

* The annual cost summary includes the one-time burden which occurs in the first year the contractor is covered and the recurring burden that increases by 20 percent annually up through the fifth year when the entire affected universe will be covered by the rule.

TABLE 4—ANNUAL COST SUMMARY FOR CONTRACTORS NOT AFFECTED BY THE REPORTING PROVISIONS *

	Contractors	Cost
Year 1	99,683	$9,652,012
Year 2	99,683	9,652,012
Year 3	99,683	9,652,012
Year 4	99,683	9,652,012
Year 5	99,683	9,652,012

* This reflects the one-time cost associated with the provisions of this rule.

Regulatory Flexibility Act and Executive Order 13272 (Consideration of Small Entities)

Because no notice of proposed rulemaking is required for the rule under 5 U.S.C. 553(b)(B), the requirements of the Regulatory Flexibility Act and Executive Order 13272, pertaining to regulatory flexibility analysis, do not apply to this rule. *See* 5 U.S.C. 601(2), 603(a). Accordingly, OFCCP has not prepared a regulatory flexibility analysis.

Paperwork Reduction Act

Compliance Date: The requirements apply to contracts entered into or modified on or after the effective date of these rules. Affected parties do not have to comply with the amended information collections contained in this rule until the Department publishes a Notice in the **Federal Register** stating that the OMB has approved the information collections under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.,* or until this rule otherwise takes effect, whichever is later.

As part of its continuing effort to reduce paperwork burdens, the Department conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The PRA typically requires an agency to provide notice and seek public comments on any collection of information contained in a rule. *See* 44 U.S.C. 3506(c)(2)(B); 5 CFR 1320.8. Persons are not required to respond to a collection of information until it is approved by OMB under the PRA.

This rule, which implements the provisions of Executive Order 13672, contains several provisions that could be considered amendments to ''collections of information'' as defined by the PRA. Specifically, the amendments to the Equal Opportunity Clause that is incorporated into covered subcontracts and purchase orders, to the notifications that must be given to employees and job applicants, and to the visa reporting provision contained in section 60–1.10. Sections 60–1.4(a), paragraph 1 of the Equal Opportunity Clause, and 60–1.4(b), paragraph 1 of the Equal Opportunity Clause, require contractors to post a notice for job applicants and employees. The notice is

[15] Small Business Administration, ''Characteristics of Recent Federal Small Business Contracting,'' May 2012, *http://www.sba.gov/sites/default/files/397tot.pdf* (last accessed Nov. 28, 2014).

provided by Federal contracting officers. The disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure is not included within the PRA's definition of ''collection of information.'' *See* 5 CFR 1320.3(c). OFCCP has determined that the posting requirements found in sections 60–1.4(a), paragraph 1 of the Equal Opportunity Clause, and 60–1.4(b), paragraph 1 of the Equal Opportunity Clause, do not meet the PRA's definition of ''collection of information.'' Therefore, these provisions are not subject to the PRA's requirement. OFCCP, however, determined that the amendments to paragraphs 2 and 7 of the Equal Opportunity Clauses at 60–1.4(a) and 60–1.4(b), and to the reporting provisions found at 60–1.10 could be considered information collections, thus an information collection request (ICR), has been submitted to OMB for approval. Concurrently with this final rule, OFCCP is publishing a notice of proposed amended information collection in the **Federal Register**. *See* 44 U.S.C. 3506(c)(2)(B); 5 CFR 1320.8.

Number of Respondents:

This rule affects only contractors who enter into new or modified contracts with the Federal Government; it does not apply to those contractors who only have contracts entered into or last modified before the effective date. Thus, all new non-exempt Federal contractors with contracts, subcontracts, federally assisted construction contracts or subcontracts in excess of $10,000 are required to comply with the rule. There are approximately 500,000 contractor firms registered in the General Service Administration (GSA)'s System for Award Management (SAM). OFCCP estimates that approximately 20 percent or 100,000 of its Federal contractor universe will be affected by this rule each year until its full implementation in five years. Therefore, OFCCP estimates there are 100,000 contractor firms affected by this rule annually.

Summary of Paperwork Burden

The total estimated burden for contractor companies to comply with the revised regulations is listed in the tables below. It is calculated based on a three-year approval of this information collection request. Table 5 shows the estimated PRA burden for those contractors affected by the visa reporting provision. Table 6 shows the estimated PRA burden for those contractors not affected by the visa reporting provision.

TABLE 5—ESTIMATED ANNUAL PRA BURDEN FOR CONTRACTORS AFFECTED BY THE VISA REPORTING PROVISION

[3 years]

Requirement	Estimated annual burden hours	Monetization
Amending the Equal Opportunity Clause	79	$2,467
Amending the tag line for solicitations and job advertisements	40	1,230
Reporting denied visas to Department of State and OFCCP	1,269	48,094
Total Annual Cost	1,388	51,791

TABLE 6—ESTIMATED ANNUAL PRA BURDEN FOR CONTRACTORS NOT AFFECTED BY THE VISA REPORTING PROVISION

[3 years]

Requirement	Estimated annual burden hours	Monetization
Amending the Equal Opportunity Clause	24,921	$774,227
Amending the tag line for solicitations and job advertisements	12,460	387,113
Reporting denied visas to Department of State and OFCCP	0	0
Total Annual Cost	37,381	1,161,340

These paperwork burden estimates are summarized as follows:

Type of Review: Amended collection.

Agency: Office of Federal Contract Compliance Programs, Department of Labor.

Title: Implementation of Executive Order 13672 Prohibiting Discrimination Based on Sexual Orientation and Gender Identity by Contractors and Subcontractors.

OMB ICR Reference Number: 1250–0NEW.

Affected Public: Business or other for-profit; individuals.

Average Number of Annual Responses: 100,000.

Frequency of Response: on occasion.

Estimated Annual Burden Hours: 38,769.

Estimated Total Annual PRA Costs: $0.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based companies to compete with foreign-based companies in domestic and export markets.

Unfunded Mandates Reform Act of 1995

For purposes of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1532, this rule does not include any Federal mandate that may result in excess of $100 million in expenditures by state, local, and tribal governments in the aggregate or by the private sector.

Executive Order 13132 (Federalism)

OFCCP has reviewed this rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have ''federalism implications.'' This rule will not ''have substantial direct effects

on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

This rule does not have tribal implications under Executive Order 13175 that requires a tribal summary impact statement. The rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Effects on Families

The undersigned hereby certifies that the rule would not adversely affect the well-being of families, as discussed under section 654 of the Treasury and General Government Appropriations Act, 1999.

Executive Order 13045 (Protection of Children)

This rule would have no environmental health risk or safety risk that may disproportionately affect children.

Environmental Impact Assessment

A review of this rule in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.;* the regulations of the Council on Environmental Quality, 40 CFR 1500 *et seq.;* and DOL NEPA procedures, 29 CFR part 11, indicates the rule would not have a significant impact on the quality of the human environment. There is, thus, no corresponding environmental assessment or an environmental impact statement.

Executive Order 13211 (Energy Supply)

This rule is not subject to Executive Order 13211. It will not have a significant adverse effect on the supply, distribution, or use of energy.

Executive Order 12630 (Constitutionally Protected Property Rights)

This rule is not subject to Executive Order 12630 because it does not involve implementation of a policy that has takings implications or that could impose limitations on private property use.

Executive Order 12988 (Civil Justice Reform Analysis)

This rule was drafted and reviewed in accordance with Executive Order 12988 and will not unduly burden the Federal court system. The rule was: (1) Reviewed to eliminate drafting errors and ambiguities; (2) written to minimize litigation; and (3) written to provide a clear legal standard for affected conduct and to promote burden reduction.

List of Subjects

41 CFR Part 60–1

Administrative practice and procedure, Equal employment opportunity, Gender identity, Government contracts, Reporting and recordkeeping requirements, Sexual orientation.

41 CFR Part 60–2

Equal employment opportunity, Gender identity, Government procurement, Reporting and recordkeeping requirements, Sexual orientation.

41 CFR Part 60–4

Construction industry, Equal employment opportunity, Gender identity, Government procurement, Reporting and recordkeeping requirements, Sexual orientation.

41 CFR Part 60–50

Equal employment opportunity, Gender identity, Government procurement, Religious discrimination, Reporting and recordkeeping requirements, Sexual orientation.

Patricia A. Shiu,

Director, Office of Federal Contract Compliance Programs.

Accordingly, under authority of Executive Order 13672 and for the reasons set forth in the preamble, OFCCP amends Title 41 of the Code of Federal Regulations, Chapter 60 as follows:

PART 60–1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

■ 1. Revise the authority citation for 41 CFR part 60–1 to read as follows:

Authority: Sec. 201, E.O. 11246, 30 FR 12319, 3 CFR, 1964–1965 Comp., p. 339, as amended by E.O. 11375, 32 FR 14303, 3 CFR, 1966–1970 Comp., p. 684, E.O. 12086, 43 FR 46501, 3 CFR, 1978 Comp., p. 230, E.O. 13279, 67 FR 77141, 3 CFR, 2002 Comp., p. 258 and E.O. 13672, 79 FR 42971.

■ 2. Revise § 60–1.1 to read as follows:

§ 60–1.1 Purpose and application.

The purpose of the regulations in this part is to achieve the aims of parts II, III, and IV of Executive Order 11246 for the promotion and insuring of equal opportunity for all persons, without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin, employed or seeking employment with Government contractors or with contractors performing under federally assisted construction contracts. The regulations in this part apply to all contracting agencies of the Government and to contractors and subcontractors who perform under Government contracts, to the extent set forth in this part. The regulations in this part also apply to all agencies of the Government administering programs involving Federal financial assistance which may include a construction contract, and to all contractors and subcontractors performing under construction contracts which are related to any such programs. The procedures set forth in the regulations in this part govern all disputes relative to a contractor's compliance with his obligations under the equal opportunity clause regardless of whether or not his contract contains a ''Disputes'' clause. Failure of a contractor or applicant to comply with any provision of the regulations in this part shall be grounds for the imposition of any or all of the sanctions authorized by the order. The regulations in this part do not apply to any action taken to effect compliance with respect to employment practices subject to title VI of the Civil Rights Act of 1964. The rights and remedies of the Government hereunder are not exclusive and do not affect rights and remedies provided elsewhere by law, regulation, or contract; neither do the regulations limit the exercise by the Secretary or Government agencies of powers not herein specifically set forth, but granted to them by the order.

■ 3. Amend § 60–1.4 by revising paragraphs (a) introductory text and (a)(1) and (2) and (b) introductory text and (b)(1) and (2) to read as follows:

§ 60–1.4 Equal opportunity clause.

(a) *Government contracts.* Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts (and modifications thereof if not included in the original contract):

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take

affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

* * * * *

(b) *Federally assisted construction contracts.* (1) Except as otherwise provided, each administering agency shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the equal opportunity clause:

The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

* * * * *

■ 4. Revise § 60–1.8 to read as follows:

§ 60–1.8 Segregated facilities.

To comply with its obligations under the Order, a contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensuring that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. This obligation extends to all contracts containing the equal opportunity clause regardless of the amount of the contract. The term ''facilities,'' as used in this section, means waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, wash rooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees; Provided, That separate or single-user restrooms and necessary dressing or sleeping areas shall be provided to assure privacy between the sexes.

■ 5. Revise § 60–1.10 to read as follows:

§ 60–1.10 Foreign government practices.

Contractors shall not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin when hiring or making employee assignments for work to be performed in the United States or abroad. Contractors are exempted from this obligation only when hiring persons outside the United States for work to be performed outside the United States (see 41 CFR 60–1.5(a)(3)). Therefore, a contractor hiring workers in the United States for either Federal or nonfederally connected work shall be in violation of Executive Order 11246, as amended, by refusing to employ or assign any person because of race, color, religion, sex, sexual orientation, gender identity, or national origin regardless of the policies of the country where the work is to be performed or for whom the work will be performed. Should any contractor be unable to acquire a visa of entry for any employee or potential employee to a country in which or with which it is doing business, and which refusal it believes is due to the race, color, religion, sex, sexual orientation, gender identity, or national origin of the employee or potential employee, the contractor must immediately notify the Department of State and the Deputy Assistant Secretary of such refusal.

Subpart B—General Enforcement; Compliance Review and Complaint Procedure

■ 6. Amend § 60–1.20 by revising paragraph (a) introductory text to read as follows:

§ 60–1.20 Compliance evaluations.

(a) OFCCP may conduct compliance evaluations to determine if the contractor maintains nondiscriminatory hiring and employment practices and is taking affirmative action to ensure that applicants are employed and that employees are placed, trained, upgraded, promoted, and otherwise treated during employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin. A compliance evaluation may consist of any one or any combination of the following investigative procedures:

* * * * *

■ 7. Amend § 60–1.41 by revising the introductory text and paragraphs (a) and (c) to read as follows:

§ 60–1.41 Solicitations or advertisements for employees.

In solicitations or advertisements for employees placed by or on behalf of a prime contractor or subcontractor, the requirements of paragraph (2) of the equal opportunity clause in § 60–1.4 shall be satisfied whenever the prime contractor or subcontractor complies with any of the following:

(a) States expressly in the solicitations or advertising that all qualified

applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin;

* * * * *

(c) Uses a single advertisement, and the advertisement is grouped with other advertisements under a caption which clearly states that all employers in the group assure all qualified applicants equal consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin;

* * * * *

■ 8. Revise § 60–1.42 to read as follows:

§ 60–1.42 Notices to be posted.

(a) Unless alternative notices are prescribed by the Deputy Assistant Secretary, the notices which contractors are required to post by paragraphs (1) and (3) of the equal opportunity clause in § 60–1.4 will contain the following language and be provided by the contracting or administering agencies:

Equal Employment Opportunity Is the Law—Discrimination Is Prohibited by the Civil Rights Act of 1964 and by Executive Order No. 11246

Title VII of the Civil Rights Act of 1964—*Administered by:*

The Equal Employment Opportunity Commission

Prohibits discrimination because of Race, Color, Religion, Sex, or National Origin by Employers with 15 or more employees, by Labor Organizations, by Employment Agencies, and by Apprenticeship or Training Programs

Any person who believes he or she has been discriminated against should contact

The Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507

Executive Order No. 11246—*Administered by:*

The Office of Federal Contract Compliance Programs

Prohibits discrimination because of Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, or National Origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

By all Federal Government Contractors and Subcontractors, and by Contractors Performing Work Under a Federally Assisted Construction Contract, regardless of the number of employees in either case.

Any person who believes he or she has been discriminated against should contact

The Office of Federal Contract Compliance Programs, U.S. Department of Labor, Washington, DC 20210

PART 60–2—AFFIRMATIVE ACTION PROGRAMS

■ 9. Revise the authority citation for 41 CFR part 60–2 to read as follows:

Authority: Sec. 201, E.O. 11246, 30 FR 12319, E.O. 11375, 32 FR 14303, as amended by E.O. 12086, 43 FR 46501, and E.O. 13672, 79 FR 42971.

■ 10. Amend § 60–2.16 by revising paragraph (e)(2) to read as follows:

§ 60–2.16 Placement goals.

* * * * *

(e) * * *

(2) In all employment decisions, the contractor must make selections in a nondiscriminatory manner. Placement goals do not provide the contractor with a justification to extend a preference to any individual, select an individual, or adversely affect an individual's employment status, on the basis of that person's race, color, religion, sex, sexual orientation, gender identity, or national origin.

* * * * *

■ 11. Revise § 60–2.35 to read as follows:

§ 60–2.35 Compliance status.

No contractor's compliance status will be judged alone by whether it reaches its goals. The composition of the contractor's workforce (*i.e.*, the employment of minorities or women at a percentage rate below, or above, the goal level) does not, by itself, serve as a basis to impose any of the sanctions authorized by Executive Order 11246 and the regulations in this chapter. Each contractor's compliance with its affirmative action obligations will be determined by reviewing the nature and extent of the contractor's good faith affirmative action activities as required under § 60–2.17, and the appropriateness of those activities to identified equal employment opportunity problems. Each contractor's compliance with its nondiscrimination obligations will be determined by analysis of statistical data and other non-statistical information which would indicate whether employees and applicants are being treated without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin.

PART 60–4—CONSTRUCTION CONTRACTORS—AFFIRMATIVE ACTION REQUIREMENTS

■ 12. Revise the authority citation for 41 CFR part 60–4 to read as follows:

Authority: Secs. 201, 202, 205, 211, 301, 302, and 303 of E.O. 11246, as amended, 30 FR 12319; 32 FR 14303, as amended by E.O. 12086; and E.O. 13672, 79 FR 42971.

■ 13. Amend § 60–4.3 in paragraph (a), by revising paragraph 10 in the clause to read as follows:

§ 60–4.3 Equal opportunity clauses.

(a) * * *

Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)

* * * * *

10. The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, sexual orientation, gender identity, or national origin.

* * * * *

PART 60–50—GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION OR NATIONAL ORIGIN

■ 14. Revise the authority citation for 41 CFR part 60–50 to read as follows:

Authority: Sec. 201 of E.O. 11246, as amended, 30 FR 12319; 32 FR 14303, as amended by E.O. 12086; and E.O. 13672, 79 FR 42971.

■ 15. Revise § 60–50.5 to read as follows:

§ 60–50.5 Nondiscrimination.

The provisions of this part are not intended and shall not be used to discriminate against any qualified employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity or national origin.

[FR Doc. 2014–28902 Filed 12–5–14; 1:30 pm]

BILLING CODE 4510–CM–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120815345–3525–02]

RIN 0648–XD388

Snapper-Grouper Fishery of the South Atlantic; 2014 Commercial Accountability Measure and Closure for the South Atlantic Porgy Complex

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 porgy complex in the U.S. exclusive economic zone (EEZ) of the South Atlantic. In the South Atlantic, the porgy complex includes jolthead porgy, knobbed porgy, whitebone porgy, scup, and saucereye porgy. Commercial landings for the porgy complex, as estimated by the Science and Research Director (SRD), are projected to reach the commercial annual catch limit (ACL) on December 6, 2014. Therefore, NMFS closes the commercial sector for the porgy complex in the South Atlantic EEZ on December 9, 2014, and it will remain closed until the start of the next fishing year, January 1, 2015. This closure is necessary to protect the porgy complex resource.

DATES: This rule is effective 12:01 a.m., local time, December 9, 2014, until 12:01 a.m., local time, January 1, 2015.

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

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic, which includes the porgy complex (jolthead porgy, knobbed porgy, whitebone porgy, scup, and saucereye porgy), is managed under the Fishery Management Plan for Snapper-Grouper Fishery of the South Atlantic Region (Snapper-Grouper FMP). The Snapper-Grouper 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 AM at 50 CFR 622.193(w)(1)(i) requires the Assistant Administrator for Fisheries, NOAA (AA), to file a notification with the Office of the Federal Register to close the commercial sector for the porgy complex for the remainder of the fishing year when the commercial ACL is reached or is projected to be reached. The commercial ACL for the porgy complex is 36,348 lb (16,487 kg), round weight. Based on the best scientific information available, NMFS has determined that the commercial ACL will be reached on December 6, 2014. Accordingly, this temporary rule implements an AM to close the commercial sector for the porgy complex in the South Atlantic EEZ at 12:01 a.m., local time, on December 9, 2014.

During the closure, all sale or purchase, and harvest or possession of jolthead porgy, knobbed porgy, whitebone porgy, scup, and saucereye in or from the South Atlantic EEZ is prohibited. The recreational bag and possession limits for the snapper-grouper fishery, as specified at 50 CFR 622.187(b) and (c), do not apply because NMFS closed the recreational sector on September 17, 2014 (79 FR 55658). The recreational bag and possession limits are zero.

Classification

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

This action is taken under 50 CFR 622.193(w)(1)(i) 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. The AA finds good cause to waive the requirements 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 prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Such procedures are unnecessary and contrary to the public interest because the AM established by the Comprehensive ACL Amendment and located at 50 CFR 622.193(w)(1)(i) has already been subject to notice and comment, and all that remains is to notify the public of the commercial closure for the porgy complex for the remainder of the 2014 fishing year. Additionally, there is a need to immediately implement the closure for the porgy complex to prevent further commercial harvest and prevent the ACL from being exceeded, which will protect the snapper-grouper resource in the South Atlantic. Prior notice and opportunity for public comment on this action would be contrary to the public interest because many of those affected by the closure need as much time as possible to adjust business plans to account for the reduced commercial fishing season.

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: December 3, 2014.

Alan D. Risenhoover,

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

[FR Doc. 2014–28745 Filed 12–4–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 236
Tuesday, December 9, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AN11

Prevailing Rate Systems; Abolishment of the Portland, ME, Appropriated Fund Federal Wage System Wage Area

AGENCY: U.S. Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The U.S. Office of Personnel Management (OPM) is issuing a proposed rule that would abolish the Portland, ME, appropriated fund Federal Wage System (FWS) wage area and redefine Androscoggin, Cumberland, and Sagadahoc Counties, ME, to the Portsmouth, NH survey area and Franklin and Oxford Counties, ME, and Coos County, NH, to the Portsmouth area of application. These changes are necessary because the closure of the Naval Air Station (NAS) Brunswick left the Portland wage area without an activity having the capability to conduct a local wage survey.

DATES: We must receive comments on or before January 8, 2015.

ADDRESSES: You may submit comments, identified by ''RIN 3206–AN11,'' using any of the following methods:

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

Mail: Brenda L. Roberts, Deputy Associate Director for Pay and Leave, Employee Services, U.S. Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415–8200.

Email: pay-leave-policy@opm.gov.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, by telephone at (202) 606–2838 or by email at *pay-leave-policy@opm.gov.*

SUPPLEMENTARY INFORMATION: The Portland, ME, FWS wage area's host installation, NAS Brunswick, closed in May 2011. This closure left the lead agency, the Department of Defense (DOD), without an installation capable of hosting annual local wage surveys. Because of the closure of NAS Brunswick, DOD has requested that OPM abolish the Portland wage area and redefine its constituent counties to a neighboring wage area.

The Portland wage area is presently composed of three survey counties (Androscoggin, Cumberland, and Sagadahoc Counties, ME) and three area of application counties (Franklin and Oxford Counties, ME, and Coos County, NH). The next full-scale wage schedule is scheduled to begin in the Portland wage area in May 2015.

Under section 5343 of title 5, United States Code, OPM is responsible for defining wage areas following the regulatory criteria under section 532.211 of title 5, Code of Federal Regulations. Under the regulatory criteria, OPM considers the following factors when defining FWS wage area boundaries:

(i) Distance, transportation facilities, and geographic features;

(ii) Commuting patterns; and

(iii) Similarities in overall population, employment, and the kinds and sizes of private industrial establishments.

In addition, OPM regulations at 5 CFR 532.211 do not permit splitting Metropolitan Statistical Areas (MSAs) for the purpose of defining a wage area, except in very unusual circumstances.

Cumberland, Sagadahoc, and York Counties, ME, comprise the Portland-South Portland, ME MSA. The Portland-South Portland MSA is split between the Portland and Portsmouth wage areas. Cumberland and Sagadahoc Counties are part of the Portland survey area and York County is part of the Portsmouth survey area.

Based on an analysis of the regulatory criteria for York County, the core county in the Portland-South Portland MSA, the entire Portland-South Portland MSA would be defined to the Portsmouth wage area. When measuring to cities and host installations, the distance criterion favors the Portsmouth wage area. The commuting patterns criterion favors the Portsmouth wage area. The overall population and employment and the kinds and sizes of private industrial establishments criterion does not favor one wage area more than another.

Based on this analysis, we believe York County is appropriately defined to the Portsmouth wage area. OPM regulations at 5 CFR 532.211 permit splitting MSAs only in very unusual circumstances. There appear to be no unusual circumstances that would permit splitting the Portland-South Portland MSA. To comply with OPM regulations not to split MSAs, Cumberland and Sagadahoc Counties would be redefined to the Portsmouth wage area.

In selecting a wage area to which the remaining counties should be redefined, the Federal Prevailing Rate Advisory Committee (FPRAC), the statutory national labor-management committee responsible for advising OPM on matters affecting the pay of FWS employees, made a majority recommendation to define the entire wage area to the Portsmouth wage area.

These changes would be effective on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations.

Regulatory Flexibility Act

I certify that these proposed regulations would not have a significant economic impact on a substantial number of small entities because they would affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

Accordingly, OPM is proposing to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas

■ 2. Appendix A to subpart B of part 532 is amended for the State of Maine by removing the entry for Portland.

■ 3. Appendix C to subpart B is amended by removing the wage area

listing for Portland, ME, and revising the wage area listings for Portsmouth, NH, wage areas to read as follows:

* * * * *

NEW HAMPSHIRE

Portsmouth

Survey Area

Maine:
- Androscoggin
- Cumberland
- Sagadahoc
- York

Massachusetts:
- The following cities and towns in:
- *Essex County*
- Amesbury
- Georgetown
- Groveland
- Haverhill
- Merrimac
- Newbury
- Newburyport
- North Andover
- Salisbury
- South Byfield
- West Newbury

New Hampshire:
- Rockingham (except the following cities and towns: Newton, Plaistow, Salem, and Westville)
- Strafford

Area of Application. Survey area plus:

Maine:
- Franklin
- Oxford

New Hampshire:
- Coos
- The following cities and towns in:
- *Rockingham County*
- Newton
- Plaistow
- Salem
- Westville

* * * * *

[FR Doc. 2014–28619 Filed 12–8–14; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

Docket No. FAA–2014–0902; Airspace Docket No. 14–ASW–8

Proposed Establishment of Class E Airspace; Tucumcari, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at the Tucumcari VHF Omni-Directional Radio Range Tactical Air Navigation Aid (VORTAC), Tucumcari, NM, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Albuquerque Air Route Traffic Control Center (ARTCC). The FAA is proposing this action to enhance the safety and efficiency of aircraft operations within the National Airspace System (NAS).

DATES: Comments must be received on or before January 23, 2015.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2014–0902/Airspace Docket No. 14–ASW–8, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Raul Garza, Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Northwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: 817–222–4075/817–321–7654.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2014–0902/Airspace Docket No. 14–ASW–8.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), Part 71 by amending Class E airspace extending upward from 1,200 feet above the surface at the Tucumcari VORTAC navigation aid, Tucumcari, NM. This action would contain aircraft while in IFR conditions under control of Albuquerque ARTCC by safely vectoring aircraft from en route airspace to terminal areas.

Class E airspace areas are published in Paragraph 6006 of FAA Order 7400.9Y, dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed 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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule,

when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish controlled airspace at the Tucumcari VORTAC, Tucumcari, NM.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014, is amended as follows:

Paragraph 6006 En Route Domestic Airspace Areas.

* * * * *

ASW NM E6 Tucumcari, NM [New]

Tucumcari VORTAC, NM

Lat. 35°10′56″ N., long. 103°35′55″ W

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 37°30′00″ N., long. 102°33′00″ W.; to lat. 36°30′00″ N., long. 101°45′00″ W.; to lat. 36°23′50″ N., long. 101°28′20″ W.; 35°12′30″ N., long. 105°28′30″ W.; to lat. 36°43′00″ N., long. 105°20′30″ W.; to lat. 36°43′00″ N., long. 105°00′00″ W.; thence to the point of beginning.

Issued in Fort Worth, TX, on November 24, 2014.

Humberto Melendez,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2014–28793 Filed 12–8–14; 8:45 am]

BILLING CODE 4901–14–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0708; FRL–9920–19-Region 9]

Clean Data Determination for 1997 $PM_{2.5}$ Standards; California—South Coast; Applicability of Clean Air Act Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine that the South Coast air quality planning area in California has attained the 1997 annual and 24-hour fine particle ($PM_{2.5}$) National Ambient Air Quality Standards. This proposed determination is based upon complete (or otherwise validated), quality-assured, and certified ambient air monitoring data showing that the area has monitored attainment of the 1997 annual and 24-hour $PM_{2.5}$ standards based on the 2011–2013 monitoring period. The EPA is further proposing that, if the EPA finalizes this determination of attainment, the requirements for the area to submit certain State implementation plan revisions shall be suspended for so long as the area continues to attain the 1997 annual and 24-hour $PM_{2.5}$ standards.

DATES: Written comments must be received on or before January 8, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2014–0708 by one of the following methods:

1. Federal eRulemaking Portal, at *www.regulations.gov,* please follow the on-line instructions;
2. Email to *tax.wienke@epa.gov;* or
3. Mail or delivery to Wienke Tax, Air Planning Office, AIR–2, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901.

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

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

FOR FURTHER INFORMATION CONTACT: Wienke Tax, (415) 947–4192, or by email at *tax.wienke@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we'', ''us'' or ''our'' refer to the EPA. We are providing the following outline to aid in locating information in this proposal.

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I. What determination is the EPA proposing to make?

The EPA is proposing to determine that the Los Angeles–South Coast Air Basin (''South Coast'') nonattainment area has clean data for the 1997 annual and 24-hour National Ambient Air Quality Standards (NAAQS or ''standards'') for fine particles (generally referring to particles less than or equal to 2.5 micrometers in diameter, $PM_{2.5}$).[1] This determination is based upon complete (or otherwise validated), quality-assured, and certified ambient air monitoring data showing the area has monitored attainment of the 1997 annual and 24-hour $PM_{2.5}$ NAAQS based on 2011–2013 monitoring data.

Based on this proposed clean data determination, we are also proposing to suspend the obligations on the State of California to submit certain state implementation plan (SIP) revisions related to attainment of this standard for the area for as long as the area continues to attain the standard.

II. What is the background for this action?

A. $PM_{2.5}$ NAAQS

Under section 109 of the Clean Air Act (CAA or ''Act''), the EPA has established NAAQS for certain pervasive air pollutants (referred to as ''criteria pollutants'') and conducts periodic reviews of the NAAQS to determine whether they should be revised or whether new NAAQS should be established.

On July 1, 1987 (52 FR 24634), the EPA revised the particulate matter NAAQS, replacing the indicator of total suspended particulate matter (TSP) (*i.e.,* particles roughly 30 micrometers or less), with a new indicator that includes only those particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}).

On July 18, 1997 (62 FR 38652), the EPA revised the NAAQS for particulate matter by establishing new NAAQS for particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers ($PM_{2.5}$). The EPA established primary and secondary annual and 24-hour standards for $PM_{2.5}$.[2] The annual primary and secondary standards were set at 15.0 micrograms per cubic meter ($\mu g/m^3$), based on a 3-year average of annual mean $PM_{2.5}$ concentrations, and the 24-hour primary and secondary standards were set at 65 $\mu g/m^3$, based on the 3-year average of the 98th percentile of 24-hour $PM_{2.5}$ concentrations at each monitoring site within an area. See 40 CFR 50.7. Collectively, we refer herein to the 1997 24-hour and annual $PM_{2.5}$ NAAQS as the ''1997 $PM_{2.5}$ NAAQS'' or ''1997 $PM_{2.5}$ standards.''

On October 17, 2006 (71 FR 61144), the EPA revised the level of the 24-hour $PM_{2.5}$ NAAQS to 35 $\mu g/m^3$, and on January 15, 2013 (78 FR 3086), the EPA revised the annual $PM_{2.5}$ NAAQS to a level of 12 $\mu g/m^3$. Even though the EPA has lowered the 24-hour and annual $PM_{2.5}$ standards, the original 1997 $PM_{2.5}$ standards remain in effect and represent the standards for which today's proposed attainment determination is made.

B. South Coast $PM_{2.5}$ Designations, Classifications, and SIP Revisions

Effective April 5, 2005, the EPA established the initial air quality designations for the 1997 $PM_{2.5}$ NAAQS. *See* 70 FR 944 (January 5, 2005). The South Coast was designated nonattainment for the 1997 $PM_{2.5}$ NAAQS at this time, with an attainment deadline of April 5, 2010.[3]

Within three years of the effective date of designations, states with areas designated as nonattainment for the 1997 $PM_{2.5}$ NAAQS were required to submit SIP revisions that, among other elements, provide for implementation of reasonably available control measures (RACM), reasonable further progress (RFP), attainment of the standard as expeditiously as practicable but no later than five years from the nonattainment designation (in this instance, no later than April 5, 2010) unless the state justified up to a five-year attainment date extension, as well as contingency measures. *See* CAA section 172(a)(2), 172(c)(1), 172(c)(2), and 172(c)(9).

On November 28, 2007, the California Air Resources Board (CARB or State) submitted the ''*Final 2007 Air Quality Management Plan, June 2007*'' (''South Coast 2007 AQMP''), which was prepared by the South Coast Air Quality Management District (SCAQMD or District). The South Coast 2007 AQMP included a $PM_{2.5}$ attainment demonstration for the South Coast for the 1997 NAAQS. In order to meet relevant CAA requirements for the $PM_{2.5}$ NAAQS, the South Coast 2007 AQMP includes base and projected year $PM_{2.5}$ emissions inventories for the South Coast nonattainment area; air quality monitoring data; short-, medium- and long-term District control measures; a summary of CARB's control measures; transportation control measures (TCMs); a demonstration of reasonable further progress (RFP); a modeled attainment demonstration; a demonstration of reasonably available control measures/reasonably available control technology (RACM/RACT); RFP and attainment contingency measures for the South Coast $PM_{2.5}$ nonattainment area; and a request to extend the attainment date for the 1997 $PM_{2.5}$ NAAQS to April 5, 2015.

To demonstrate attainment, the South Coast 2007 AQMP relied in part on measures in CARB's *State Strategy for California's 2007 State Implementation Plan (''*2007 State Strategy''*).* The 2007 State Strategy discussed CARB's overall approach to addressing, in conjunction with local plans, attainment of both the 1997 $PM_{2.5}$ and 8-hour ozone NAAQS not only in the South Coast nonattainment area, but also in California's other nonattainment areas, such as the San Joaquin Valley and the Sacramento area. It also included CARB's commitments to propose 15 defined State measures and to obtain specific amounts of aggregate emissions reductions of direct $PM_{2.5}$, sulfur oxides (SO_x), nitrogen oxides (NO_X), and volatile organic compounds (VOC) in the South Coast from sources under the State's jurisdiction, such as on- and off-road motor vehicles, engines, and fuels.

On November 9, 2011, we approved the portions of the South Coast 2007 AQMP and 2007 State Strategy, as revised in 2009 and 2011, that addressed attainment of the 1997 $PM_{2.5}$ NAAQS in the South Coast $PM_{2.5}$ nonattainment area, except for the attainment contingency measures, which we disapproved. (see 76 FR 69928, November 9, 2011). On October 29, 2013, we approved SIP revisions addressing the attainment contingency

[1] The South Coast includes Orange County, the southwestern two-thirds of Los Angeles County, southwestern San Bernardino County, and western Riverside County (see 40 CFR 81.305.)

[2] For a given air pollutant, ''primary'' NAAQS are those determined by EPA as requisite to protect the public health, allowing an adequate margin of safety, and ''secondary'' standards are those determined by the EPA as requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air. See CAA section 109(b).

[3] Originally, the EPA designated nonattainment areas under subpart 1 of part D (of title I) of the CAA, not under subpart 4, but as discussed later in this document, the EPA has now established classifications for areas designated as nonattainment for the 1997 $PM_{2.5}$ under subpart 4.

measure requirements for the South Coast $PM_{2.5}$ nonattainment area (see 78 FR 64402, October 29, 2013).

C. How does the EPA make attainment determinations?

A determination of whether an area's air quality currently meets the $PM_{2.5}$ NAAQS is generally based upon the most recent three years of complete, quality-assured data gathered at established State and Local Air Monitoring Stations (SLAMS) in a nonattainment area and entered into the AQS database. Data from ambient air monitors operated by state/local agencies in compliance with the EPA monitoring requirements must be submitted to EPA's Air Quality System (AQS).[4] Monitoring agencies annually certify that these data are accurate to the best of their knowledge. Accordingly, the EPA relies primarily on data in AQS when determining the attainment status of areas. *See* 40 CFR 50.7; 40 CFR part 50, appendix L; 40 CFR part 53; 40 CFR part 58, and 40 CFR part 58, appendices A, C, D, and E. All data are reviewed to determine the area's air quality status in accordance with 40 CFR part 50, appendix N.

Under EPA regulations in 40 CFR part 50, section 50.7 and in accordance with appendix N, the 1997 annual $PM_{2.5}$ standard is met when the design value is less than or equal to 15.0 μg/m^3 (based on the rounding convention in 40 CFR part 50, appendix N) at each eligible monitoring site within the area.[5] Data completeness requirements for a given year are met when at least 75 percent of the scheduled sampling days for each quarter have valid data.

Under EPA regulations in 40 CFR part 50, section 50.7 and in accordance with appendix N, the 1997 24-hour $PM_{2.5}$ standard is met when the design value is less than or equal to 65 μg/m^3 (based on the rounding convention in 40 CFR part 50, appendix N) at each eligible monitoring site within the area.[6] Data completeness requirements for a given year are met when at least 75 percent of the scheduled sampling days for each quarter have valid data.

III. What is EPA's analysis of the relevant air quality data?

A. Monitoring Network and Data Considerations

The SCAQMD is the governmental agency with the authority and responsibility under state law for collecting ambient air quality data within the South Coast nonattainment area. Annually, SCAQMD submits monitoring network plans to EPA. These plans discuss the status of the air monitoring network, as required under 40 CFR part 58. The EPA reviews these annual network plans for compliance with the applicable reporting requirements in 40 CFR 58.10. With respect to $PM_{2.5}$, we have found that SCAQMD's annual network plans meet the applicable requirements under 40 CFR part 58.[7] Furthermore, we concluded in our *Technical System Audit Report* concerning SCAQMD's ambient air quality monitoring program that SCAQMD's ambient air monitoring network currently meets or exceeds the requirements for the minimum number of monitoring sites designated as SLAMS for $PM_{2.5}$ in the South Coast nonattainment area.[8] Also, SCAQMD annually certifies that the data it submits to AQS are quality-assured.[9]

The SCAQMD operated 18 $PM_{2.5}$ SLAMS during the 2011–2013 period within the South Coast $PM_{2.5}$ nonattainment area. Nine of the sites are located in the Los Angeles County portion of the South Coast (Azusa, Burbank, Los Angeles (Main Street), Reseda, Compton, Pico Rivera, Pasadena, Long Beach (North), and South Long Beach); four are located in the San Bernardino County portion of the South Coast (Ontario Fire Station, Fontana, Big Bear, and San Bernardino); three are located in the Riverside portion of the South Coast (Riverside (Magnolia), Rubidoux, and Mira Loma (Van Buren)); and two are located in Orange County (Anaheim and Mission Viejo).[10]

For the purposes of this proposed action, we have reviewed the data for the most recent three-year period (2011–2013) for completeness, and we determined that the data collected by the SCAQMD meets the completeness criterion for all 12 quarters at most $PM_{2.5}$ monitoring sites. Of the 18 $PM_{2.5}$ monitoring sites, five monitoring sites did not meet the 75% completeness requirements in 40 CFR part 50, appendix N, section 4.1 and 4.2(b) for the annual and 24-hour $PM_{2.5}$ standards, respectively. Specifically, the Pasadena, Riverside (Magnolia), Ontario Fire Station, Big Bear, and San Bernardino monitoring sites had less that 75% data completeness in one or more quarters during the 2011–2013 period.

For the Riverside (Magnolia), Ontario Fire Station, Big Bear, and San Bernardino monitoring sites, the EPA has performed the maximum quarterly value data substitution test procedure in 40 CFR part 50, appendix N, section 4.1(c)(ii) and 4.2(c)(ii) for the annual and 24-hour standards, respectively, and determined that these monitoring sites pass the data substitution diagnostic test for both the annual and 24-hour standards.[11] The EPA concludes that the design values for these monitoring sites are valid for NAAQS comparison purposes.

The remaining monitoring site, Pasadena, is not eligible for the maximum quarterly value data substitution test due to having less than 50% completeness during the first quarter of 2011, the fourth quarter of 2012, and the first and second quarters of 2013. The provisions in 40 CFR part 50, appendix N, section 4.1(c)(ii) and 4.2(c)(ii) state that, if any quarter has less than 50% data capture, then the substitution test cannot be used. While the Pasadena monitoring site is not eligible for the substitution test, per 40 CFR part 50, appendix N, section 4.1(d) and 4.2(d), the design value may also be considered valid with the approval of the EPA Administrator, who may consider factors such as monitoring site closures/moves, monitoring diligence, the consistency and levels of the daily values that are available, and nearby concentrations in determining whether to use such data.

The Pasadena monitoring site had 47% completeness in the first quarter of 2011 due to poor quality assurance results and sampler operational issues, and 71% completeness in the third quarter of 2012 due to multiple different sampler operational issues and site

[4] The Air Quality System (AQS) is EPA's repository of ambient air quality data.

[5] The annual $PM_{2.5}$ standard design value is the 3-year average of annual mean concentration, and the 1997 annual $PM_{2.5}$ NAAQS is met when the annual standard design value at each eligible monitoring site is less than or equal to 15.0 μg/m^3.

[6] The 24-hour $PM_{2.5}$ standard design value is the 3-year average of annual 98th percentile 24-hour average values recorded at each eligible monitoring site, and the 1997 24-hour $PM_{2.5}$ NAAQS is met when the 24-hour standard design value at each monitoring site is less than or equal to 65 μg/m^3.

[7] See, *e.g.,* letter from Meredith Kurpius, Manager, Air Quality Analysis Office, EPA Region IX, to Dr. Matt Miyasato, Deputy Executive Officer, SCAQMD, dated September 30, 2014.

[8] EPA Region IX, Technical System Audit Report, South Coast Air Quality Management District, September 24–25, 2013, dated September 2014.

[9] *See, e.g.,* letter from Dr. Matt Miyasato, Deputy Executive Officer, SCAQMD, to Jared Blumenfeld, Regional Administration, EPA Region IX, dated May 1, 2014.

[10] Please see figure 8 in appendix A of SCAQMD's *Annual Air Quality Monitoring Network Plan* (July 2014) for a map showing $PM_{2.5}$ ambient monitoring locations.

[11] Please see files entitled ''Maximum Quarterly Value Data Substitution Test for the 24-hour 1997 p.m.2.5 NAAQS'' and ''Maximum Quarterly Value Data Substitution Test for the Annual 1997 p.m.2.5 NAAQS'' for documentation regarding the maximum quarterly value data substitution test in the docket for today's proposed action.

operator error. Beginning in the fourth quarter of 2012 through the second quarter of 2013, the Pasadena site had less than 50% completeness due to site repairs (*i.e.* SCAQMD was working to replace the monitoring site shelter from mid-November 2012 until the beginning of June 2013).

Per 40 CFR part 50, appendix N, section 4.1(d) and 4.2(d), the EPA evaluated the location of the Pasadena monitoring site relative to the historical design value site for the area, the historical annual and 24-hour $PM_{2.5}$ design values trends over the past 12 years at nearby monitoring sites, and causes of incomplete data when determining whether the 2011–2013 design value at the Pasadena monitoring site could be considered valid for the purposes of this action. First, the Pasadena monitoring site is not located near the previous and current design value sites for the area. Historically, the Rubidoux and the Mira Loma (Van Buren) monitoring sites have been the design value sites for the area for both the annual and 24-hour $PM_{2.5}$ NAAQS. The Rubidoux monitoring site was the design value site for both the annual and 24-hour $PM_{2.5}$ NAAQS from 2001 to 2006, while the Mira Loma (Van Buren) monitoring site was the design value site for both the annual and 24-hour $PM_{2.5}$ NAAQS from 2006 to 2013. The Pasadena monitoring site is located in the center of Los Angeles County, while the Rubidoux and Mira Loma (Van Buren) monitoring sites are located approximately 38 miles to the east in Riverside County, where higher values are typically measured.

Second, an assessment of the long-term trends at the Pasadena monitoring site and nearby monitoring sites shows nearby sites have design values below both the annual and 24-hour 1997 $PM_{2.5}$ NAAQS and the Pasadena monitoring site has the lowest design value compared to these nearby sites. For example, during the 2001 to 2013 period, the Pasadena monitoring site has consistently measured lower design values for both the annual and 24-hour $PM_{2.5}$ NAAQS than the Azusa, Burbank, Pico Rivera (AQS ID: 06–037–1601), Pico Rivera #2, and Los Angeles (Main Street) monitoring sites, which are all located within an approximately 12-mile radius from the Pasadena monitoring site. These four sites all have complete annual and 24-hour design values below the 1997 NAAQS for the 2011–2013 period and provide appropriate characterization of air quality for the area surrounding the Pasadena monitoring site.

Based on the location of the Pasadena monitoring site and the historical design value concentrations relative to both the annual and 24-hour 1997 $PM_{2.5}$ NAAQS at the site and nearby locations, the incomplete data should not preclude the EPA from determining the area has attained the NAAQS. Therefore, we consider the $PM_{2.5}$ data set for the 2011–2013 period from the Pasadena monitor to be valid for the purposes of determining whether the area has attained the standards.

For the reasons discussed above, we consider the $PM_{2.5}$ data set for 2011–2013 from the 18 $PM_{2.5}$ monitoring sites to be valid for the purposes of determining whether the area has attained the standards.

B. Monitoring Method Considerations

The monitoring requirements are specified by regulation in 40 CFR part 58. These requirements are applicable to State, and where delegated, local air monitoring agencies that operate criteria pollutant monitors. In section 4.7 of appendix D to 40 CFR part 58, the EPA specifies minimum monitoring requirements for $PM_{2.5}$ to operate at State and Local Air Monitoring Stations (SLAMS). SLAMS produce data comparable to the NAAQS, and therefore, the monitor must be an approved federal reference method (FRM), federal equivalent method (FEM), or approved regional method (ARM). The minimum number of SLAMS required is described in section 4.7.1, and can be met by either filter-based or continuous FRMs or FEMs. The monitoring regulations also provide that each core-based statistical area (CBSA) must operate a minimum number of $PM_{2.5}$ continuous monitors (section 4.7.2); however, this requirement can be met by either an FEM or a non-FEM continuous monitor, and the continuous monitors can be located with other SLAMS or at a different location. Consequently, the monitoring requirements for $PM_{2.5}$ can be met with a filter-based FRMs/FEMs, continuous FEMs, continuous non-FEMs, or a combination of monitors at each required SLAMS.

In 2006, the EPA published performance criteria and field testing requirements for approval of $PM_{2.5}$ continuous FEMs and $PM_{2.5}$ continuous ARMs in 40 CFR part 53. Subsequently, several $PM_{2.5}$ continuous monitors have been approved [12] as FEMs. As monitoring agencies implemented $PM_{2.5}$ continuous FEMs in their networks, the EPA assessed the available data from these monitors and included a summary of that assessment in the PM Policy Assessment in April of 2011.[13]

Recognizing that in some cases monitoring agencies were still testing and working to optimize the performance of their $PM_{2.5}$ continuous FEMs, but were beyond the 24-month period that allows data from an approved method to be set aside using the provisions described in 40 CFR 58.20 on Special Purpose Monitoring (SPMs), the EPA proposed and finalized a new provision to allow $PM_{2.5}$ FEM data to be considered not eligible for comparison to the NAAQS under certain conditions, even if more than 24 months of data are collected.

This provision was part of the PM NAAQS final rule published on January 15, 2013 (78 FR 3086), and included criteria for monitoring agencies to use, if they choose, that allow for $PM_{2.5}$ continuous FEM or ARM data to be set aside and not used for determining NAAQS calculations, if certain performance criteria are not met (40 CFR 58.11(e)).

This provision to allow $PM_{2.5}$ continuous FEM data to be excluded from comparison to the NAAQS is applicable, when in accordance with Annual Monitoring Network Plan provisions described in 40 CFR 58.10(b)(13), the monitoring agency has assessed the data to determine if it meets the criteria described in 40 CFR 58.11(e), and has also sought and received approval from the applicable EPA Regional office.

As noted above, the SCAQMD operated 18 $PM_{2.5}$ SLAMS within the South Coast during the 2011–2013 period. At these sites, SCAQMD operates manual filter-based FRMs to measure $PM_{2.5}$. At seven of the 18 sites, SCAQMD also measured $PM_{2.5}$ using (automated) continuous FEM monitors: Anaheim, Burbank, Los Angeles (Main Street), Long Beach (North), South Long Beach, Rubidoux, and Mira Loma (Van Buren). SCAQMD's primary purpose in operating the continuous FEM monitors at these sites is to support forecasting and reporting of the Air Quality Index (AQI). However, under EPA's monitoring regulations, data from continuous FEM monitors is generally considered valid for NAAQS comparison purposes, unless the applicable monitoring agency justifies excluding the data for NAAQS comparison purposes under 40 CFR 58.11(e).

[12] The EPA maintains a list of designated FRMs and FEMs on the web at: *http://www.epa.gov/ttn/amtic/criteria.html.*

[13] EPA Office of Air Quality Planning and Standards, Policy Assessment for the Review of the Particulate Matter National Ambient Air Quality Standards, EPA 452/R–11–003, April 2011. This report is available at: *http://www.epa.gov/ttn/naaqs/standards/pm/s_pm_2007_pa.html.*

In this instance, as part of its 2013 and 2014 annual air quality monitoring network plans, SCAQMD requested that the data from the continuous FEM monitors at the seven monitoring sites in the $PM_{2.5}$ monitoring network be considered not eligible for comparison to the NAAQS.[14] The EPA evaluated SCAQMD's request per 40 CFR 58.11(e), confirmed that the acceptable bias criteria were not met during the 2010–2012 and 2011–2013 periods, and therefore approved the request for the continuous FEM monitor data from the sites listed above to be considered not eligible for comparison to the NAAQS.[15] As a result, the monitoring data presented in the next section of this document reflects data collected by filter-based $PM_{2.5}$ FRMs operated by the SCAQMD at the 18 $PM_{2.5}$ SLAMS within the South Coast.

C. Evaluation of Current Attainment

EPA's evaluation of whether the South Coast $PM_{2.5}$ nonattainment area has attained the 1997 annual and 24-hour $PM_{2.5}$ NAAQS is based on our review of the monitoring data and takes into account the adequacy of the $PM_{2.5}$ monitoring network in the nonattainment area and the reliability of the data collected by the network as discussed in the previous sections of this document.

Table 1 and table 2 show the annual and 24-hour $PM_{2.5}$ design values, respectively, at each of the 18 SLAMS monitoring sites within the South Coast nonattainment area for the most recent three-year period (2011–2013). The data show that the design value for the 2011–2013 period was equal to or less than 65 μg/m³ (for the 24-hour standard) and 15.0 μg/m³ (for the annual standard) at all monitors. Therefore, we are proposing to determine, based on complete (or otherwise validated), quality-assured, and certified data for 2011–2013, that the South Coast area has attained the 1997 annual and 24-hour $PM_{2.5}$ standards. At the present time, AQS includes no $PM_{2.5}$ data for year 2014 for the South Coast, but several quarters of preliminary data are expected to be uploaded to AQS prior to EPA's final action on the proposed determination of attainment. The EPA will review the preliminary 2014 data prior to taking final action to ensure that they are consistent with the determination of attainment.

TABLE 1—2011–2013 ANNUAL $PM_{2.5}$ DESIGN VALUES FOR THE SOUTH COAST NONATTAINMENT AREA

General location	Site (AQS ID)	Annual mean (μg/m³)			2011–2013 annual design values (μg/m³)
		2011	2012	2013	
LOS ANGELES COUNTY:					
East San Gabriel Valley	Azusa (06–037–0002)	12.1	11.0	10.5	11.2
East San Fernando Valley	Burbank (06–037–1002)	13.2	12.2	12.1	12.5
Central Los Angeles	Los Angeles (Main St.) (06–037–1103).	13.0	12.6	12.0	12.5
West San Fernando Valley	Reseda (06–037–1201)	10.2	10.5	9.9	10.2
South Central Los Angeles County.	Compton (06–037–1302)	13.0	11.7	12.0	12.2
South San Gabriel Valley	Pico Rivera #2 (06–037–1602)	12.5	11.9	11.8	12.0
West San Gabriel Valley	Pasadena (06–037–2005)	*10.8	*10.1	*10.2	10.4
South Coastal Los Angeles County.	Long Beach (North) (06–037–4002)	11.0	10.4	11.3	10.9
South Coastal Los Angeles County.	South Long Beach (06–037–4004)	10.7	10.6	11.0	10.8
ORANGE COUNTY:					
Central Orange County	Anaheim (06–059–0007)	11.0	10.8	10.1	10.6
Saddleback Valley	Mission Viejo (06–059–2022)	8.5	7.9	8.1	8.2
RIVERSIDE COUNTY:					
Metropolitan Riverside County	Riverside (Magnolia) (06–065–1003)	11.8	*11.4	11.3	11.5
Metropolitan Riverside County	Rubidoux (06–065–8001)	13.6	13.5	12.5	13.2
Mira Loma	Mira Loma (Van Buren) (06–065–8005).	15.3	15.1	14.1	14.8
SAN BERNARDINO COUNTY:					
Southwest San Bernardino Valley.	Ontario Fire Station (06–071–0025)	13.3	12.4	*12.0	12.6
Central San Bernardino Valley	Fontana (06–071–2002)	12.6	12.8	12.3	12.6
East San Bernardino Mountains	Big Bear (06–071–8001)	8.4	*8.0	9.7	8.7
Central San Bernardino Valley	San Bernardino (06–071–9004)	*12.2	11.8	11.4	11.8

Note: The annual standard is set at 15.0 μg/m³. Annual values not meeting completeness criteria are marked with an asterisk ('*') but, as discussed above, the EPA has determined that the data is valid for the NAAQS comparison purposes.
Source: EPA, Design Value Report, October 6, 2014.

TABLE 2—2011–2013 24-HOUR $PM_{2.5}$ DESIGN VALUES FOR THE SOUTH COAST NONATTAINMENT AREA

General location	Site (AQS ID)	98th Percentile (μg/m³)			2011–2013 24-hour design values (μg/m³)
		2011	2012	2013	
LOS ANGELES COUNTY:					

[14] See appendix C ("$PM_{2.5}$ Continuous Monitor Comparability Assessment and Request for Waiver") of SCAQMD's *Annual Air Quality Monitoring Network Plan* (July 2013); and appendix C with the same title of SCAQMD's *Annual Air Quality Monitoring Network Plan* (July 2014).

[15] See letter, Meredith Kurpius, Manager, Air Quality Analysis Office, Air Division, EPA Region 9, to Jason Low, Ph.D., South Coast Air Quality Management District, dated September 9, 2014.

TABLE 2—2011–2013 24-HOUR $PM_{2.5}$ DESIGN VALUES FOR THE SOUTH COAST NONATTAINMENT AREA—Continued

General location	Site (AQS ID)	98th Percentile (μg/m³)			2011–2013 24-hour design values (μg/m³)
		2011	2012	2013	
East San Gabriel Valley	Azusa (06–037–0002)	30.6	25.6	26.4	28
East San Fernando Valley	Burbank (06–037–1002)	33.5	28.2	30.4	31
Central Los Angeles	Los Angeles (Main St.) (06–037–1103).	31.5	32.0	29.0	31
West San Fernando Valley	Reseda (06–037–1201)	23.6	31.2	23.0	26
South Central Los Angeles County.	Compton (06–037–1302)	31.5	30.3	24.3	29
South San Gabriel Valley	Pico Rivera #2 (06–037–1602)	31.5	28.5	28.7	30
West San Gabriel Valley	Pasadena (06–037–2005)	*29.8	*25.7	*20.5	25
South Coastal Los Angeles County.	Long Beach (North) (06–037–4002)	27.8	26.5	26.1	27
South Coastal Los Angeles County.	South Long Beach (06–037–4004)	26.6	25.6	24.6	26
ORANGE COUNTY:					
Central Orange County	Anaheim (06–059–0007)	28.1	25.0	22.7	25
Saddleback Valley	Mission Viejo (06–059–2022)	28.8	17.6	17.5	21
RIVERSIDE COUNTY:					
Metropolitan Riverside County	Riverside (Magnolia) (06–065–1003)	28.0	*26.8	29.2	28
Metropolitan Riverside County	Rubidoux (06–065–8001)	31.0	33.7	34.6	33
Mira Loma	Mira Loma (Van Buren) (06–065–8005).	36.6	35.1	37.5	36
SAN BERNARDINO COUNTY:					
Southwest San Bernardino Valley.	Ontario Fire Station (06–071–0025)	35.3	28.6	*26.8	30
Central San Bernardino Valley	Fontana (06–071–2002)	28.2	35.6	33.1	32
East San Bernardino Mountains	Big Bear (06–071–8001)	30.6	*27.4	35.1	31
Central San Bernardino Valley	San Bernardino (06–071–9004)	*32.5	27.1	33.4	31

Note: The 24-hour standard is set at 65 μg/m³. Daily values not meeting completeness criteria are marked with an asterisk ('*') but, as discussed above, the EPA has determined that the data is valid for the NAAQS comparison purposes.
Source: EPA, Design Value Report, October 6, 2014.

IV. What is the effect of a determination of attainment for the 1997 $PM_{2.5}$ NAAQS under subpart 4 of the Clean Air Act?

This section of the EPA's proposal addresses the effects of a final determination of attainment for the South Coast nonattainment area.

For the 1997 $PM_{2.5}$ standard, 40 CFR 51.1004(c) of the EPA's Implementation Rule embodies the EPA's ''Clean Data Policy'' interpretation under subpart 1. The provisions of section 51.1004(c) set forth the effects of a determination of attainment for the 1997 $PM_{2.5}$ standard.[16] 72 FR 20585, 20665 (April 25, 2007).

On January 4, 2013, in *Natural Resources Defense Council* v. *EPA,* the DC Circuit remanded to the EPA the ''Final Clean Air Fine Particle Implementation Rule'' (72 FR 20586, April 25, 2007) and the ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)'' final rule (73 FR 28321, May 16, 2008) (collectively, ''1997 $PM_{2.5}$ Implementation Rule'' or ''Implementation Rule''). 706 F.3d 428 (D.C. Cir. 2013). The Court found that the EPA erred in implementing the 1997 $PM_{2.5}$ NAAQS pursuant solely to the general implementation provisions of subpart 1 of part D of title I of the CAA, rather than the particulate-matter-specific provisions of subpart 4 of part D of title I. The Court remanded the EPA's Implementation Rule for further proceedings consistent with the Court's decision.

In light of the Court's decision and its remand of the Implementation Rule, the EPA in this proposed rulemaking addresses the effect of a final determination of attainment for the South Coast nonattainment area as a moderate nonattainment area under subpart 4.[17] As set forth in more detail below, under the EPA's Clean Data Policy interpretation, a determination that the area has attained the standard suspends the State's obligation to submit attainment-related plan revisions under subpart 4 (and the applicable provisions of subpart 1) for so long as the area continues to attain the standard. These include requirements to submit an attainment demonstration, RFP, RACM, and contingency measures, because the purpose of these provisions is to help reach attainment, a goal which has already been achieved.

A. Background for the Clean Data Policy

Over the past two decades, the EPA has consistently applied its ''Clean Data Policy'' interpretation to attainment-related provisions of subparts 1, 2 and 4. The Clean Data Policy is the subject of several EPA memoranda and regulations. In addition, numerous individual rulemakings published in the **Federal Register** have applied the interpretation to a spectrum of NAAQS, including the 1-hour and 1997 ozone, PM_{10}, $PM_{2.5}$, CO and lead standards. The DC Circuit has upheld the Clean Data Policy interpretation as embodied in

[16] Title 40, Code of Federal Regulations, section 51.004(c) states: ''Upon a determination by EPA that an area designated nonattainment for the $PM_{2.5}$ NAAQS has attained the standard, the requirements for such area to submit attainment demonstrations and associated reasonably available control measures, reasonable further progress plans, contingency measures and other planning SIPs related to attainment of the $PM_{2.5}$ NAAQS shall be suspended until such time as the area is redesignated to attainment, at which time the requirements no longer apply; or EPA determines that that area has violated the $PM_{2.5}$ NAAQS, at which time the area is again required to submit such plans.''

[17] In response to the court's ruling, the EPA published a final rule on June 2, 2014 classifying all 1997 and 2006 $PM_{2.5}$ areas as moderate, and setting a December 31, 2014 deadline for submittal of any remaining subpart 4 SIP requirements (see 79 FR 31566, June 2, 2014).

EPA's 8-hour ozone implementation rule, 40 CFR 51.918.[18] *Natural Resources Defense Council* v. *EPA,* 571 F. 3d 1245 (D.C. Cir. 2009). Other U.S. Circuit Courts of Appeals that have considered and reviewed EPA's Clean Data Policy interpretation have upheld it and the rulemakings applying EPA's interpretation. *Sierra Club* v. *EPA,* 99 F.3d 1551 (10th Cir. 1996); *Sierra Club* v. *EPA,* 375 F.3d 537 (7th Cir. 2004); Our *Children's Earth Foundation* v. *EPA,* N. 04–73032 (9th Cir. June 28, 2005 (Memorandum Opinion)), *Latino Issues Forum,* v. *EPA,* Nos. 06–75831 and 08–71238 (9th Cir. March 2, 2009 (Memorandum Opinion)).

As noted above, the EPA incorporated its Clean Data Policy interpretation in both its 1997 8-hour ozone implementation rule (40 CFR 51.918) and in its $PM_{2.5}$ Implementation Rule (40 CFR 51.1004(c)). 70 FR 71612, 71702 (November 29, 2005) (1997 8-hour ozone) and 72 FR 20585, 20665 (April 25, 2007)(1997 $PM_{2.5}$). While the DC Circuit, in its January 4, 2013 decision, remanded the 1997 $PM_{2.5}$ Implementation Rule, the court did not address the merits of that regulation, nor cast doubt on the EPA's existing interpretation of the statutory provisions.

However, in light of the Court's decision, we set forth here the EPA's Clean Data Policy interpretation under subpart 4, for the purpose of identifying the effects of a determination of attainment for the 1997 $PM_{2.5}$ standard for the South Coast nonattainment area. The EPA has previously articulated its Clean Data interpretation under subpart 4 in implementing the 2006 $PM_{2.5}$ and the PM_{10} standard. *See, e.g.,* 78 FR 41901 (July 12, 2013) and 78 FR 54394 (September 4, 2013) (proposed and final determination of attainment of the 2006 $PM_{2.5}$ standard in West Central Pinal area, Arizona); 75 FR 27944 (May 19, 2010) (determination of attainment of the PM_{10} standard in Coso Junction, California); 71 FR 6352 (February 8, 2006) (determination of attainment of the PM_{10} standard in Ajo, Arizona); 71 FR 13021 (March 14, 2006) (determination of attainment of the PM_{10} standard in Yuma, Arizona); 71 FR 44920 (August 8, 2006) (determination of attainment of the PM_{10} standard in Rillito, Arizona); 71 FR 63642 (October 30, 2006) (determination of attainment of the PM_{10} standard in San Joaquin Valley, California); and 72 FR 14422 (March 28, 2007) (determination of attainment of the PM_{10} standard in Miami, Arizona). Thus, the EPA has established that, under subpart 4, an attainment determination suspends the obligations to submit an attainment demonstration, RACM, RFP, contingency measures, and other measures related to attainment.

B. Application of the Clean Data Policy to the Attainment-Related Provisions of Subpart 4

In the EPA's proposed and final rulemakings determining that the San Joaquin Valley nonattainment area attained the PM_{10} standard, the EPA set forth at length its rationale for applying the Clean Data Policy to PM_{10} under subpart 4. The Ninth Circuit upheld EPA's final rulemaking, and specifically EPA's Clean Data Policy, in the context of subpart 4. *Latino Issues Forum* v. *EPA,* Nos. 06–75831 and 08–71238 (9th Cir. March 2, 2009 (Memorandum Opinion)). In rejecting petitioner's challenge to the Clean Data Policy under subpart 4 for PM_{10}, the Ninth Circuit stated, ''As the EPA explained, if an area is in compliance with PM_{10} standards, then further progress for the purpose of ensuring attainment is not necessary.''

The general requirements of subpart 1 apply in conjunction with the more specific requirements of subpart 4, to the extent they are not superseded or subsumed by the subpart 4 requirements. Subpart 1 contains general air quality planning requirements for areas designated as nonattainment. *See* section 172(c). Subpart 4 itself contains specific planning and scheduling requirements for PM_{10} nonattainment areas, and under the Court's January 4, 2013 decision in *Natural Resources Defense Council* v. *EPA,* these same statutory requirements also apply for $PM_{2.5}$ nonattainment areas. The EPA has longstanding general guidance that interprets the 1990 amendments to the CAA, making recommendations to states for meeting the statutory requirements for SIPs for nonattainment areas. *See,* ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992) (the ''General Preamble''). In the General Preamble, the EPA discussed the relationship of subpart 1 and subpart 4 SIP requirements, and pointed out that subpart 1 requirements were to an extent ''subsumed by, or integrally related to, the more specific PM_{10} requirements.'' 57 FR 13538 (April 16, 1992). These subpart 1 requirements include, among other things, provisions for attainment demonstrations, RACM, RFP, emissions inventories, and contingency measures.

The EPA has long interpreted the provisions of part D, subpart 1 of the Act (sections 171 and 172) as not requiring the submission of RFP for an area already attaining the ozone NAAQS. For an area that is attaining, showing that the State will make RFP towards attainment ''will, therefore, have no meaning at that point.'' 57 FR at 13564. *See* 71 FR 40952 and 71 FR 63642 (proposed and final determination of attainment for San Joaquin Valley); 75 FR 13710 and 75 FR 27944 (proposed and final determination of attainment for Coso Junction).

Section 189(c)(1) of subpart 4 states that:

> Plan revisions demonstrating attainment submitted to the Administrator for approval under this subpart shall contain quantitative milestones which are to be achieved every 3 years until the area is redesignated attainment and which demonstrate reasonable further progress, as defined in section [section 171(1)] of this title, toward attainment by the applicable date.

With respect to RFP, section 171(1) states that, for purposes of part D, RFP ''means such annual incremental reductions in emissions of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable [NAAQS] by the applicable date.'' Thus, whether dealing with the general RFP requirement of section 172(c)(2), the ozone-specific RFP requirements of sections 182(b) and (c), or the specific RFP requirements for PM_{10} areas of part D, subpart 4, section 189(c)(1), the stated purpose of RFP is to ensure attainment by the applicable attainment date.

Although section 189(c) states that revisions shall contain milestones, which are to be achieved until the area is redesignated to attainment, such milestones are designed to show reasonable further progress ''toward attainment by the applicable attainment date,'' as defined by section 171. Thus, it is clear that once the area has attained the standard, no further milestones are necessary or meaningful. This interpretation is supported by language in section 189(c)(3), which mandates that a State that fails to achieve a milestone must submit a plan that assures that the State will achieve the next milestone or attain the NAAQS if there is no next milestone. Section 189(c)(3) assumes that the requirement to submit and achieve milestones does not continue after attainment of the NAAQS.

[18] The EPA's ''Final Rule to Implement the 8-hour Ozone National Ambient Air Quality Standard—Phase 2,'' 70 FR 71612, 71645–46 (November 29, 2005).

In the General Preamble, we noted with respect to section 189(c) that the purpose of the milestone requirement ''is 'to provide for emission reductions adequate to achieve the standards by the applicable attainment date' (H.R. Rep. No. 490, 101st Cong., 2d Sess. 267 (1990)).'' 57 FR 13539 (April 16, 1992). If an area has in fact attained the standard, the stated purpose of the RFP requirement will have already been fulfilled.[19]

Similarly, the requirements of section 189(c)(2) with respect to milestones no longer apply so long as an area has attained the standard. Section 189(c)(2) provides in relevant part that:

> Not later than 90 days after the date on which a milestone applicable to the area occurs, each State in which all or part of such area is located shall submit to the Administrator a demonstration . . . that the milestone has been met.

Where the area has attained the standard and there are no further milestones, there is no further requirement to make a submission showing that such milestones have been met. This is consistent with the position that the EPA took with respect to the general RFP requirement of section 172(c)(2) in the April 16, 1992 General Preamble and also in the May 10, 1995 Seitz memorandum[20] with respect to the requirements of section 182(b) and (c). In the May 10, 1995 Seitz memorandum, the EPA also noted that section 182(g), the milestone requirement of subpart 2, which is analogous to provisions in section 189(c), is suspended upon a determination that an area has attained. The memorandum, also citing additional provisions related to attainment demonstration and RFP requirements, stated:

> Inasmuch as each of these requirements is linked with the attainment demonstration or RFP requirements of section 182(b)(1) or 182(c)(2), if an area is not subject to the requirement to submit the underlying attainment demonstration or RFP plan, it need not submit the related SIP revision either.

1995 Seitz memorandum at page 5.

With respect to the attainment demonstration requirements of section 172(c) and section 189(a)(1)(B), an analogous rationale leads to the same result. Section 189(a)(1)(B) requires that the plan provide for ''a demonstration (including air quality modeling) that the [SIP] will provide for attainment by the applicable attainment date . . ..'' As with the RFP requirements, if an area is already monitoring attainment of the standard, The EPA believes there is no need for an area to make a further submission containing additional measures to achieve attainment. This is also consistent with the interpretation of the section 172(c) requirements provided by the EPA in the General Preamble, the Page memorandum,[21] and the section 182(b) and (c) requirements set forth in the Seitz memorandum. As the EPA stated in the General Preamble, no other measures to provide for attainment would be needed by areas seeking redesignation to attainment since ''attainment will have been reached.'' 57 FR at 13564.

Other SIP submission requirements are linked with these attainment demonstration and RFP requirements, and similar reasoning applies to them. These requirements include the contingency measure requirements of sections 172(c)(9). We have interpreted the contingency measure requirements of section 172(c)(9) (and section 182(c)(9) for ozone) as no longer applying when an area has attained the standard because those ''contingency measures are directed at ensuring RFP and attainment by the applicable date.'' 57 FR at 13564; Seitz memorandum, pages 5–6.

CAA section 172(c)(9) provides that SIPs in nonattainment areas ''shall provide for the implementation of specific measures to be undertaken if the area fails to make reasonable further progress, or to attain the [NAAQS] by the attainment date applicable under this part. Such measures shall be included in the plan revision as contingency measures to take effect in any such case without further action by the State or [EPA].'' This contingency measure requirement is inextricably tied to the reasonable further progress and attainment demonstration requirements. Contingency measures are implemented if reasonable further progress targets are not achieved, or if attainment is not realized by the attainment date. Where an area has already achieved attainment by the attainment date, it has no need to rely on contingency measures to come into attainment or to make further progress to attainment. As the EPA stated in the General Preamble: ''The section 172(c)(9) requirements for contingency measures are directed at ensuring RFP and attainment by the applicable date.'' *See* 57 FR 13564. Thus these requirements no longer apply when an area has attained the standard.

Both sections 172(c)(1) and 189(a)(1)(C) require ''provisions to assure that reasonably available control measures'' (*i.e.,* RACM) are implemented in a nonattainment area. The General Preamble, 57 FR at 13560 (April 16, 1992), states that the EPA interprets section 172(c)(1) so that RACM requirements are a ''component'' of an area's attainment demonstration. Thus, for the same reason the attainment demonstration no longer applies by its own terms, the requirement for RACM no longer applies. The EPA has consistently interpreted this provision to require only implementation of potential RACM measures that could contribute to reasonable further progress or to attainment. General Preamble, 57 FR at 13498. Thus, where an area is already attaining the standard, no additional RACM measures are required.[22] The EPA is interpreting section 189(a)(1)(C) consistent with its interpretation of section 172(c)(1).

The suspension of the obligations to submit SIP revisions concerning these RFP, attainment demonstration, RACM, contingency measures and other related requirements exists only for as long as the area continues to monitor attainment of the standard. If the EPA determines, after notice-and-comment rulemaking, that the area has monitored a violation of the NAAQS, the basis for the requirements being suspended would no longer exist. In that case, the area would again be subject to a

[19] Thus, we believe that it is a distinction without a difference that section 189(c)(1) speaks of the RFP requirement as one to be achieved until an area is ''redesignated attainment,'' as opposed to section 172(c)(2), which is silent on the period to which the requirement pertains, or the ozone nonattainment area RFP requirements in sections 182(b)(1) or 182(c)(2), which refer to the RFP requirements as applying until the ''attainment date,'' since section 189(c)(1) defines RFP by reference to section 171(1) of the Act. Reference to section 171(1) clarifies that, as with the general RFP requirements in section 172(c)(2) and the ozone-specific requirements of section 182(b)(1) and 182(c)(2), the PM-specific requirements may only be required ''for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.'' 42 U.S.C. 7501(1). As discussed in the text of this rulemaking, the EPA interprets the RFP requirements, in light of the definition of RFP in section 171(1), and incorporated in section 189(c)(1), to be a requirement that no longer applies once the standard has been attained.

[20] Memorandum from John S. Seitz, Director, EPA Office of Air Quality Planning and Standards, ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard,'' dated May 10, 1995 (''Seitz memorandum'').

[21] Memorandum from Stephen D. Page, Director, EPA Office of Air Quality Planning and Standards, ''Clean Data Policy for the Fine Particle National Ambient Air Quality Standards,'' December 14, 2004 (''Page memorandum'').

[22] The EPA's interpretation that the statute requires implementation only of RACM measures that would advance attainment was upheld by the United States Court of Appeals for the Fifth Circuit (*Sierra Club* v. *EPA,* 314 F.3d 735, 743–745 (5th Cir. 2002), and by the United States Court of Appeals for the DC Circuit (*Sierra Club* v. *EPA,* 294 F.3d 155, 162–163 (D.C. Cir. 2002)).

requirement to submit the pertinent SIP revision or revisions and would need to address those requirements. Thus, a final determination that the area need not submit one of the pertinent SIP submittals amounts to no more than a suspension of the requirements for so long as the area continues to attain the standard. Only if and when the EPA redesignates the area to attainment would the area be relieved of these submission obligations. Attainment determinations under the Clean Data Policy do not shield an area from obligations unrelated to attainment in the area, such as provisions to address pollution transport.

As set forth above, based on our proposed determination that the South Coast area is currently attaining the 1997 $PM_{2.5}$ NAAQS, we propose to find that the obligations to submit any remaining attainment-related provisions that may be necessary to satisfy the requirements applicable to moderate areas under subpart 4 of part D (of title I of the Act) are suspended for so long as the area continues to monitor attainment of the 1997 $PM_{2.5}$ NAAQS. If, in the future, the EPA determines after notice-and-comment rulemaking that the area again violates the 1997 annual or 24-hour $PM_{2.5}$ NAAQS, the basis for suspending any remaining SIP obligations would no longer apply.

V. EPA's Proposed Action and Request for Public Comment

The EPA proposes to determine, based on the most recent three years (2011–2013) of complete (or otherwise validated), quality-assured, and certified data meeting the requirements of 40 CFR part 50, appendix N, that the South Coast $PM_{2.5}$ nonattainment area has attained the 1997 annual and 24-hour $PM_{2.5}$ NAAQS.

In conjunction with and based upon our proposed determination that the South Coast area has attained and is currently attaining the standard, the EPA proposes to determine that the obligation to submit any remaining attainment-related SIP revisions arising from classification of the South Coast as a moderate nonattainment area under subpart 4 of part D (of title I of the Act) for the 1997 $PM_{2.5}$ NAAQS is not applicable for so long as the area continues to attain the 1997 $PM_{2.5}$ NAAQS. These attainment-related requirements include, but are not limited to, the part D, subpart 4 obligations to provide an attainment demonstration pursuant to section 189(a)(1)(B), the RACM provisions of section 189(a)(1)(C), and the RFP provisions of section 189(c). This proposed action, if finalized, would not constitute a redesignation to attainment under CAA section 107(d)(3).

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

VI. Statutory and Executive Order Reviews

This action proposes to make a determination of attainment based on air quality and to suspend certain federal requirements, and thus, would not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

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

In addition, this proposed action does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP obligations discussed herein do not apply to Indian tribes and thus this proposed action will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

Dated: November 20, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2014–28709 Filed 12–8–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2013–0479; FRL–9919–92–OAR]

Delay in Issuing 2014 Standards for the Renewable Fuel Standard Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of delay in issuing standards.

SUMMARY: The Environmental Protection Agency (EPA) is announcing that it will not be finalizing 2014 applicable percentage standards under the Renewable Fuel Standard (RFS) program before the end of 2014. In light of this delay in issuing the 2014 RFS standards, the compliance demonstration deadline for the 2013 RFS standards will take place in 2015. EPA will be making modifications to the EPA-Moderated Transaction System (EMTS) to ensure that Renewable Identification Numbers (RINs) generated in 2012 are valid for demonstrating compliance with the 2013 applicable standards.

DATES: December 9, 2014.

FOR FURTHER INFORMATION CONTACT: Julia MacAllister, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; Telephone number: (734) 214–4131; Fax number: (734) 214–4816; Email address: *macallister.julia@epa.gov.*

SUPPLEMENTARY INFORMATION: On November 29, 2013, at 78 FR 71732, EPA published a notice of proposed rulemaking to establish the 2014 RFS standards.[1] The proposal has generated significant comment and controversy, particularly about how volumes should

[1] 78 FR 71732, November 29, 2013.

be set in light of lower gasoline consumption than had been forecast at the time that the Energy Independence and Security Act was enacted, and whether and on what basis the statutory volumes should be waived. Most notably, commenters expressed concerns regarding the proposal's ability to ensure continued progress towards achieving the volumes of renewable fuel targeted by the statute.

EPA has been evaluating these issues in light of the purposes of the statute and the Administration's commitment to the goals of the statute to increase the use of renewable fuels, particularly cellulosic biofuels, which will reduce the greenhouse gases emitted from the consumption of transportation fuels and diversify the nation's fuel supply.

Finalization of the 2014 standards rule has been significantly delayed. Due to this delay, and given ongoing consideration of the issues presented by the commenters, EPA is not in a position to finalize the 2014 RFS standards rule before the end of the year. Accordingly, we intend to take action on the 2014 standards rule in 2015 prior to or in conjunction with action on the 2015 standards rule.[2]

EPA intends to modify EMTS to permit the trading and retiring of 2012 vintage RINs beyond December 31, 2014. EPA will incorporate the modifications into EMTS version 4.1, which is scheduled to be deployed by April 1, 2015. From January 1, 2015 until the release of version 4.1, EMTS will not be able to support 2012 RIN transactions. Please note that 2012 RIN holding data stored in EMTS is safe and will be preserved even though it will not be accessible during the period from January 1, 2015 until the release of version 4.1.

Dated: November 21, 2014.

Janet G. McCabe,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 2014–28163 Filed 12–8–14; 8:45 am]

BILLING CODE 6560–50–P

[2] EPA intends to adjust the schedule for compliance reporting for the 2014 RFS standards in 40 CFR 80.1451(a)(1) to reflect the delay in issuing the final 2014 RFS standards rule. No compliance reporting is necessary absent a final 2014 standards rule.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[GN Docket No. 14–177; DA 14–1703]

Notice of Inquiry on Use of Spectrum Bands Above 24 GHz for Mobile Radio Services—Comment Extension

AGENCY: Federal Communications Commission.

ACTION: Extension of comment period.

SUMMARY: In this document, the Commission extends the deadline for filing comments and reply comments in response to the *Notice of Inquiry (NOI)* on use of spectrum bands above 24 GHz for mobile radio services. This proceeding will allow parties to more thoroughly address the complex technical, legal, and policy issues raised in the NOI.

DATES: Submit comments on or before January 15, 2015. Submit reply comments on or before February 17, 2015.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554. You may submit comments, identified by DA–14–1703, or by GN Docket No. 14–177, or by any of the following methods:

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

Federal Communications Commission's Web site: http://www.fcc.gov/cgb/ecfs/. Follow the instructions for submitting comments.

People With Disabilities. Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.

Availability of Documents. Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., CY–A257, Washington, DC, 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For further information, please contact Charles Oliver of the Wireless Telecommunications Bureau, Broadband Division, at (202) 418–1325 or *mailto:charles.oliver@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *public notice,* adopted and released on November 25, 2014, DA–14–1703. Copies of the public notice may be obtained from Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554, (202) 488–5300, facsimile (202) 488–5563, or via email *fcc@bcpiweb.com.* The public notice and any associated documents are also available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY–A257, 445 12th Street SW., Washington, DC 20554. The complete text is also available on the Commission's Web site at *https://apps.fcc.gov/edocs_public/attachmatch/DA-14-1703A1.docx.*

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*

Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW–A325, Washington, DC 20554. The filing hours are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail

and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington DC 20554.

People With Disabilities: 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).

Summary

1. On November 19, 2014, the Satellite Industry Association (SIA) filed a motion to extend the comment deadline in the above-captioned proceeding from December 16, 2014 until January 15, 2015. SIA also requested that the deadline for filing reply comments be extended from January 15, 2015 to February 17, 2015. SIA asserts that analyzing bands for spectrum sharing with widely-deployed mobile wireless services requires extensive analysis and review and notes that the Commission is seeking comment on multiple bands in which satellite operations are authorized. According to SIA, each of these bands is unique and requires an analysis of current and future satellite operations. James E. Whedbee supports the SIA Motion.

2. It is the general policy of the Commission that extensions of time shall not be routinely granted. Under these circumstances, however, we agree that an extension of time to file comments and reply comments is warranted to ensure that the Commission obtains a complete and thorough record in response to the NOI. The NOI is the first step in a process to examine the use of new, innovative technologies that could enable the use of frequencies above 24 GHz for mobile services. The NOI seeks comment on a wide variety of novel technical, policy and legal issues related to the possible use of bands above 24 GHz for mobile services. We conclude that a short extension of time is warranted to enable interested parties sufficient opportunity to review and respond to the complex issues raised by the NOI, to ultimately help the Commission ''discern what frequency bands above 24 GHz would be most suitable for mobile services, and to begin developing a record on mobile service rules and a licensing framework for mobile services in those bands.''

3. Accordingly, pursuant to section 4(i) of the Communications Act of 1934, as amended, and § 1.46 of the Commission's rules, we extend the deadline for filing comments until January 15, 2015. We also extend the deadline for filing reply comments until February 17, 2015.

Federal Communications Commission.

Blaise A. Scinto,

Chief, Broadband Division, Wireless Telecommunications Bureau.

[FR Doc. 2014–28733 Filed 12–8–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PS Docket No. 07–114; DA 14–1680]

FCC Seeks Comment on Alternative ''Roadmap'' for E911 Indoor Location Accuracy Requirements

AGENCY: Federal Communications Commission.

ACTION: Request for comments.

SUMMARY: In this document, the Commission's Public Safety and Homeland Security Bureau (Bureau) seeks comment on the ''Roadmap for Improving E911 Location Accuracy'' (Roadmap), filed in the E911 location accuracy proceeding by the Association of Public-Safety Communications Officials (APCO), the National Emergency Number Association (NENA), AT&T Mobility, Sprint, T-Mobile USA, and Verizon.

DATES: Comments are due on or before December 10, 2014 and reply comments are due on or before December 17, 2014.

ADDRESSES: You may submit comments, identified by PS Docket No. 07–114 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web site: http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- People with Disabilities: Contact the Commission to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Eric Ehrenreich, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418–1726 or *Eric.Ehrenreich@fcc.gov,* or Dana Zelman, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418–0546, or *Dana.Zelman@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document in PS Docket No. 07–114, DA 14–1680, released on November 20, 2014. This document is available to the public at *http://www.fcc.gov/document/fcc-seeks-comment-indoor-location-accuracy-roadmap.*

Synopsis

1. By this document the Bureau seeks comment on the ''Roadmap for Improving E911 Location Accuracy'' (Roadmap), filed in the E911 Location Accuracy proceeding by APCO, NENA, AT&T Mobility, Sprint, T-Mobile USA, and Verizon (Parties).

2. The Roadmap was filed in response to the *Third Further Notice of Proposed Rulemaking* in this proceeding, in which the Commission proposed measures and timeframes to improve location accuracy for 911 calls originating indoors, including proposals related to horizontal and vertical location of callers. The Commission also ''encourage[d] industry, public safety entities, and other stakeholders to work collaboratively to develop alternative proposals for our consideration.'' The Parties assert that the Roadmap ''marks a new course using indoor technologies to deliver a 'dispatchable location' for indoor 9–1–1 calls'' and that it ''contrasts with current and proposed outdoor technologies that provide estimates of location and face challenges with indoor location accuracy.'' The Parties further state that ''the Roadmap commits to meaningful improvements and FCC-enforceable timeframes to deliver effective location solutions.'' We also note that some public safety organizations have submitted *ex parte* filings critical of the Roadmap and supportive of the original proposals in the *Third Further Notice.*

3. While the Commission has already received numerous comments and compiled an extensive record in this proceeding, we believe that seeking expedited comment on the Roadmap is appropriate in light of the important public safety issues addressed in this proceeding and in order to ensure a complete and comprehensive record.

Accordingly, we seek comment on whether the Roadmap presents a reasonable alternative, in whole or in part, to the proposals set forth in the *Third Further Notice.* We urge commenters to address the specific elements of the Roadmap and whether the Commission should incorporate each such element in whole, in part, or with modifications, into the rules that it ultimately adopts in this proceeding. We also seek comment on the potential applicability of the Roadmap elements to wireless carriers other than the Roadmap signatories.

Procedural Matters

A. Ex Parte Presentations

4. This proceeding has been designated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. 47 CFR 1.1200 *et seq.* Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b). In proceedings governed by § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

B. Comment Filing Procedures

5. Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Interested parties may file comments using: (1) The Commission's Electronic Comment Filing System (ECFS), or (2) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998). Commenters should refer to docket number 07–114 when filing comments.

6. Electronic Filers: Interested parties may file comments electronically using the Internet by accessing the ECFS: *http://apps.fcc.gov/ecfs2.*

7. Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

8. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

9. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

10. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

11. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

12. People with Disabilities: 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).

13. Interested parties may view documents filed in this proceeding on the Commission's Electronic Comment Filing System (ECFS) using the following steps: (1) Access ECFS at *http://apps.fcc.gov/ecfs.* (2) In the introductory screen, click on ''Search for Filings.'' (3) In the ''Proceeding Number'' box, enter the numerals in the docket number. (4) Click on the box marked ''Search for Comments.'' A link to each document is provided in the document list. The public may inspect and copy filings and comments during regular business hours at the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The public may also purchase filings and comments from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160, or via email to *fcc@bcpiweb.com.* The public may also download this Public Notice from the Commission's Web site at *http://www.fcc.gov/.*

Federal Communications Commission.

David Furth,

Deputy Chief, Public Safety and Homeland Security Bureau.

[FR Doc. 2014–28870 Filed 12–8–14; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 120912447–4999–02]

RIN 0648–BC56

Endangered and Threatened Species; Designation of Critical Habitat for the Arctic Ringed Seal

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

ACTION: Proposed rule; withdrawal and reproposal.

SUMMARY: On December 3, 2014, we, NMFS, published in the **Federal Register** a proposal to designate critical habitat for the Arctic subspecies (*Phoca hispida hispida*) of the ringed seal (*Phoca hispida*) under the Endangered Species Act (ESA). Due to a clerical error, that document contained numerous errors. To avoid confusion, we are withdrawing that proposed rule and reproposing the correct document through this action. Specifically, we propose to designate one specific area of marine habitat in the northern Bering, Chukchi, and Beaufort seas. We are soliciting comments from the public on all aspects of the proposal, including

our identification and consideration of the economic, national security, and other relevant impacts of the proposed designation.

DATES: As of December 9, 2014, the proposed rule published December 3, 2014 (79 FR 17174), is withdrawn. Comments on this proposed rule must be received by March 9, 2015. Four public hearings on the proposed rule will be held in Alaska (Anchorage, Barrow, Kotzebue, and Nome). The dates and times of these hearings will be provided in a subsequent **Federal Register** notice.

ADDRESSES: You may submit comments on this document, identified by FDMS Docket Number NOAA–NMFS–2013–0114, by any one of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0114*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- Mail: Address written comments to Jon Kurland, Assistant Regional Administrator for Protected Resources, 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 *http://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of the proposed rule, list of references and supporting documents, and the draft economic report (*i.e.,* Regulatory Impact Review (RIR)/4(b)(2) Preparatory Assessment/Initial Regulatory Flexibility Act (IRFA) report) prepared for this action are available from *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0114* or from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Tamara Olson, NMFS Alaska Region, (907) 271–5006; Jon Kurland, NMFS Alaska Region, (907) 586–7638; or Marta Nammack, NMFS Office of Protected Resources, (301) 427–8469.

SUPPLEMENTARY INFORMATION:

Background

On December 28, 2012, we published a final rule to list the Arctic ringed seal as threatened under the ESA (77 FR 76706). Section 4(b)(6)(C) of the ESA requires the Secretary of Commerce (Secretary) to designate critical habitat concurrently with making a determination to list a species as threatened or endangered unless it is not determinable at that time, in which case the Secretary may extend the deadline for this designation by 1 year. At the time of listing, we announced our intention to designate critical habitat for the Arctic ringed seal in separate rulemaking, as sufficient information was not available to: (1) Identify and describe the physical and biological features essential to the conservation of the Arctic ringed seal; and (2) assess the economic consequences of designating critical habitat for the Arctic ringed seal. At that time, we also solicited comments related to identification of critical habitat during a 60-day comment period. We received nine comment submissions in response to this solicitation. Subsequently we researched, reviewed, and compiled the best available scientific and commercial data available, including the public comments received to date, to develop a critical habitat proposal for the Arctic ringed seal. We used these data to identify the physical and biological features essential to the conservation of the Arctic ringed seal, specific areas that we are proposing as critical habitat for the Arctic ringed seal, and the impacts associated with the proposed designation.

This proposed rule would designate critical habitat for the Arctic ringed seal pursuant to section 4(b)(2) of the ESA. Critical habitat is defined by section 3 of the ESA as: ''(i) The specific areas within the geographical area occupied by the species, at the time it is listed . . ., on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed . . . upon a determination by the Secretary that such areas are essential for the conservation of the species.'' Section 3 of the ESA (16 U.S.C. 1532(3)) also defines the terms ''conserve,'' ''conserving,'' and ''conservation'' to mean: ''To use, and the use of, all methods and procedures that are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary.'' Critical habitat cannot be designated in areas outside U.S. jurisdiction (50 CFR 424.12(h)).

Section 4(b)(2) of the ESA and our implementing regulations require that, before designating critical habitat, we consider the economic, national security, and other relevant impacts of the designation. The Secretary has discretion to exclude any particular area from the critical habitat if she determines that the benefits of exclusion outweigh the benefits of designation. The Secretary, however, may not exclude a particular area if the failure to designate that area as critical habitat would result in the extinction of the species.

Once critical habitat is designated, section 7(a)(2) of the ESA requires Federal agencies to ensure they do not fund, authorize, or carry out any actions that will destroy or adversely modify that habitat. This requirement is additional to the section 7 requirement that Federal agencies ensure their actions do not jeopardize the continued existence of listed species.

This proposed rule describes information on Arctic ringed seal biology, distribution, and habitat use, the methods used to develop the proposed designation, and our proposal to designate critical habitat for the Arctic ringed seal.

Arctic Ringed Seal Biology and Habitat Use

The following discussion of the natural history and ecology of Arctic ringed seals as it relates to habitat use is based on the best scientific and commercial data available, including information in the status review report for the ringed seal (Kelly *et al.,* 2010a). In this proposed rule, we focus on those aspects directly relevant to the designation of critical habitat for the Arctic ringed seal. For more detailed information on the biology and habitat use of ringed seals, refer to the status review report and the proposed and final listing rules (75 FR 77476, December 10, 2010; 77 FR 76706, December 28, 2012).

The Arctic ringed seal is the smallest of the northern seals, with typical adult body size of 1.5 m in length and 70 kg in weight. Arctic ringed seal females generally reach sexual maturity at 3 to 6 years of age, and males at 5 to 7 years of age, but with geographic and

temporal variability depending on animal condition and population structure. The average life span of Arctic ringed seals is about 15 to 28 years.

Seasonal Distribution and Habitat Use

Arctic ringed seals are circumpolar and are found throughout ice-covered waters of the Arctic Basin and southward into adjacent seas, including the Bering and Labrador seas. In the United States, ringed seals occur in the Beaufort, Chukchi, and Bering seas off Alaska's coast, as far south as Bristol Bay in years of extensive ice coverage (King, 1964; Frost and Lowry, 1981; Frost, 1985; Kelly, 1988; Rice, 1998).

Ringed seals are adapted to remaining in heavily ice-covered areas throughout the fall, winter, and spring by using the stout claws on their foreflippers to maintain breathing holes in the ice. Arctic ringed seals do not normally come ashore, but instead use sea ice as a substrate for resting, whelping (birthing), nursing, and molting (shedding and regrowing hair and outer skin layers). The seasonality of ice cover strongly influences Arctic ringed seal movements, foraging, reproductive behavior, and vulnerability to predation. Kelly *et al.* (2010b) referred to three time periods important to Arctic ringed seal seasonal movements and habitat use: the winter through early spring ''subnivean period'' when the seals rest primarily in subnivean lairs (snow caves on top of the ice); the late spring to early summer ''basking period'' between abandonment of the lairs and melting of the seasonal sea ice when the seals undergo their annual molt; and the open-water ''foraging period'' when feeding occurs most intensively during late summer through fall.

Subnivean Period: With the advance of winter, many Arctic ringed seals that summer in the Beaufort and Chukchi seas are thought to move generally west and south with the advancing ice, while others remain in the Beaufort Sea (Frost, 1985). Adult movements during the subnivean period have been reported as typically limited, especially where ice cover is extensive, likely due to maintenance of breathing holes and social behavior during the breeding season (Kelly and Quakenbush, 1990; Kelly *et al.,* 2010b; Crawford *et al.,* 2012). In contrast, subadult Arctic ringed seals have been observed to travel relatively long distances in winter to near the ice edge in the Bering Sea (Crawford *et al.,* 2012).

At freeze up in the fall, ringed seals surface to breathe in the remaining open water of cracks and leads. As these openings in the ice freeze over, the seals push through the ice to breathe until it is too thick (Lukin and Potelov, 1978). They then open breathing holes by abrading the ice with the claws on their foreflippers (Bailey and Hendee, 1926; Smith and Stirling, 1975). As the ice thickens, the seals continue to maintain the breathing holes by scratching at the walls. As snow accumulates and buries the breathing hole, the seals breathe through the snow layer. Ringed seals excavate lairs in the snow above breathing holes where snow depth is sufficient (Chapskii, 1940; McLaren, 1958; Smith and Stirling, 1975). These subnivean lairs are occupied for resting, whelping, and nursing young in areas of annual landfast (shorefast) ice (McLaren, 1958; Burns, 1970) and stable pack ice (Finley *et al.,* 1983; Wiig *et al.,* 1999; Bengtson *et al.,* 2005) that has undergone a low to moderate amount of deformation and where pressure ridges or ice hummocks have caused snow to form drifts of sufficient depth (Smith and Stirling, 1975; Lydersen and Gjertz, 1986; Kelly, 1988; Furgal *et al.,* 1996; Lydersen, 1998).

Females give birth to a single pup in their lairs during mid-March through April (Kelly *et al.,* 2010a) and the pups are nursed in the lairs for an average of 39 days (Hammill *et al.,* 1991). Females continue to forage throughout lactation while making frequent visits to birth lairs (Hammill, 1987; Kelly and Wartzok, 1996; Simpkins *et al.,* 2001). The pups develop foraging skills prior to weaning (Lydersen and Hammill, 1993), and are normally weaned before break-up of spring ice.

Lairs provide protection from cold and predators throughout the winter months, but they are especially important for protecting newborn ringed seals. Lairs conceal ringed seals from predators, an advantage especially important to the small pups that start life with minimal tolerance for immersion in cold water (Smith *et al.,* 1991). Polar bears prey heavily on ringed seals. Other predators include Arctic foxes, common ravens, and glaucous gulls. Pups in lairs with thin snow cover are more vulnerable to polar bear predation than pups in lairs with thick snow cover (Hammill and Smith, 1989; Ferguson *et al.,* 2005). For example, Hammill and Smith (1991) noted that polar bear predation on ringed seal pups increased 4-fold in a year when average snow depths in their study area decreased from 23 to 10 cm. When ringed seal pups are forced out of subnivean lairs prematurely because of low snow accumulation and/or early melts, gulls and ravens can also successfully prey on them (Kumlien, 1879; Gjertz and Lydersen, 1983; Lydersen and Gjertz, 1987; Lydersen *et al.,* 1987; Lydersen and Smith, 1989; Lydersen and Ryg, 1990; Lydersen, 1998). Stirling and Smith (2004) surmised that most pups that survived exposure to cold after their subnivean lairs collapsed during unseasonal rains were eventually killed by polar bears, Arctic foxes, or gulls.

Subnivean lairs also provide refuge from air temperatures too low for survival of ringed seal pups. When forced to flee into the water to avoid predators, the ringed seal pups that survive depend on the subnivean lairs to subsequently warm themselves. When snow cover is insufficient, pups can freeze in their lairs, as documented when roofs of lairs in the White Sea were only 5 to 10 cm thick (Lukin and Potelov, 1978). Stirling and Smith (2004) also documented exposure of ringed seals to hypothermia following the collapse of subnivean lairs during unseasonal rains near southeastern Baffin Island.

During winter and spring, Arctic ringed seals are found throughout the Chukchi and Beaufort seas; and in the Bering Sea, surveys indicate that ringed seals use nearly the entire ice field over the Bering Sea shelf. During an exceptionally high ice year (1976), Braham *et al.* (1984) found ringed seals present in the southeastern Bering Sea north of the Pribilof Islands to outer Bristol Bay, primarily north of the ice front. But they noted that most of these seals were likely immature or nonbreeding animals. Frost (1985) indicated that ringed seals ''occur as far south as Nunivak Island and Bristol Bay, depending on ice conditions in a particular year, but generally are not abundant south of Norton Sound except in nearshore areas.'' However, recent surveys conducted in the Bering Sea during spring have documented ringed seals in both nearshore and offshore habitat including south of Norton Sound, AK (National Marine Mammal Laboratory, 2012, unpublished data). Crawford *et al.* (2012) reported that the adult ringed seals tagged in Kotzebue Sound, AK, remained in the Chukchi Sea and the northern Bering Sea north of St. Lawrence Island during winter and spring. However, movement data for ringed seals tagged near Barrow, AK, indicated that some adults over-wintered farther south toward the shelf break in the Bering Sea (North Slope Borough, 2012, unpublished data). Finally, harvest of ringed seal pups by hunters in Quinhagak, Alaska (Coffing *et al.,* 1998) suggests that some ringed seals may whelp south of Nunivak Island.

Basking Period: Numbers of ringed seals hauled out on the surface of the ice

typically begin to increase during spring as the temperatures warm and the snow covering the seals' lairs melts. Although the snow cover can melt rapidly, the ice remains largely intact and serves as a substrate for annual molting, during which time seals spend many hours basking in the sun (Smith, 1973; Smith and Hammill, 1981; Finley, 1979; Kelly and Quakenbush, 1990; Kelly *et al.,* 2010b). Adults generally molt from mid-May to mid-July (McLaren, 1958), although there is regional variation. Kelly and Quakenbush (1990) reported that in the Beaufort and Chukchi seas, most seals begin basking in late May or early June. Usually the largest numbers of basking seals are observed in June (McLaren, 1958; Smith, 1973; Finley, 1979; Smith *et al.,* 1979; Smith and Hammill, 1981; Moulton *et al.,* 2002).

The relatively long periods of time that ringed seals spend out of the water during the molt (Smith, 1973; Smith and Hammill, 1981; Kelly *et al.,* 2010b) have been ascribed to the need to maintain elevated skin temperatures during new hair growth (Feltz and Fay, 1966; Kelly and Quakenbush, 1990). Higher skin temperatures are facilitated by basking on the ice and this may accelerate shedding and regrowth of hair and skin (Feltz and Fay, 1966). Feeding is reduced and the seal's metabolism declines during the molt (Ashwell-Erickson *et al.,* 1986). As seals complete this phase of the annual pelage cycle and the seasonal sea ice melts during the summer, ringed seals spend increasing amounts of time in the water feeding (Kelly *et al.,* 2010b).

Open-Water Foraging Period: Most Arctic ringed seals that winter in the Bering and Chukchi seas are thought to migrate northward in spring with the receding ice edge and spend summer in the pack ice of the northern Chukchi and Beaufort seas (Burns, 1970; Frost, 1985). Arctic ringed seals are also dispersed in ice-free areas of the Bering, Chukchi, and Beaufort seas during the open-water period. Overall, the record from satellite tracking indicates that Arctic ringed seals breeding in landfast ice practice one of two strategies during the open-water foraging period (Freitas *et al.,* 2008). Some seals forage within 100 km of their landfast ice breeding habitat, while others make extensive movements of hundreds or thousands of kilometers to forage in highly productive areas and along the pack ice edge. Movements during the open-water foraging period by Arctic ringed seals that breed in the pack ice are unknown. High- quality, abundant food is important to the annual energy budgets of ringed seals. Ringed seals typically lose a significant proportion of their blubber mass during the spring to early summer and then replenish their blubber reserves by increasing feeding during late summer, fall, and winter.

Diet

Arctic ringed seals eat a wide variety of prey spanning several trophic levels; however, most prey is small and preferred fishes tend to be schooling species that form dense aggregations. Ringed seals rarely prey upon more than 10 to 15 species in any specific geographical location, and not more than 2 to 4 of those species are considered important prey. Despite regional and seasonal variations in the diets of Arctic ringed seals, fishes of the cod family tend to dominate their diet in many areas from late autumn through early spring. Arctic cod (*Boreogadus saida*) is often reported to be among the most important prey species, especially during the ice-covered periods of the year. Crustaceans appear to become more important in many areas during the open water season, and are often found to dominate the diets of young ringed seals.

Critical Habitat Identification

In the following sections, we describe the relevant definitions and requirements in the ESA, and our implementing regulations, and the key information and criteria used to prepare this proposed critical habitat designation. In accordance with section 4(b)(2) of the ESA and our implementing regulations at 50 CFR part 424, this proposed critical habitat designation is based on the best scientific data available. Our primary sources of information are the NMFS status review report for the ringed seal (Kelly *et al.,* 2010a) and the proposed and final rules to list four subspecies of the ringed seals, including the Arctic ringed seal (75 FR 77476, December 10, 2010; 77 FR 76706, December 28, 2012). Additional information sources include articles in peer-reviewed journals, other scientific reports, and relevant Geographic Information System (GIS) data (such as shoreline, maritime limits and boundaries, and sea ice extent) for area calculations and mapping.

We followed a five-step process to identify specific areas that may qualify as critical habitat for the Arctic ringed seal: (1) Determine the geographical area occupied by the species; (2) identify physical or biological habitat features essential to the conservation of the species; (3) delineate specific areas within the geographical area occupied by the species on which are found the physical or biological features; (4) determine whether the features in a specific area may require special management considerations or protection; and (5) determine whether any unoccupied areas are essential for conservation. Our evaluation and conclusions are described in detail in the following sections.

Geographical Area Occupied by the Species

The range of the Arctic ringed seal was identified in the final ESA listing rule (77 FR 76706; December 28, 2012) as the Arctic Ocean and adjacent seas, except west of 157° E. long. (the Kamchatka Peninsula), where the Okhotsk subspecies of the ringed seal occurs, or in the Baltic Sea where the Baltic subspecies of the ringed seal is found. As noted above, we cannot designate areas outside U.S. jurisdiction as critical habitat. Thus, the geographical area under consideration for this designation is limited to areas under the jurisdiction of the United States that Arctic ringed seals actually occupied at the time of listing. This area extends to the outer boundary of the U.S. Exclusive Economic Zone (EEZ) in the Chukchi and Beaufort seas, and south into the Bering Sea, as far south as Bristol Bay in years with extensive ice coverage (Kelly *et al.,* 2010a). We consider the shoreward extent of this area to be the ''coast line'' of Alaska as that term has been defined in the Submerged Lands Act (''the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters''), 43 U.S.C. 1301(c).

Physical or Biological Features Essential to the Conservation of the Species

Implementing regulations at 50 CFR 424.12(b) state that in determining what areas are critical habitat, the Secretary ''shall consider those physical and biological features that are essential to the conservation of a given species and that may require special management considerations or protection.'' These features may include: ''(1) Space for individual and population growth, and for normal behavior; (2) Food, water, air, light, minerals, or other nutritional or physiological requirements; (3) Cover or shelter; (4) Sites for breeding, reproduction, rearing of offspring, germination, or seed dispersal; and generally: (5) Habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.'' The regulations further state the Secretary shall ''focus on the principal biological or physical constituent elements within the defined area that are essential to the

conservation of the species. Known primary constituent elements shall be listed with the critical habitat description. Primary constituent elements may include the following: roost sites, nesting grounds, spawning sites, feeding sites, seasonal wetland or dryland, water quality or quantity, host species or plant pollinator, geological formation, vegetation type, tide, and specific soil types.'' For the purposes of this proposed rule, the essential features identified are the same as primary constituent elements. Based on the best scientific information available on the physical and biological features and habitat characteristics required to sustain its life history functions, we have determined that the following features are essential to the conservation of the Arctic ringed seal in the United States.

1. Sea ice habitat suitable for the formation and maintenance of subnivean birth lairs used for sheltering pups during whelping and nursing, which is defined as seasonal landfast (shorefast) ice, except for any bottom-fast ice extending seaward from the coast line in waters less than 2 m deep, or dense, stable pack ice, that has undergone deformation and contains snowdrifts at least 54 cm deep.

Sea ice habitat suitable for the formation and maintenance of subnivean birth lairs used for sheltering pups during whelping and nursing is essential to conservation of the Arctic ringed seal because as discussed above, without the protection of lairs, ringed seal pups are more vulnerable to freezing and predation.

Snowdrifts of sufficient depth for birth lair formation and maintenance typically occur in deformed ice where drifting has taken place along pressure ridges or ice hummocks (Smith and Stirling, 1975; Lydersen and Gjertz, 1986; Kelly, 1988; Furgal *et al.,* 1996; Lydersen, 1998). For purposes of assessing potential impacts of projected changes in April Northern Hemisphere snow conditions on ringed seals, Kelly *et al.* (2010a) considered 20 cm to be the minimum average snow depth required on areas of flat ice to form drifts of sufficient depth to support birth lair formation. Further, Kelly *et al.* (2010a, p. 109) discussed that ringed seals require snow drift depths of 50 to 65 cm or more to support birth lair formation. To identify a snow drift depth criterion for sea ice habitat that we consider essential for Arctic ringed seal birth lair formation and maintenance, we derived a specific depth threshold as follows. At least seven studies have reported minimum snowdrift depth measurements at Arctic ringed seal birth lairs (typically measured near the center of the lairs or over the breathing holes) off the coasts of Alaska (Kelly *et al.,* 1986; Frost and Burns, 1989), the Canadian Arctic Archipelago (Smith and Stirling, 1975; Kelly, 1988; Furgal *et al.,* 1996), Svalbard (Lydersen and Gjertz, 1986), and in the White Sea (Lukin and Potelov, 1978). The average minimum snowdrift depth at birth lairs was 54 cm across all of the studies combined, and 64 cm in the Alaska studies only. The average from studies in Alaska is based on data from fewer years over a shorter time span than from all studies combined (3 years during 1982–1984 versus 11 years during 1971–1993, respectively); consequently, the Alaska-specific average is more likely to be biased if an anomalous weather pattern occurred during its more limited timeframe. For this reason, we conclude that the average minimum snowdrift depth based on all studies combined (54 cm) provides the best estimate of the minimum snowdrift depth that is essential for birth lairs.

Arctic ringed seals appear to favor landfast ice as whelping habitat. However, landfast ice extending seaward from shore generally freezes to the sea bottom in very shallow water (less than about 1.5 to 2 m deep) during the course of winter (commonly referred to as ''bottom-fast'' ice; Newbury, 1983; Hill *et al.,* 1991), rendering it unsuitable for ringed seal birth lairs. Ringed seal whelping has also been observed on both nearshore and offshore drifting pack ice. As Reeves (1998) noted, nearly all research on Arctic ringed seal reproduction has been conducted in landfast ice, and the potential importance of stable but drifting pack ice has not been adequately investigated. Studies in the Barents Sea (Wiig *et al.,* 1999) and Baffin Bay (Finley *et al.,* 1983) have documented pup production in pack ice, and Smith and Stirling (1975), citing unpublished data from the ''Western Arctic'' (presumably the Canadian Beaufort Sea), indicated that ''the offshore areas of shifting but relatively stable ice are an important part of the breeding habitat.'' Lentfer (1972) reported ''a significant amount of ringed seal denning and pupping on moving heavy pack ice north of Barrow.'' Arctic ringed seal vocalizations detected throughout the winter and spring in long-term autonomous acoustic recordings collected along the shelf break north-northwest of Barrow also suggest that some ringed seals overwinter and breed in offshore pack ice (Jones *et al.,* in press). We therefore conclude that the best scientific information available indicates that sea ice habitat essential for construction and maintenance of birth lairs includes areas of both shorefast ice, except for any bottom-fast ice extending seaward from the coast line in waters less than 2 m deep, and dense, stable pack ice that has undergone deformation and contains snowdrifts of sufficient depths, *i.e.,* 54 cm.

2. Sea ice habitat suitable as a platform for basking and molting, which is defined as sea ice of 15 percent or more concentration, except for any bottom-fast ice extending seaward from the coast line in waters less than 2 m deep.

Sea ice habitat suitable as a platform for basking and molting is essential to conservation of the Arctic ringed seal because molting is a biologically-important, energy-intensive process that could incur increased energetic costs if it were to occur in water, or increased risk of predation if it were to occur on land. Moreover, we are unaware of any studies establishing whether Arctic ringed seals can molt successfully in water, or reports of healthy Arctic ringed seals basking on land (they are known to come ashore when sick). If Arctic ringed seals were unable to successfully complete their annual molt, they would be at increased risk from parasites and disease.

During their annual molt, Arctic ringed seals transition from lair use to basking on the surface of the ice for long periods of time near breathing holes, lairs, or cracks in the ice. As discussed above, landfast ice extending seaward from shore generally freezes to the sea bottom in very shallow water during the course of winter and remains so into spring (Newbury, 1983; Hill *et al.,* 1991), overlapping with a portion of the molting period. There is also some evidence that ringed seal densities are lower in very shallow waters, at least in the Beaufort Sea during late May to early June (Moulton *et al.,* 2002; Frost *et al.,* 2004). We therefore conclude that ice essential for basking and molting is unlikely to include bottom-fast ice extending from the coast line in waters less than 2 m deep.

There are limited data available on ice concentrations (percentage of ocean surface covered by sea ice) favored by Arctic ringed seals during the basking period, in particular for the time period following ice breakup. Although a number of studies have reported an apparent preference for consolidated stable ice (*i.e.,* landfast ice and consolidated pack ice), at least during the initial weeks of the basking period, some of these studies have also reported observations of Arctic ringed seals

hauled out at low densities in unconsolidated ice (*e.g.,* Stirling *et al.,* 1982; Kingsley *et al.,* 1985; Lunn *et al.,* 1997; Chambellant *et al.,* 2012). Arctic ringed seals in the Chukchi Sea have also been observed basking in high densities on the last remnants of the seasonal sea ice during late June to early July, near the end of the molting period (Shawn Dahle, NMFS, personal communication, 2013). Crawford *et al.* (2012) reported that the average ice concentrations (± standard error [SE]; standard error is a measure of variability in the data) used by ringed seals in the Chukchi and Bering seas during the basking period in June was 20 percent (SE = 7.8 percent) for subadults and 38 percent (SE = 21.4 percent) for adults. Based on the best available information, we conclude that sea ice essential for basking and molting is sea ice of at least 15 percent concentration.

3. Primary prey resources to support Arctic ringed seals, which are defined to be Arctic cod, saffron cod, shrimps, and amphipods.

Primary prey resources are essential to conserving the Arctic ringed seal, because Arctic ringed seals likely rely on these prey resources the most to meet their annual energy budgets. Arctic ringed seals feed on a wide variety of vertebrate and invertebrate prey species, but certain prey species appear to occupy a prominent role in their diets in waters along the Alaskan coast. Quakenbush *et al.* (2011, Table 3) reported that prey items found in at least 25 percent of ringed seal stomachs collected within the 1961 to 1984 and 1998 to 2009 time periods in the Bering and Chukchi seas included Arctic cod, saffron cod (*Eleginus gracilis*), shrimps (from the families Hippolytidae, Pandalidae, and Crangonidae), and amphipods (primarily from the families Gammaridae and Hyperiidae). In the Barrow vicinity, Dehn *et al.* (2007, Table 2) reported that prey items found in at least 25 percent of the stomachs of ringed seals collected between 1996 and 2001 included euphausiids (*Thysanoessa* spp.), cods (primarily Arctic and saffron cod), mysids (*Mysis* and *Neomysis* spp.), amphipods, and Pandalid shrimps. Finally, Lowry *et al.* (1980) found that prey items that were consumed in the greatest quantities (*i.e.,* ≥25 percent of the total food volume in any of the five seasonal samples) by ringed seals in the Bering and Chukchi seas included Arctic cod, saffron cod, shrimp, and amphipods (Chukchi Sea only), and in the central Beaufort Sea included Arctic cod as well as Gammarid and Hyperiid amphipods. Arctic cod, saffron cod, shrimps, and amphipods were identified as prominent prey species for the studies conducted in both the Bering Sea and the Chukchi Sea. As noted above, Arctic cod and amphipods were also identified as the most important prey species by volume for ringed seals sampled in the Beaufort Sea. Therefore, based on these studies, we conclude that Arctic cod, saffron cod, shrimps, and amphipods are the primary prey resources of Arctic ringed seals in U.S. waters. As discussed above, Arctic ringed seals feed on a variety of prey items and regional and seasonal differences in diet have been reported; therefore, we conclude that areas in which the primary prey essential feature occurs will contain one or more of these particular prey resources.

Specific Areas Containing Physical or Biological Features Essential to the Species

After determining the geographical area occupied by the Arctic ringed seal at the time of listing, and identifying the physical and biological features essential to its conservation, we then considered which specific area(s) may be eligible for designation as critical habitat. For a specific area to be eligible for designation, it must contain at least one physical or biological feature essential to the conservation of the species that may require special management considerations or protection. When several habitats, each satisfying the requirements for designation as critical habitat, are located in proximity to one another, a single inclusive area may be designated as critical habitat (50 CFR 424.12(d)).

In identifying these specific areas, we first focused on those physical or biological features that support the critical Arctic ringed seal life history functions of whelping and nursing, when birth lairs are constructed and maintained, and molting (*i.e.,* specific areas that contain the sea ice essential features). As discussed above, Arctic ringed seals are highly associated with sea ice, and are thought to migrate seasonally to maintain access to the ice. Arctic ringed seal whelping, nursing, and molting occur in the Bering, Chukchi, and Beaufort seas. To delineate specific areas that contain one or both of the sea ice essential features we considered where the sea ice essential features occur in all three seas.

The dynamic nature of sea ice and the spatial and temporal variations in sea ice cover and on-ice snow cover constrain our ability to map with precision the specific geographic locations where the ice-associated essential features occur. The specific geographic locations of where essential sea ice habitat occurs vary from year to year, or even day to day, depending on many factors, including time of year, local weather, and oceanographic conditions. In addition, the duration that any given location has sea ice habitat essential for birth lairs or for molting can vary annually depending on the rate of ice melt and other factors. Temporal overlap of Arctic ringed seal molting with whelping and nursing, combined with the dynamic nature of sea ice, also makes it impracticable to separately identify specific areas where each of these essential sea ice features occur. Since the ESA requires the designation of critical habitat where one or more such features occur, the inability to separately identify areas where each essential ice feature occurs is inconsequential. Arctic ringed seals can range widely, which, combined with the dynamic variations in sea ice and snow cover, results in individuals distributing broadly and utilizing different sea ice habitat within a range of suitable conditions. We integrated these physical and biological factors into our identification of specific areas based on the seasonal distribution and movements of Arctic ringed seals and satellite-derived estimates of the position of the ice edge over time. Although this approach allowed us to identify specific areas that contain one or both of the essential sea ice features, the available data supported delineation of specific areas only at a coarse scale. Consequently, we delineated a single specific area that contains the sea ice features essential to the conservation of Arctic ringed seals, as described below. We note that because the primary prey essential feature occurs in very shallow nearshore waters, we based the shoreward boundary of the single specific proposed critical habitat area principally on presence of the primary prey essential feature, as discussed below.

We first identified the southern boundary of the specific area essential to conservation of the Arctic ringed seal. The information discussed above regarding the distribution of Arctic ringed seals in the Bering Sea (see *Seasonal Distribution and Habitat Use*) suggests that sea ice essential for Arctic ringed seal birth lairs (and potentially for molting) extends to some point south of St. Matthew Island and Nunivak Island. A precise southern boundary for this habitat is unavailable because existing information is limited on the spatial distribution of Arctic ringed seals in the Bering Sea during spring and where they may whelp. In addition, although minimum on-ice snowdrift

depths are essential for ringed seal birth lairs, we are not aware of any available data on this particular component of sea ice cover in the Bering Sea that could assist in identifying the southern boundary of essential Arctic ringed seal birth lair habitat. We therefore turned to Sea Ice Index data maintained by the National Snow and Ice Data Center (NSIDC) for information on the estimated median position of the sea ice edge in the Bering Sea during April (Fetterer *et al.,* 2002, updated 2009; accessed December 2012), which is the peak month for Arctic ringed seal whelping activity (peak molting for adults occurs later in the spring). This estimated median ice edge is derived from a time series of satellite records for the 1979 to 2000 reference period. We note that the NSIDC has lengthened this reference period to include more recent data through 2010. However, several of those more recent years had above-average ice extent in the Bering Sea; and use of these data would have resulted in the inclusion of areas that are unlikely to contain the essential sea ice features on a consistent basis in more than a few scattered portions of those areas.

The April median ice edge position is located approximately 135 km (73 nmi) southwest of St. Matthew Island and 110 km (59 nmi) south of Nunivak Island, which is relatively consistent with the information discussed above regarding the spring distribution of Arctic ringed seals in the Bering Sea. We therefore conclude that this estimate of the position of the April median ice edge provides a reasonable estimate of the southern extent of where the sea ice essential features occur. To simplify this southern boundary for purposes of delineation on maps, we modified this median ice edge contour as follows: (1) Line vertices between the intersection point of the median ice extent at the outer extent of the U.S. EEZ at 60°31′ N. lat., 179°13′ W. long., and the point at 58°22′ N. lat., 170°27′ W. long., were removed to form the segment of the southern boundary that extends from the outer extent of the U.S. EEZ southeast approximately 553 km; (2) line vertices between 58°22′ N. lat., 170°27′ W. long., and 59° N. lat., 164° W. long., were removed to form a second segment of the southern boundary that extends east approximately 370 km; and (3) finally, these two contour line segments were connected to the mainland coast southeast of Cape Avinof by 164° W. long. This editing produced a simplified southern boundary that retains the general shape of the original contour line, while including 99 percent of the area encompassed by the more detailed original line.

We note that some Arctic ringed seals may whelp south/southeast of the southern boundary described above, as evidenced by harvest records of ringed seal pups (Coffing *et al.,* 1998). However, variability in the annual extent and timing of sea ice in this southernmost portion of the Arctic ringed seal's range in U.S. waters renders the area south of the boundary described above unlikely to contain the essential sea ice features on a consistent basis in more than a few scattered areas.

We then identified the northern boundary of the specific area essential to conservation of the Arctic ringed seal. As discussed above, the available data suggest that although Arctic ringed seals appear to favor landfast ice, they are widely distributed offshore in the northern Chukchi Sea and Beaufort seas and Arctic Ocean. Molting ringed seals use suitable sea ice as a haul-out platform, and many seals are thought to migrate north with the receding ice. As discussed above, the specific geographic locations where the sea ice essential features occur vary within and between years. Given the inherent variability in the spatial distribution of sea ice and the widespread distribution of Arctic ringed seals, including in offshore pack ice, we defined the northern and eastern boundaries of the one specific area identified as the outer extent of the U.S. EEZ. We note that Canada contests the limits of the U.S. EEZ in the eastern Beaufort Sea, asserting that the line delimiting the two countries' EEZs should follow the 141st meridian out to a distance of 200 nmi (as opposed to an equidistant line that extends seaward perpendicular to the coast at the U.S.-Canada land border).

Essential fish habitat (EFH) has been described and identified for certain life stages of Arctic cod and saffron cod (North Pacific Fishery Management Council, 2009), which are two of the primary ringed seal prey species identified as essential to its conservation. EFH for late juvenile and adult Arctic cod includes shallow nearshore areas of the continental shelf in the Chukchi and Beaufort seas, and EFH for late juvenile and adult saffron cod also includes a substantial portion of the shallow nearshore shelf habitat, primarily in the Chukchi Sea. Fish sampling in very shallow nearshore waters has documented presence of one or both of these species at study sites in the Beaufort and Chukchi seas (Craig *et al.,* 1982; Raymond *et al.,* 1984; Jarvela and Thorsteinson, 1999; Johnson *et al.,* 2010; Thedinga *et al.,* 2013), and presence of saffron cod has also been reported in shallow nearshore waters of Norton Sound (Barton, 1978). We therefore identified the shoreward extent of the specific area as the coast line of Alaska as defined above (see *Geographical Area Occupied by the Species*).

Occurrence of the primary prey essential feature is also of particular note with respect to the northern boundary of this specific area. Following molting, some Arctic ringed seals may remain in nearshore waters along the coast to feed, while others travel extensively and feed farther offshore (Frost, 1985; Gjertz *et al.,* 2000; Freitas *et al.,* 2008; Kelly *et al.,* 2010b). Harwood *et al.* (2012) reported that in late summer, several tagged ringed seals that migrated from the Canadian Beaufort Sea to the Beaufort and Chukchi seas off Alaska tended to remain over the continental shelf, almost always remaining within 100 km of shore. However, recent telemetry data documenting Arctic ringed seal movements during the open-water season showed several seals made multiple trips between continental shelf waters and the southern pack ice edge (Herreman *et al.,* 2012), which was well into the Arctic Basin and beyond the outer extent of the U.S. EEZ in some cases. Dive recorders indicated that foraging-type movements occurred over both the continental shelf and deep waters of the Arctic Basin, suggesting that both areas may be important during the open-water foraging period. Thus, the northern boundary of the specific area identified above accounts not only for habitat containing one or both of the sea ice features essential to conservation, but very likely also includes the distributions of the primary prey resources used by foraging Arctic ringed seals in U.S. waters. Data available to determine the northern boundary of the specific area are particularly limited. We specifically seek additional data and comments from the public on this aspect of the proposed critical habitat delineation (see *Public Comments Solicited*).

Special Management Considerations or Protection

An occupied area may be designated as critical habitat only if it contains physical or biological features that ''may require special management considerations or protection'' (50 CFR 424.12(b)). It is important to note that the phrase ''may require special management considerations or protection'' refers to the physical or biological features, rather than the area proposed as critical habitat. We interpret this to mean that a feature may

presently or in the future require special management considerations or protection. Joint NMFS and USFWS regulations at 50 CFR 424.02(j) define ''special management considerations or protection'' to mean ''any methods or procedures useful in protecting physical and biological features of the environment for the conservation of listed species.''

The status review report (Kelly *et al.,* 2010a) and the proposed and final rules listing the subspecies as threatened (75 FR 77476, December 10, 2010; 77 FR 76706, December 28, 2012) comprehensively review the threats affecting the Arctic ringed seal. Based upon that review, we identified several categories of human activities and associated threats that may affect each of the features identified as essential to conservation of Arctic ringed seals. These activities include: greenhouse gas (GHG) emissions; oil and gas exploration, development, and production; shipping and transportation; and commercial fishing. Below, we evaluate whether each essential feature may require special management considerations or protection due to the potential effects of these activities on the essential features. We note that our evaluation does not consider an exhaustive list of potential effects on the essential features, but rather considers the primary potential effects that we are aware of at this time.

GHG Emissions: The principal threat to the persistence of the Arctic ringed seal is the ongoing and anticipated loss of sea ice and on-ice snow cover stemming from climate change. Climate change related threats to the Arctic ringed seal's habitat are discussed in detail in the ringed seal status review report (Kelly *et al.,* 2010a), as well as in the proposed and final rules listing the Arctic ringed seal as threatened. Activities that release carbon dioxide and other heat-trapping GHGs into the atmosphere, most notably those that involve fossil fuel combustion, are a major contributing factor to climate change and loss of sea ice (IPCC, 2013). Such activities may adversely affect the essential features of Arctic ringed seal habitat by diminishing sea ice suitable for birth lairs and molting, and by causing changes in the distribution and/or species composition of prey resources. The best scientific data currently available do not allow us to identify a causal linkage between any particular single source of GHG emissions and identifiable effects on the physical and biological features essential to Arctic ringed seals. Regardless, given that the quality and quantity of these essential habitat features, in particular sea ice, may be diminished by the effects of climate change, we conclude that special management considerations or protection may be necessary, either now or in the future, even if the exact focus and nature of that management is presently undeterminable.

Oil and Gas Activity: Extensive oil and gas reserves, coupled with rising global demand, make it very likely that oil and gas activity will increase throughout the Arctic in the future. Oil and gas exploration, development, and production activities in the U.S. Arctic may include: seismic surveys; exploratory, delineation, and production drilling operations; construction of artificial islands, causeways, ice roads, shore-based facilities, and pipelines; and vessel and aircraft operations. These activities have the potential to affect Arctic ringed seals and their habitat, primarily through noise, physical disturbance, and pollution, particularly in the event of an oil spill, and especially a large oil spill. We note that in this section references to ''large'' or ''major'' spills are intended to connote spills of relatively great size, consistent with common usage of the terms.

The Arctic ringed seal's range overlaps with, and is adjacent to, a number of active and planned oil and gas operations. To date, most oil and gas activities conducted off the Alaska coast have occurred in the Beaufort Sea, primarily near Prudhoe Bay. No oil fields have been developed or brought into production in the Chukchi Sea; however, the one recent lease sale in the Chukchi Sea (Lease Sale 193) and exploration drilling programs moving forward in this region signal growing interest in oil and gas development there.

Large oil spills are generally considered to be the greatest threat of oil and gas activities in the Arctic marine environment (Arctic Monitoring and Assessment Program (AMAP), 2007). In contrast to spills on land, large spills at sea are difficult to contain and may spread over hundreds or thousands of kilometers. Responding to a sizeable spill in the Arctic environment would be particularly challenging. Reaching a spill site and responding effectively would be especially difficult, if not impossible, in winter when weather can be severe and daylight extremely limited. Oil spills under ice or in ice-covered waters are the most challenging to deal with, due to, among other factors, limitations on the effectiveness of current containment and recovery technologies when sea ice is present. The extreme depth and the pressure that oil was under during the 2010 oil blowout at the Deepwater Horizon well in the Gulf of Mexico may not exist in the shallow continental shelf waters of the Beaufort and Chukchi seas. Nevertheless, the difficulties experienced in stopping and containing that blowout, where environmental conditions, available infrastructure, and response preparedness are comparatively good, point toward even greater challenges should a large spill occur in a much more environmentally severe and geographically remote U.S. Arctic location.

Although planning, management, and use of best practices can help reduce risks and impacts, the history of oil and gas activities indicates that accidents cannot be eliminated (AMAP, 2007). Data on large spills (*e.g.,* operational discharges, spills from pipelines, blowouts) in Arctic waters are limited because oil exploration and production there has been limited. The Bureau of Ocean Energy Management (BOEM, 2011) estimated the chance of one or more oil spills greater than or equal to 1,000 barrels occurring if development were to take place in the Beaufort Sea or Chukchi Sea Planning Areas as 26 percent for the Beaufort Sea over the estimated 20 years of production and development, and 40 percent for the Chukchi Sea over the estimated 25 years of production and development.

The introduction of sounds and physical disturbance associated with oil and gas exploration and development could also affect Arctic ringed seals and their habitat. Such activities may include physical presence of vessels, icebreaking activity, aircraft activity, seismic surveys, site clearance and shallow hazards surveys, and drilling and production activities. Icebreaking vessels, which may be used for in-ice seismic surveys or to manage ice near exploratory drilling ships, have the potential to affect Arctic ringed seals and their habitat through both acoustic effects and physical alteration of the sea ice (Richardson *et al.,* 1995). Seismic surveys are a particularly intense source of noise, and thus warrant specific consideration. Arctic ringed seals, like other phocids or ''true'' seals, have good low-frequency hearing, and so it is expected that they will be susceptible to masking of biologically significant signals by low frequency sounds, such as those from seismic surveys (Gordon *et al.,* 2003). Reported seal responses to seismic surveys have been variable and often contradictory, although they suggest that pinnipeds frequently do not avoid the area within a few hundred meters of operating airgun arrays (Brueggeman *et al.,* 1991; Harris *et al.;*

2001, Miller and Davis, 2002). Construction, drilling, and development activities on a manmade artificial island were reported to have had at most minor, short-term, and localized effects on ringed seals (Blackwell *et al.,* 2004; Richardson and Williams, 2004; Moulton *et al.,* 2005); and during a single season of a nearshore exploratory drilling operation, Harwood *et al.* (2007) found no detectable effects on ringed seals.

In summary, a major oil spill could render areas containing the identified essential features unsuitable for use by Arctic ringed seals. In such an event, sea ice habitat suitable for whelping, nursing, or molting could be oiled. The primary Arctic ringed seal prey species could also become contaminated, experience mortality, or be otherwise adversely affected by spilled oil. In addition, disturbance effects (both physical disturbance and acoustic effects) could alter the quality of the essential features of Artic ringed seal critical habitat, or render habitat unsuitable. We conclude that the essential features of the habitat of the Arctic ringed seal may require special management considerations or protection in the future to minimize the risks posed to these features by oil and gas exploration, development, and production.

Shipping and Transportation: The reduction in Arctic sea ice that has occurred in recent years has renewed interest in using the Arctic Ocean as a potential waterway for coastal, regional, and trans-Arctic marine operations (Brigham and Ellis, 2004). Climate models predict that the warming trend in the Arctic will accelerate, causing the ice to begin melting earlier in the spring and resume freezing later in the fall, resulting in an expansion of potential shipping routes and a lengthening of the potential navigation season (Arctic Climate Impact Assessment (ACIA), 2004; Khon *et al.,* 2010). At present, the two main navigation routes crossing the Arctic are the Northwest Passage (NWP) and the Northern Sea Route (NSR). Based on an analysis of sea ice model projections, Smith and Stephenson (2013) concluded that, by mid-century, changing sea ice conditions will enable expanded September navigability for common open-water ships along these two navigation routes. By 2100, the navigation season for the NSR is projected to increase from the current period of 20 to 30 days per year to 90 to 100 days per year (ACIA, 2004).

The fact that nearly all shipping activity in the Arctic (with the exception of icebreaking) purposefully avoids areas of ice, and primarily occurs during the ice-free or low-ice seasons, helps to mitigate the risks of shipping to Arctic ringed seal habitat. However, as noted above, icebreakers pose greater risks to ringed seals and their habitat since they are capable of operating year-round in all but the heaviest ice conditions and are often used to escort other types of vessels (*e.g.,* tankers and bulk carriers) through ice-covered areas. Furthermore, new classes of ships are being designed that serve the dual roles of both tanker/carrier and icebreaker (Arctic Council, 2009). Therefore, if icebreaking activities increase in the Arctic in the future, as expected, the likelihood of negative impacts (*e.g.,* oil spills, pollution, noise, disturbance, and habitat alteration) occurring in ice-covered areas where Arctic ringed seals reside will likely also increase.

Increases in international shipping are producing ever-greater levels of underwater noise capable of long-range transmission (Southall, 2005; Götz *et al.,* 2009). All vessels produce sound during operation, which when propagated at certain frequencies and intensities can alter the normal behavior of marine mammals, mask their underwater communications and other uses of sound, cause them to avoid noisy areas, and, in extreme cases, damage their auditory systems and cause death (Marine Mammal Commission, 2007; Arctic Council, 2009; Götz *et al.,* 2009).

In addition to the potential introduction of sound from increased vessel traffic and the physical presence and movements of these vessels, the maritime shipping industry transports various types of petroleum products, both as fuel and cargo, within the proposed critical habitat. If increased shipping involves the tanker transport of crude oil or oil products, there would be an increased risk of spills (ACIA, 2005; U.S. Arctic Research Commission, 2012). Similar to oil and gas activities, the most significant threat posed by shipping activities is considered the accidental or illegal discharge of oil or other toxic substance carried by ships (Arctic Council, 2009).

We conclude that the essential features of the habitat of the Arctic ringed seal may require special management considerations or protection in the future to minimize the risks posed to these features by potential shipping and transportation activities, because: (1) Both the physical disturbance and noise associated with these activities could displace seals from favored habitat that contains the essential features, thus altering the quantity and/or quality of these features; and (2) in the event of an oil spill, sea ice essential for birth lairs and for molting could become oiled, and the quantity and/or quality of the primary prey resources could be adversely affected.

Commercial Fisheries: The proposed critical habitat area overlaps with waters of the Federal Arctic Management Area and the Bering Sea and Aleutian Islands Management Area. No commercial fishing is permitted within the Arctic Management Area due to insufficient data to support the sustainable management of a commercial fishery there. However, as additional information becomes available, commercial fishing may be allowed in this management area. Two of the primary Arctic ringed seal prey species identified as essential to conservation—Arctic cod and saffron cod—have been identified as likely initial target species for commercial fishing in Federal Arctic waters in the future (North Pacific Fishery Management Council, 2009).

In the northern portion of the Bering Sea and Aleutian Islands Management Area, limited commercial fisheries overlap with the southernmost portion of the proposed critical habitat. Portions of the proposed critical habitat also overlap with certain state commercial fisheries management areas. Commercial catches from waters in the proposed critical habitat area primarily include: Pacific halibut (*Hippoglossus stenolepis*), several other flatfish species, Pacific cod (*Gadus macrocephalus*), several crab species, walleye pollock (*Theragra chalcogramma*), and several salmon species.

Commercial fisheries may affect the primary prey resources identified as essential to the conservation of the Arctic ringed seal, through removal of prey biomass and potentially through modification of benthic habitat by bottom-trawl gear. Given the potential changes in commercial fishing that may occur with the expected increasing length of the open-water season and range expansion of some economically valuable species responding to climate change, we conclude that the primary prey resources essential feature may require special management considerations or protection in the future to address potential adverse effects of commercial fishing on this feature.

Unoccupied Areas

Section 3(5)(A)(ii) of the ESA further defines critical habitat to include specific areas outside the geographical area occupied by the species if the Secretary determines them to be essential for the conservation of the species. Our regulations at 50 CFR

424.12(e) emphasize that the Secretary ''shall designate as critical habitat areas outside the geographical area presently occupied by a species only when a designation limited to its present range would be inadequate to ensure the conservation of the species.'' We have not identified any specific areas outside the geographical area occupied by the Arctic ringed seal that are essential for its conservation; consequently, we are not proposing to designate any specific areas outside its current range.

Application of ESA Section 4(a)(3)(B)(i)

ESA section 4(a)(3)(B)(i) states: ''The Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 670a of this title [section 101 of the Sikes Act], if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation.'' We contacted the Department of Defense (DOD) and requested information on any facilities or managed areas that are subject to an Integrated Natural Resources Management Plan (INRMP) and are located within areas that could potentially be proposed as critical habitat for the Arctic ringed seal. In response, DOD provided a map of facilities subject to an INRMP. No DOD lands overlap with the area proposed as critical habitat. Therefore, we conclude that there are no properties owned, controlled, or designated for use by DOD that are subject to ESA section 4(a)(3)(B)(i) for this proposed critical habitat.

Application of ESA Section 4(b)(2)

Before including areas in a critical habitat designation, section 4(b)(2) of the ESA and our implementing regulations require the Secretary to take into consideration the economic, national security, and other relevant impacts of the designation. Impacts may be quantitatively or qualitatively described, and considered at a scale that the Secretary determines to be appropriate (50 CFR 424.19(b)). Additionally, the Secretary has discretion to exclude any particular area from the critical habitat upon a determination that the benefits of such exclusion outweigh the benefits of designation. The Secretary, however, cannot exclude any particular area if, based on the best scientific and commercial data available, the Secretary determines that the failure to designate that area as critical habitat will result in the extinction of the species concerned. Because the authority to exclude any area from the critical habitat designation is discretionary, exclusion is not required for any particular area. For the reasons set forth below, we do not propose to exercise our discretion to exclude any areas from the proposed critical habitat designation.

The primary impacts of a critical habitat designation arise from the ESA section 7(a)(2) requirement that Federal agencies ensure their actions are not likely to result in the destruction or adverse modification of critical habitat (*i.e.,* adverse modification standard). Determining these impacts is complicated by the fact that section 7(a)(2) contains the overlapping requirement that Federal agencies ensure their actions are not likely to jeopardize the species' continued existence (*i.e.,* the jeopardy standard). One incremental impact of critical habitat designation is the extent to which Federal agencies modify their proposed actions to ensure they are not likely to adversely modify the critical habitat, beyond any modifications they would make because of listing and the jeopardy standard. Additional impacts of critical habitat designation include any state and/or local protection that may be triggered as a direct result of designation (we did not identify any such impacts), and benefits that may arise from education of the public to the importance of an area for species conservation.

A draft economic report, prepared by an environmental consulting firm (in cooperation with NMFS) with expertise in natural resource economics, describes the impact analyses for this proposed rule in detail (Cardno Entrix, 2014). In determining the impacts of designation, we focused on the incremental change in Federal agency actions as a result of critical habitat designation and the adverse modification standard (see *Arizona Cattle Growers* v. *Salazar,* 606 F. 3d 1160 (9th Cir. 2010)) (holding that the FWS permissibly attributed the economic impacts of protecting the northern spotted owl as part of the baseline and was not required to factor those impacts into the economic analysis of the effects of the critical habitat designation). We analyzed the impacts of this proposed designation based on a comparison of conditions with and without the designation of critical habitat for the Arctic ringed seal. The ''without critical habitat'' scenario represents the baseline for the analysis. It includes process requirements and habitat protections already extended to the Arctic ringed seal under its ESA listing and under other Federal, state, and local regulations. The ''with critical habitat'' scenario describes the incremental impacts associated specifically with the designation of critical habitat for the Arctic ringed seal. This analysis assesses the incremental costs and benefits that may arise due to the proposed critical habitat designation, with economic costs estimated within a 10-year post-designation timeframe. The 10-year timeframe was chosen because it is lengthy enough to reflect the planning horizon for reasonably predicting future human activities, yet it is short enough to allow reasonable projections of changes in use patterns in an area, as well as of exogenous factors (*e.g.,* world supply and demand for petroleum, U.S. inflation rate trends) that may be influential. We recognize that economic costs of the designation are likely to extend beyond the 10-year timeframe of the analysis, though we have no information indicating that such costs in subsequent years would be different from those projected for the first 10-year period. Although not quantified or analyzed in detail due to the high level of uncertainty regarding longer-term effects, the draft economic report includes a discussion of the potential types of costs and benefits that may accrue beyond the 10-year time window of the analysis.

Benefits of Designation

As noted above, the protection afforded under the ESA section 7 requirement for Federal agencies to ensure their actions are not likely to destroy or adversely modify designated critical habitat is in addition to ESA requirements to protect listed species. Specifically, ESA section 7(a)(1) requires all Federal agencies to use their authorities in furtherance of the purposes of the ESA by carrying out programs for the conservation of endangered and threatened species, and section 7(a)(2) requires Federal agencies to ensure their actions are not likely to jeopardize the continued existence of listed species. Another benefit of critical habitat designation is that it provides specific notice of the features essential to the conservation of the Arctic ringed seal and where they occur. This information will focus future consultations on the key habitat attributes and avoid unnecessary attention on other, non-essential habitat features. By identifying the specific areas where the features essential to conservation of the Arctic ringed seal occur, there may also be enhanced awareness by Federal agencies and the general public of activities that might

affect those essential features. Moreover, identification of features essential to the conservation of the species may improve discussions with action agencies regarding relevant habitat considerations of proposed projects.

In addition, the critical habitat designation may result in indirect benefits, as discussed in detail in the draft economic report (Cardno Entrix, 2014), including education benefits and enhanced public awareness, which may help focus and contribute to conservation efforts for the Arctic ringed seal and its habitat. For example, by identifying features essential to conservation of the Arctic ringed seal and where those features are found, complementary protections may be developed under state or local regulations or voluntary conservation plans. These other forms of benefits may be economic in nature (whether market or non-market, consumptive, non-consumptive, or passive), educational, cultural, or sociological, or they may be expressed through beneficial changes in the ecological functioning of the species' habitat, which itself yields ancillary welfare benefits (*e.g.,* improved quality of life) to the region's human population. For example, because the critical habitat designation is expected to result in enhanced conservation of the Arctic ringed seal over time, residents of the region who value these seals, such as subsistence users, are expected to experience indirect benefits. As another example, the geographic area of the proposed critical habitat overlaps substantially with the range of the polar bear in the United States, and the Arctic ringed seal is the primary prey species of the polar bear, so the designation may also provide indirect conservation benefits to the polar bear. Indirect conservation benefits may also extend to other co-occurring species, such as the Pacific walrus and other seal species.

It is not presently feasible to monetize, or even quantify, each component part of the benefits accruing from the designation of critical habitat for the Arctic ringed seal. Therefore, we augmented the quantitative measurements that are summarized here and discussed in detail in the economic report with qualitative and descriptive assessments, as provided for under 50 CFR 424.19(b) and in guidance from the Office of Management and Budget (OMB) (OMB Circular A–4, September 17, 2003). Although we cannot monetize or quantify all of the incremental benefits of the proposed critical habitat designation, we believe that they are not inconsequential.

Economic Impacts of Designation

Direct economic costs of the critical habitat designation accrue primarily through implementation of section 7 of the ESA in consultations with Federal agencies to ensure their proposed actions are not likely to destroy or adversely modify critical habitat. Those economic impacts may include both administrative costs and project modifications. At this time, on the basis of how protections are currently being implemented for Arctic ringed seals under the MMPA and as a threatened species under the ESA, we do not anticipate that additional requests for project modifications will result specifically from a designation of critical habitat. As a result, the direct incremental costs of the proposed critical habitat designation are expected to be limited to the additional administrative costs of considering Arctic ringed seal critical habitat in future ESA section 7 consultations.

Because the Arctic ringed seal is newly listed and we lack a lengthy consultation history for this species, we needed to make assumptions about the types of future Federal activities that might require section 7 consultations under the ESA. To identify the types of Federal activities that may affect critical habitat for the Arctic ringed seal, and therefore would be subject to the ESA section 7 adverse modification standard, we examined recent incidental take authorizations issued by NMFS under the MMPA and the limited number of ESA section 7 consultations that have addressed Arctic ringed seals. To derive estimates of the maximum number of future oil and gas related consultations, we extrapolated from the maximum exploration activity level described in the supplemental draft environmental impact statement on the effects of oil and gas activities in the Arctic Ocean (NMFS, 2013). We request Federal agencies to provide us with information on future consultations, if our assumptions omitted any future actions likely to affect the proposed critical habitat.

We identified several categories of activities with a Federal nexus that may affect critical habitat for the Arctic ringed seal within the time frame of the analysis (10 years post-designation) and, therefore, would be subject to the ESA section 7 adverse modification standard. These include oil and gas related activities, dredge mining, navigation dredging, commercial fishing, oil spill prevention and response, and certain military activities. All of the projected future Federal actions that may trigger consultation due to the potential to affect critical habitat also have the potential to affect individual ringed seals. In other words, none of the activities we identified would trigger consultation solely on the basis of the proposed critical habitat designation. Federal action agencies with jurisdiction over projected future actions that may affect the proposed critical habitat area include the U.S. Army Corps of Engineers, BOEM, Bureau of Land Management, DOD, Environmental Protection Agency, U.S. Coast Guard, and NMFS. We would expect the majority of projected consultations due to potential effects on critical habitat to involve NMFS and BOEM authorizations and permitting of oil and gas related activities.

As detailed in the draft economic report (Cardno Entrix, 2014), the total incremental costs associated with this proposed critical habitat designation within the 10-year post-designation timeframe, in discounted present value terms, were estimated at $1.33 million (discounted at 7 percent) to $1.86 million (discounted at 3 percent). Ninety-five percent of the incremental costs attributed to the critical habitat designation are expected to accrue from consultations associated with oil and gas related activities in the Chukchi and Beaufort seas. We note that absent historical experience on consultation frequency involving the proposed critical habitat, in deriving these cost estimates, we assumed that a maximum projected level of oil and gas activity will occur annually (10 formal consultations each and every year; and several other formal and informal consultations over the 10-year post-designation timeframe). However, it is unlikely that this peak level of activity would occur every year. Indeed, in 2011, 2012, and 2013, there were one, five, and three formal consultations, respectively, completed relating to oil and gas activities in the Beaufort and Chukchi seas. While not quantifiable at this time, the draft economic report (Cardno Entrix, 2014) discusses that the oil and gas industry may also incur indirect costs associated with the critical habitat designation if future third-party litigation over specific consultations is successful and creates delays or other sources of regulatory uncertainty.

In summary, we have preliminarily concluded, subject to further consideration based on public comment, that the potential economic impacts of the proposed critical habitat designation would be modest both in absolute terms and relative to the level of economic activity expected to occur in the affected area in the foreseeable future. As a

result, and in light of the benefits of critical habitat designation discussed above and in the draft economic report, we are not proposing to exclude any areas pursuant to section 4(b)(2) of the ESA based on economic impacts.

National Security Impacts of Designation

Section 4(b)(2) of the ESA also requires consideration of national security impacts. We contacted the DOD regarding any potential impacts of the proposed critical habitat designation to military operations. In a letter dated June 3, 2013, the DOD Regional Environmental Coordinator indicated that no impacts on national security are currently foreseen from the proposed critical habitat designation. As a result, we have not identified any direct impacts from the critical habitat designation on activities associated with national security. We have preliminarily concluded, subject to further consideration based on public comment or additional information from DOD, that we will not exercise our discretionary authority to exclude any areas based on national security impacts.

Other Relevant Impacts of Designation

Finally, under ESA section 4(b)(2) we consider any other relevant impacts of critical habitat designation to inform our decision as to whether to exclude any areas. For example, we may consider potential adverse effects on existing management plans or conservations plans that benefit listed species, and we may consider potential adverse effects on tribal lands or trust resources. In preparing this proposed designation, we have not identified any such management or conservation plans, tribal lands or resources, or anything else that would be adversely affected by the proposed critical habitat designation. Accordingly, we have preliminarily concluded, subject to further consideration based on public comment, that we will not exercise our discretionary authority to exclude any areas based on other relevant impacts.

Critical Habitat Designation

We propose to designate as critical habitat one specific area of marine habitat in Alaska and offshore Federal waters of the northern Bering, Chukchi, and Beaufort seas within the geographical area presently occupied by the Arctic ringed seal. This critical habitat area contains physical or biological features essential to the conservation of Arctic ringed seals that may require special management considerations or protection. We have not identified any unoccupied areas that are essential to conservation of the Arctic ringed seal and we are not proposing any such areas for designation as critical habitat. We are not proposing to exclude any areas based on economic impacts, impacts to national security, or other relevant impacts of the proposed designation. In accordance with our regulations regarding critical habitat designation (50 CFR 424.12(c)), the map we are including in the proposed regulation, as clarified by the accompanying regulatory text, would constitute the official boundary of the proposed designation.

Effects of Critical Habitat Designation

Section 7(a)(2) of the ESA requires Federal agencies, including NMFS, to ensure that any action authorized, funded, or carried out by the agency does not jeopardize the continued existence of any threatened or endangered species or destroy or adversely modify designated critical habitat. Federal agencies must consult with us on any action that may affect listed species or critical habitat. During the consultation, we evaluate the agency action to determine whether the action may adversely affect listed species or critical habitat. The potential effects of a proposed action may depend on, among other factors, the specific timing and location of the action relative to seasonal presence of essential features or seasonal use of critical habitat by listed species for essential life history functions. While the requirement to consult on an action that may affect critical habitat applies regardless of the season, NMFS addresses spatial-temporal considerations when evaluating the potential impacts of a proposed action during ESA section 7 consultation. If we conclude that the agency action would likely result in the destruction or adverse modification of critical habitat, we would suggest reasonable and prudent alternatives to the action that avoid that result.

Regulations at 50 CFR 402.16 require Federal agencies that have retained discretionary involvement or control over an action, or where such discretionary involvement or control is authorized by law, to reinitiate consultation on previously reviewed actions in instances where: (1) Critical habitat is subsequently designated; or (2) new information or changes to the action may result in effects to critical habitat not previously considered (among other reasons for reinitiation). Consequently, following designation of critical habitat for Arctic ringed seals, some Federal agencies may request reinitiation of consultation or conference with us on actions for which consultation has been completed, if those actions may affect designated critical habitat.

This rule is subject to periodic review pursuant to NMFS's obligations under applicable executive orders. Executive Order 13610 directs agencies to invite public suggestions about regulations in need of retrospective review and about appropriate modifications to such regulations. Further, Executive Order 13563 directs agencies to periodically review its existing significant regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives. While the ESA does not require periodic review of critical habitat regulations, it is compatible with retrospective review. Section 4(c)(2) of the ESA directs the Secretary to review the listing classification of threatened and endangered species, based on the best available scientific information concerning the species' status, at least once every 5 years. The ESA also provides that NMFS may, from time-to-time, revise critical habitat as new data become available to the Secretary (section 4(a)(3)(A)(ii)). Collectively these processes inform NOAA's annual plan for regulatory review.

Activities That May Be Affected by Critical Habitat Designation

Section 4(b)(8) of the ESA requires that we briefly describe and evaluate, in any proposed or final regulation to designate critical habitat, those activities that may destroy or adversely modify such habitat, or that may be affected by such designation. A wide variety of activities may affect the proposed critical habitat for Arctic ringed seals and, if carried out, funded, or authorized by a Federal agency, would require ESA section 7 consultation. Such activities or actions include: In-water and coastal construction; activities that generate water pollution; dredging; commercial fisheries; oil and gas exploration, development, and production; oil spill prevention and response; and certain DOD activities. An evaluation of the economic effects of ESA section 7 consultations regarding the proposed critical habitat is provided in the draft economic report (Cardno Entrix, 2014) and summarized above.

Public Comments Solicited

To ensure the final action resulting from this proposal will be as accurate

and effective as possible, we solicit comments and information from the public, other concerned government agencies, Alaska Native tribes and organizations, the scientific community, industry, and any other interested parties concerning this proposed rule. We particularly seek comments and information concerning: (1) Habitat use of Arctic ringed seals; (2) the identification, location, and quality of physical or biological features essential to the conservation of Arctic ringed seal, including delineation of the northern boundary of where one or more of these features occur; (3) the potential impacts of designating the proposed critical habitat, including the types of Federal activities that may trigger ESA section 7 consultation; (4) current or planned activities in the area proposed for designation and their possible impacts on the proposed critical habitat; (5) the potential effects of the designation on Alaska Native cultural practices and villages; (6) any foreseeable economic, national security, Tribal, or other relevant impacts resulting from the proposed designation; and (7) whether any particular areas that we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the ESA and why. For these described impacts or benefits, we request that the following specific information (if relevant) be provided to inform our ESA section 4(b)(2) analysis: (1) A map and description of the affected area; (2) a description of the activities that may be affected within the area; (3) a description of past, ongoing, or future conservation measures conducted within the area that may protect Arctic ringed seal habitat; and (4) a point of contact. You may submit your comments and information concerning this proposed rule by any one of several methods (see **ADDRESSES**). Copies of the proposed rule and supporting documentation, including the draft economic report (Cardno Entrix, 2014), are available on the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov,* from the Federal eRulemaking Web site at *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0114,* or upon request (see **ADDRESSES**). We will consider all comments and information received during the comment period for this proposed rule in preparing the final rule. Accordingly, the final decision may differ from this proposed rule.

Information Quality Act and Peer Review

On December 16, 2004, the OMB issued a Final Information Quality Bulletin for Peer Review (Bulletin) establishing minimum peer review standards, a transparent process for public disclosure of peer review planning, and opportunities for public participation. The OMB Bulletin, implemented under the Information Quality Act (Public Law 106–554), is intended to enhance the quality and credibility of scientific information disseminated by the Federal government, and applies to influential and highly influential scientific information disseminated on or after June 16, 2005. To satisfy our requirements under the OMB Bulletin, we are obtaining independent peer review of this proposed rule and the draft economic report (Cardno Entrix, 2014), and will address all comments received in developing the final rule and the final version of the economic report.

Classification

Regulatory Planning and Review (E.O. 12866)

The economic costs and benefits of the proposed critical habitat designation are described in our draft economic report (*i.e.,* RIR/4(b)(2) Preparatory Analysis/IRFA; Cardno Entrix, 2014). OMB has determined that this rule is ''significant,'' but not ''economically significant,'' under E.O. 12866(3)(f).

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency publishes a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.,* small businesses, small not-for-profit organizations, and small government jurisdictions). We have prepared an initial regulatory flexibility act analysis (IRFA), which is included as part of the draft economic report (Cardno Entrix, 2014). The IRFA estimates the potential number of small businesses that may be directly regulated by this proposed rule, and the impact (incremental costs) per small entity for a given activity type. Specifically, based on an examination of the North American Industry Classification System (NAICS), this analysis classifies the economic activities potentially directly regulated by the proposed action into industry sectors and provides an estimate of their number in each sector, based on the applicable NAICS codes. A summary of the IRFA follows.

A description of the action (*i.e.,* proposed designation of critical habitat), why it is being considered, and its legal basis are included in the preamble of this proposed rule. This proposed action does not impose new recordkeeping or reporting requirements on small entities. The analysis did not reveal any Federal rules that duplicate, overlap, or conflict with the proposed action. Existing Federal laws and regulations overlap with the proposed rule only to the extent that they provide protection to natural resources within the area proposed as critical habitat generally. However, no existing regulations specifically prohibit destruction or adverse modification of critical habitat for the Arctic ringed seal.

The regulatory mechanism through which critical habitat protections are enforced is section 7 of the ESA, which directly regulates only those activities carried out, funded, or permitted by a Federal agency. By definition, Federal agencies are not considered small entities, although the activities they fund or permit may be proposed or carried out by small entities. In some cases small entities may participate as third parties during ESA section 7 consultations (the primary parties being the Federal action agency and NMFS) and thus they may be indirectly affected by the proposed critical habitat designation.

As detailed in the draft economic report (Cardno Entrix, 2014), the oil and gas exploration, development, and production industries participate in activities that are likely to require consideration of critical habitat in ESA section 7 consultations. The Small Business Administration size standards used to define small businesses in these cases are: (1) An average of no more than 500 employees (crude petroleum and natural gas extraction industry); or (2) average annual receipts of no more than $35.5 million (support activities for oil and has operations industry). No independent not-for-profit enterprises were identified that are likely to be affected by the proposed critical habitat designation. None of the parties identified in the oil and gas category appear to qualify as small businesses. Two government jurisdictions with ports appear to qualify as small government jurisdictions (serving populations of less than 50,000). Within the 10-year analytical timeframe, one of these two ports is expected to incur up to $4,000 (discounted at 3 percent) in

total incremental consultation costs for authorization of navigation dredging activities, while the other is not expected to incur any costs associated with ESA section 7 consultations. This cost represents less than 0.1 percent of average annual receipts for this port.

We encourage small businesses, small governmental jurisdictions, and other small entities that may be affected indirectly by this rule to provide comment on the estimated number of small entities likely to participate as third parties during ESA section 7 consultations and the potential economic impacts of the proposed critical habitat designation, such as anticipated costs of consultation and potential project modifications, to improve the RFA analysis.

As required by the RFA (as amended by the SBREFA), we considered various alternatives to the proposed critical habitat designation for the Arctic ringed seal. We considered and rejected the alternative of not designating critical habitat for the Arctic ringed seal, because such an alternative does not meet the legal requirements of the ESA. We considered an alternative under which we would exercise discretion pursuant to section 4(b)(2) of the ESA to exclude certain areas, but we are not proposing to do so: The 4(b)(2) analysis identifies that there will be economic impacts from this designation, but we do not believe the benefits of excluding any particular area outweigh the benefits of inclusion. NMFS is seeking comments on the 4(b)(2) analysis, and all comments and information received will be considered in developing our final determination to designate critical habitat for the Arctic ringed seal.

Energy Supply, Distribution, or Use (E.O. 13211)

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking any action that promulgates or is expected to lead to the promulgation of a final rule or regulations that: (1) Is a significant regulatory action under E.O. 12866, and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy. We have considered the potential impacts of this action on the supply, distribution, or use of energy (see Cardno Entrix, 2014). The proposed critical habitat designation overlaps with five BOEM planning areas for Outer Continental Shelf oil and gas leasing; however, the Beaufort and Chukchi Sea planning areas are the only areas with existing or planned leases.

Currently, the majority of oil and gas production occurs on land adjacent to the Beaufort Sea and the proposed critical habitat area. Any proposed offshore oil and gas projects likely would have to undergo ESA section 7 consultations to ensure that the actions are not likely to destroy or adversely modify designated critical habitat. However, as discussed in the draft economic report (Cardno Entrix, 2014), such consultations will not result in any new and significant effects on energy supply, distribution, or use. ESA section 7 consultations have occurred for numerous oil and gas projects within the area of the proposed critical habitat (*e.g.,* relative to possible effects on endangered bowhead whales, a species without designated critical habitat) without adversely affecting energy supply, distribution, or use, and we would expect the same relative to critical habitat for Arctic ringed seals. We have, therefore, determined that the energy effects of this proposed rule are unlikely to exceed the impact thresholds identified in E.O. 13211, and that this proposed rulemaking is not a significant energy action.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following findings:

1. This proposed rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation or regulation that would impose an enforceable duty upon state, local, tribal governments, or the private sector and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or tribal governments'' with two exceptions. It excludes ''a condition of Federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding'' and the state, local, or tribal governments ''lack authority'' to adjust accordingly.

''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance; or (ii) a duty arising from participation in a voluntary Federal program.'' The designation of critical habitat does not impose a legally binding duty on non-Federal government entities or private parties. Under the ESA, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities who receive Federal funding, assistance, permits, or otherwise require approval or authorization from a Federal agency for an action may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal action agency. Furthermore, to the extent that non-Federal entities are indirectly impacted, because they receive a Federal permit or Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above to State governments.

2. This rule will not significantly or uniquely affect small governments, because it will not produce a Federal mandate of $100 million or greater in any year; that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. The proposed critical habitat designation falls within marine waters under Federal or State of Alaska jurisdiction. The State of Alaska does not fit the definition of a ''small governmental jurisdiction'' and thus a Small Government Agency Plan is not required. Waters adjacent to Native-owned lands are owned and managed by the State of Alaska.

Takings (E.O. 12630)

Under E.O. 12630, Federal agencies must consider the effects of their actions on constitutionally protected private property rights and avoid unnecessary takings of property. A taking of property includes actions that result in physical invasion or occupancy of private property, and regulations imposed on private property that substantially affect its value or use. In accordance with E.O. 12630, this proposed rule does not have significant takings implications. A takings implication assessment is not required. The designation of critical habitat affects only Federal agency actions. Private lands do not exist within the proposed critical habitat and would not be affected by this action.

Federalism (E.O. 13132)

In accordance with E.O. 13132 (Federalism), we determined that this proposed rule does not have significant

Federalism effects and that a Federalism assessment is not required.

Paperwork Reduction Act of 1995

This proposed rule does not contain new or revised information collections that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This proposed rule will not impose recordkeeping or reporting requirements on state or local governments, individuals, businesses, or organizations.

National Environmental Policy Act (NEPA)

Environmental analysis under NEPA for ESA critical habitat designations is not required. See *Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied, 116 S. Ct. 698 (1996).

Government-to-Government Relationship With Tribes

The longstanding and distinctive relationship between the Federal and tribal governments is defined by treaties, statutes, executive orders, judicial decisions, and co-management agreements, which differentiate tribal governments from the other entities that deal with, or are affected by, the Federal Government. This relationship has given rise to a special Federal trust responsibility involving the legal responsibilities and obligations of the United States toward Indian tribes and the application of fiduciary standards of due care with respect to Indian lands, tribal trust resources, and the exercise of tribal rights. Executive Order 13175 on Consultation and Coordination With Indian Tribal Governments outlines the responsibilities of the Federal Government in matters affecting tribal interests. Section 161 of Public Law 108–199 (188 Stat. 452), as amended by section 518 of Public Law 108–447 (118 Stat. 3267), directs all Federal agencies to consult with Alaska Native corporations on the same basis as Indian tribes under E.O. 13175.

As the entire proposed critical habitat area is located seaward of the coast line of Alaska, no tribal-owned lands overlap with the proposed designation. However, this proposed designation overlaps with areas used by Alaska Natives for subsistence, cultural, and other purposes. We coordinate with Alaska Native hunters regarding management issues related to ice seals through the Ice Seal Committee (ISC), a co-management organization under section 119 of the Marine Mammal Protection Act. NMFS discussed the designation of critical habitat for Arctic ringed seals with the ISC and provided updates regarding the timeline for publication of this proposed rule. We also contacted potentially affected tribes by mail and offered them the opportunity to consult on the designation of critical habitat for the Arctic ringed seal and discuss any concerns they may have. We received no requests for consultation in response to this mailing. If we receive any such requests in response to this proposed rule, we will respond to each request prior to issuing a final rule.

References Cited

A complete list of all references cited in this rulemaking can be found on the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov/* and is available upon request from the NMFS office in Juneau, Alaska (see **ADDRESSES**).

List of Subjects in 50 CFR Part 226

Endangered and threatened species.

Dated: December 4, 2014.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, we propose to amend 50 CFR part 226 as follows:

PART 226—DESIGNATED CRITICAL HABITAT

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

Authority: 16 U.S.C. 1533.

■ 2. Add § 226.226 to read as follows:

§ 226.226 Critical habitat for the Arctic Subspecies (*Phoca hispida hispida*) of the Ringed Seal (*Phoca hispida*).

Critical habitat is designated for the Arctic subspecies of the ringed seal as depicted in the map below and described in paragraph (a) of this section. Textual information is included for the purposes of clarifying or refining the location and boundaries of the critical habitat area.

(a) *Critical habitat boundaries.* Critical habitat includes all the contiguous marine waters from the ''coast line'' of Alaska as that term has been defined in the Submerged Lands Act (''the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters''), 43 U.S.C. 1301(c), to an offshore limit within the U.S. Exclusive Economic Zone (EEZ). The boundary extends offshore from the northern limit of the United States-Canada land border (from the ordinary low water line of the Beaufort Sea at 141° W. long.) and follows the outer extent of the U.S. EEZ boundary north and slightly northeastward; thence westerly and southwesterly; thence southerly and southwesterly to 60°31′ N. lat., 179°13′ W. long. From there it runs southeasterly to 58°22′ N. lat., 170°27′ W. long.; thence easterly to 59° N. lat., 164° W. long. The boundary then follows 164° W. long. due north to the coast line of Alaska southeast of Cape Avinof. Critical habitat does not include permanent manmade structures such as boat ramps, docks, or pilings that were in existence on or before the effective date of this rule.

(b) *Essential features.* The essential features for the conservation of the Arctic ringed seal are:

(1) Sea ice habitat suitable for the formation and maintenance of subnivean birth lairs used for sheltering pups during whelping and nursing, which is defined as seasonal landfast (shorefast) ice, except for any bottom-fast ice extending seaward from the coast line in waters less than 2 m deep, or dense, stable pack ice, that has undergone deformation and contains snowdrifts at least 54 cm deep.

(2) Sea ice habitat suitable as a platform for basking and molting, which is defined as sea ice of 15 percent or more concentration, except for any bottom-fast ice extending seaward from the coast line in waters less than 2 m deep.

(3) Primary prey resources to support Arctic ringed seals, which are defined to be Arctic cod, saffron cod, shrimps, and amphipods.

(c) *Critical habitat map.* The proposed critical habitat boundary was mapped using an Alaska Albers Equal Area Conic projection referenced to the North American Datum of 1983 (NAD83). The map, as clarified by the accompanying regulatory text, establishes the boundaries of the critical habitat designation. The map, along with the coordinates or plot points on which the map is based, is available to the public on *http://www.regulations.gov* at Docket No. NOAA–NMFS–2013–0114, on the NMFS Alaska region Web site at *http://alaskafisheries.noaa.gov,* and at the NMFS office in Juneau, Alaska. The map of critical habitat for the Arctic ringed seal follows:

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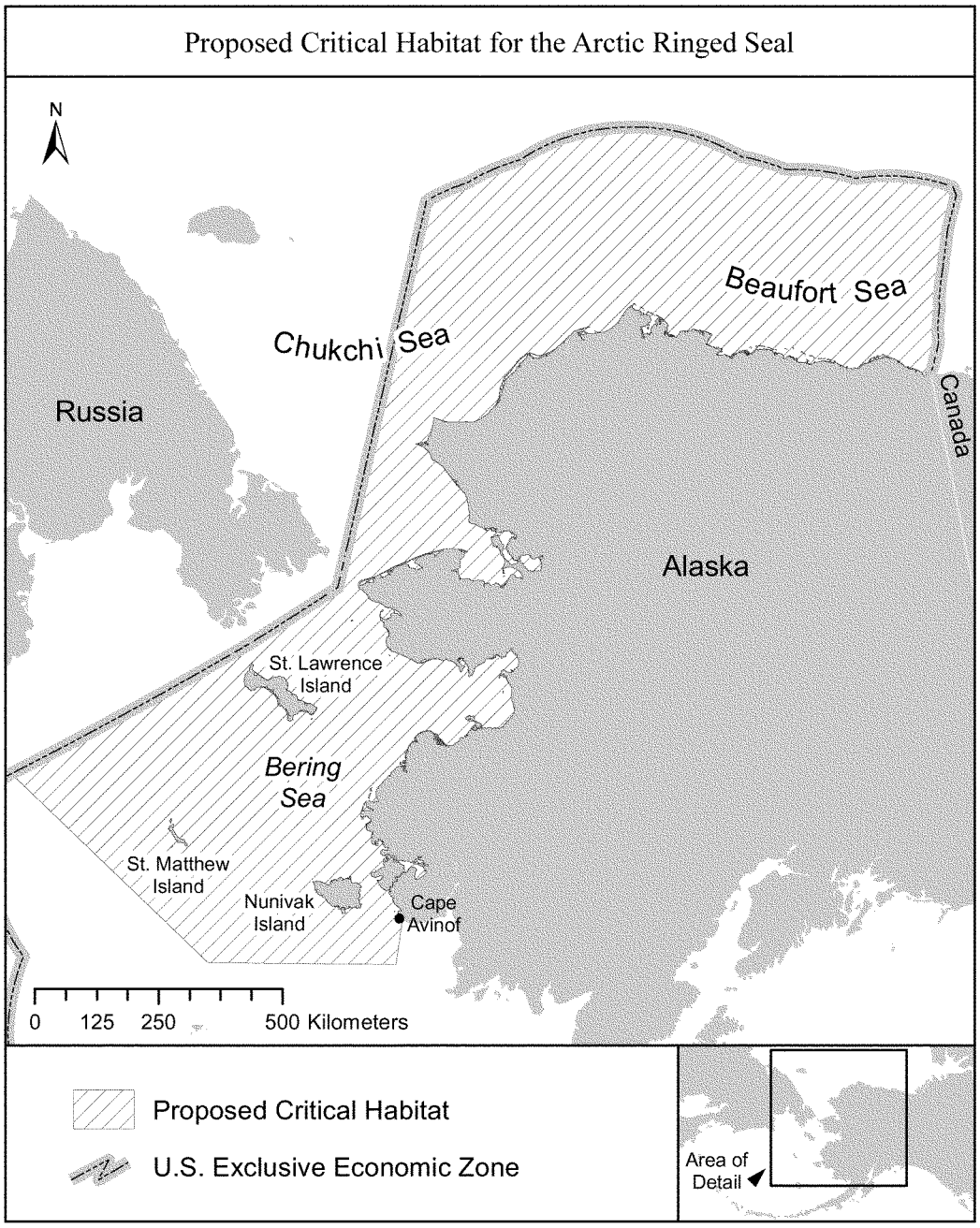

[FR Doc. 2014–28808 Filed 12–5–14; 11:15 am]

BILLING CODE 3510–22–C

Notices

Federal Register

Vol. 79, No. 236

Tuesday, December 9, 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

Forest Service

Information Collection: Good Neighbor Agreement With State Cooperators

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: The Forest Service is seeking comments from all interested individuals and organizations on the new information collection, Good Neighbor Agreements with State Cooperators.

DATES: Comments must be received in writing on or before February 9, 2015 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Jake Donnay, Legislative Affairs, USDA Forest Service, 1400 Independence Ave. SW., Mailstop 1130, Washington, DC 20250–1130. Comments also may be submitted via facsimile to 202–205–1225 or by email to: *jacobsdonnay@fs.fed.us.*

The public may inspect comments received at U.S. Department of Agriculture, Forest Service, 201 14th Street SW., 4th floor, 4CE, Washington DC, during normal business hours. Visitors are encouraged to call ahead to 202–205–1637 to facilitate entry. The public may request an electronic copy of the draft supporting statement and/or any comments received be sent via return email. Requests should be emailed to *jacobsdonnay@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Jake Donnay, Legislative Affairs at USDA Forest Service, 202–205–1617. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, Forest Service will submit a new information collection to the Office of Management and Budget.

Title: Good Neighbor Agreements with State Cooperators.

OMB Number: 0596—NEW.

Type of Request: New.

Abstract: In order to perform specific activities in cooperation with State partners, Congress passed two Good Neighbor Authorities. The Farm Bill version of the Good Neighbor Authority, Agricultural Act of 2014, Public Law 113–79, section 8206, is a permanent authority that authorizes and encourages the Forest Service to enter into Good Neighbor Agreements with States and the Commonwealth of Puerto Rico to carry out authorized forest, rangeland, and watershed restoration services on and off National Forest System lands.

The Appropriations Act version of the Good Neighbor Authority, Omnibus Appropriations Act of 2014, Public Law 113–76, section 417, is an amendment to the original Colorado version of the Good Neighbor Authority and is set to expire on September 30, 2018. This version of the authority authorizes and encourages the Forest Service to enter into Good Neighbor agreements with State Forestry Agencies to perform watershed restoration and protective services when similar and complementary projects are being performed on adjacent State or private lands.

Good Neighbor Agreements, as defined and authorized by statute, are considered cooperative agreements which permit the Forest Service to work collaboratively with willing State agencies resulting in outcomes that benefit the Federal Government and its State partners. The agreement templates incorporated in this new information request contain partnership elements allowing State cooperators to bring matching contributions to projects and to perform work collaboratively with the Forest Service. The Forest Service will maintain its land management responsibilities for all projects that take place on National Forest System lands. The Forest Service also incorporates applicable Federal financial assistance regulations, currently located in Title 2, Code of Federal Regulations, Part 200, in all Good Neighbor Agreements which provide a regulatory framework for authorized activities performed under the cited authority.

To further reduce the burden on State cooperators, standard Federal financial assistance forms and certifications (for example, SF 424, SF 424B, and SF 425) are not required for Good Neighbor Agreements. Required information will be collected in the proposed Good Neighbor Agreement templates, financial plan, statement of work, and standard supporting documentation for the activity. The information that will be collected is similar to information collected through existing approved agreement templates and financial plans.

To negotiate, develop, and administer Good Neighbor Agreements, the Forest Service collects information from State cooperators from the pre-agreement to the closeout stage via telephone calls, emails, postal mail, and person-to-person meetings. There are multiple means for State respondents to communicate responses including forms, optional forms, non-forms, electronic documents, face-to-face, telephone, and email. The scope of information collected includes the project type, project scope, financial plan, statement of work, and cooperator's business information. Without the collected information, the Forest Service would not be able to create, develop, and administer Good Neighbor Agreements. The Agency would be unable to develop or monitor projects, make payments, or identify financial and accounting errors.

This is a new information collection request. Upon OMB approval of this information collection request, the burden associated with this request will be incorporated in the renewal of OMB control number 0596–0217. Good Neighbor Agreement instruments and associated administrative forms can be viewed at *www.fs.fed.us.gov/farmbill/gna.shtml.*

Estimate of Annual Burden: 1 to 4 hours annually per State.

Type of Respondents: States and the Commonwealth of Puerto Rico.

Estimated Annual Number of Respondents: 51.

Estimated Annual Number of Responses per Respondent: 1 to 4.

Estimated Total Annual Burden on Respondents: 200 hours.

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: December 3, 2014.

Brian Ferebee,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2014–28746 Filed 12–8–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Designation for the Aberdeen, SD; Bloomington, IL; Hastings, NE; Fulton, IL; the State of Missouri, and the State of South Carolina Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: GIPSA is announcing the designation of Aberdeen Grain Inspection, Inc. (Aberdeen); Central Illinois Grain Inspection, Inc. (Central Illinois); Hastings Grain Inspection, Inc. (Hastings); John R. McCrea Agency, Inc. (McCrea); Missouri Department of Agriculture (Missouri); and South Carolina Department of Agriculture (South Carolina) to provide official services under the United States Grain Standards Act (USGSA), as amended.

DATES: *Effective Date:* October 1, 2014.

ADDRESSES: Eric J. Jabs, Deputy Director, USDA, GIPSA, FGIS, QACD, 10383 North Ambassador Drive, Kansas City, MO 64153.

FOR FURTHER INFORMATION CONTACT: Eric J. Jabs, 816–659–8408 or *Eric.J.Jabs@usda.gov.*

Read Applications: All applications and comments will be available for public inspection at the office above during regular business hours (7 CFR 1.27(c)).

SUPPLEMENTARY INFORMATION: In the April 15, 2014, **Federal Register** (79 FR 21207), GIPSA requested applications for designation to provide official services in the geographic areas presently serviced by Aberdeen, Hastings, McCrea, Missouri, and South Carolina. Applications were due by May 15, 2014.

Aberdeen, Hastings, McCrea, Missouri, and South Carolina were the sole applicants for designation to provide official services in these areas. As a result, GIPSA did not ask for additional comments.

In the April 21, 2014, **Federal Register** (79 FR 22092), GIPSA requested applications for designation to provide official services in the Bloomington, IL and Decatur, IL geographic areas. Applications were due by May 21, 2014.

Central Illinois was the sole applicant for designation to provide official services in these areas. As a result, GIPSA did not ask for additional comments.

GIPSA evaluated all available information regarding the designation criteria in section 79(f) of the USGSA (7 U.S.C. 79(f)) and determined that Aberdeen, Hastings, McCrea, and Missouri are qualified to provide official services in the geographic area specified in the **Federal Register** on April 15, 2014. This designation action to provide official services in these specified areas is effective October 1, 2014 to September 30, 2017.

GIPSA evaluated all available information regarding the designation criteria in section 79(f) of the USGSA (7 U.S.C. 79(f)) and determined that Central Illinois is qualified to provide official services in the geographic area specified in the **Federal Register** on April 21, 2014. This designation action to provide official services in these specified areas is effective October 1, 2014 to March 31, 2017.

After completing quality management reviews of South Carolina, GIPSA determined that South Carolina only should receive a one year designation. Accordingly, GIPSA is designating South Carolina to provide services in this specified area for one year, effective October 1, 2014 to September 30, 2015. During this timeframe, another review will be conducted.

Interested persons may obtain official services by contacting these agencies at the following telephone numbers:

Official agency	Headquarters location and telephone	Designation start	Designation end
Aberdeen	Aberdeen, SD (605) 225–8432	10/1/2014	9/30/2017
Central Illinois	Bloomington, IL (309) 827–7121	10/1/2014	3/31/2017
Hastings	Hastings, NE (402) 462–4254	10/1/2014	9/30/2017
McCrea	Fulton, IL (815) 589–9955	10/1/2014	9/30/2017
Missouri	Jefferson City, MO (573) 751–5515	10/1/2014	9/30/2017
South Carolina	Columbia, SC (803) 556–6403	10/1/2014	9/30/2015

Section 79(f) of the USGSA authorizes the Secretary to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services (7 U.S.C. 79 (f)).

Under section 79(g) of the USGSA, designations of official agencies are effective for no longer than three years unless terminated by the Secretary; however, designations may be renewed according to the criteria and procedures prescribed in section 79(f) of the USGSA.

Authority: 7 U.S.C. 71–87k.

Larry Mitchell,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2014–28783 Filed 12–8–14; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–838]

Seamless Refined Copper Pipe and Tube From Mexico: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on seamless refined copper pipe and tube from Mexico.[1] The review covers two producers/exporters of the subject merchandise, GD Affiliates S. de R.L. de C.V. (Golden Dragon)[2] and Nacional de Cobre, S.A. de C.V. (Nacobre). The period of review (POR) is November 1, 2012, through October 31, 2013. We have preliminarily found that sales of subject merchandise have been made at prices below normal value. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* December 9, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth Eastwood or Dennis McClure, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3874 or (202) 482–5973, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is seamless refined copper pipe and tube. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7411.10.1030 and 7411.10.1090, and also may enter under HTSUS subheadings 7407.10.1500, 7419.99.5050, 8415.90.8065, and 8415.90.8085. The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive.[3]

Methodology

The Department is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum, dated concurrently with these results and hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[4] ACCESS is available to registered users at *http://access.trade.gov* and it 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/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist:

Producer/exporter	Weighted-average dumping margin (percent)
GD Affiliates S. de R.L. de C.V	1.23
Nacional de Cobre, S.A. de C.V	0.00

Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with these preliminary results within five days after the date of publication of this notice.[5] Interested parties may submit case briefs to the Department no later than seven days after the date of the final verification report issued in this proceeding. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.[6] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[7] Case and rebuttal briefs should be filed using ACCESS.[8]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice.[9] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230.[10]

The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A)

[1] *See Seamless Refined Copper Pipe and Tube From Mexico and the People's Republic of China: Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value From Mexico,* 75 FR 71070 (November 22, 2010) (*Order*).

[2] The Department has previously treated GD Affiliates S. de R.L. de C.V. as part of a single entity including: (1) GD Copper Cooperatief U.A.; (2) Hong Kong GD Trading Co. Ltd.; (3) Golden Dragon Holding (Hong Kong) International, Ltd.; (4) GD Copper U.S.A. Inc.; (5) GD Affiliates Servicios S. de R.L. de C.V.; and (6) GD Affiliates S. de R.L. de C.V., which is collectively referred to as Golden Dragon. *See, e.g., Seamless Refined Copper Pipe and Tube From Mexico: Final Results of Antidumping Duty New Shipper Review,* 77 FR 59178 (September 26, 2012), and accompanying Issues and Decision Memorandum.

[3] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, entitled ''Seamless Refined Copper Pipe and Tube from Mexico: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2012–2013'' (Preliminary Decision Memorandum), dated concurrent with and adopted by this notice, for a complete description of the Scope of the Order.

[4] On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (IA ACCESS) to AD and CVD Centralized Electronic Service System (ACCESS). The Web site location was changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

[5] *See* 19 CFR 351.224(b).

[6] *See* 19 CFR 351.309(d).

[7] *See* 19 CFR 351.309(c)(2) and (d)(2).

[8] *See* 19 CFR 351.303.

[9] *See* 19 CFR 351.310(c).

[10] *Id.*

of the Act and 19 CFR 351.213(h), unless this deadline is extended.

Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[11] Golden Dragon and Nacobre reported the names of the importers of record and the entered value for all of their sales to the United States during the POR. If Golden Dragon's and Nacobre's weighted-average dumping margins are not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of those sales in accordance with 19 CFR 351.212(b)(1), and we will instruct CBP to assess antidumping duties on all appropriate entries covered by this review. Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by Golden Dragon and Nacobre for which they did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

We intend to issue instructions to CBP 41 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of seamless refined copper pipe and tube from Mexico entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rates for Golden Dragon and Nacobre will be equal to the weighted-average dumping margins established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recently-completed segment for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 26.03 percent, the all-others rate established in the *Order.* These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h) and 351.221(b)(4).

Dated: December 2, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Methodology
   i. Normal Value Comparisons
   ii. Determination of Comparison Method
   iii. Product Comparisons
   iv. Date of Sale
   v. Constructed Export Price
   vi. Normal Value
   vii. Currency Conversion

[FR Doc. 2014–28827 Filed 12–8–14; 8:45 am]

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[11] *See* 19 CFR 351.212(b).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–942]

Certain Kitchen Appliance Shelving and Racks From the People's Republic of China: Final Results of Expedited Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) finds that revocation of the countervailing duty order (CVD) order on certain kitchen appliance shelving and racks (kitchen racks) from the People's Republic of China (PRC) would be likely to lead to continuation or recurrence of a countervailable subsidy at the levels indicated in the Final Results of Review section of this notice.

DATES: *Effective Date:* December 9, 2014.

FOR FURTHER INFORMATION CONTACT: Mary Kolberg, Office I, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1785.

SUPPLEMENTARY INFORMATION

Background

On August 1, 2014, the Department initiated a sunset review of the *CVD Order*[1] on kitchen racks from the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On August 18, 2014, the Department received a notice of intent to participate in the review on behalf of Nashville Wire Products, Inc. (Nashville Wire) and SSW Holding Company, Inc. (SSW) (collectively, the domestic industry) within the deadline specified in 19 CFR 351.218(d)(1)(i). Each of these companies claimed interested party status under section 771(9)(C) of the Act, as domestic producers of the domestic like product.

The Department received adequate substantive responses collectively from the domestic industry within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). The Department did not receive a substantive response from the Government of the PRC or any respondent interested party to the

[1] *See Certain Kitchen Appliance Shelving and Racks From the People's Republic of China: Countervailing Duty Order,* 74 FR 46973 (September 14, 2009) (*CVD Order*).

[2] *See Initiation of Five-Year (''Sunset'') Review,* 79 FR 44743 (August 1, 2014).

proceeding. Because the Department received no response from the respondent interested parties, the Department conducted an expedited review of this CVD order, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(l)(ii)(B)(2) and (C)(2).

Scope of the Order

The merchandise subject to the order is certain kitchen appliance shelving and racks from the People's Republic of China. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) numbers 7321.90.5000, 7321.90.6040, 7321.90.6090, 8418.99.8050, 8418.99.8060, 8419.90.9520, 8516.90.8000, and 8516.90.8010. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.

For a full description of the scope, *see* ''Issues and Decision Memorandum for the Final Results of Expedited Sunset Review of the Countervailing Duty Order on Certain Kitchen Appliance Shelving and Racks from the People's Republic of China,'' from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this final notice (Issues and Decision Memorandum), and hereby adopted by this notice.

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum. The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of a countervailable subsidy and the net countervailable subsidy likely to prevail if the *CVD Order* were revoked. Parties can find a complete discussion of all issues raised in this expedited sunset review and the corresponding recommendations in this public memorandum which is on file electronically *via* the Enforcement and Compliance Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[3] ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Review

Pursuant to sections 752(b)(1) and (3) of the Act, we determine that revocation of the *CVD Order* on kitchen racks from the PRC would be likely to lead to continuation or recurrence of a net countervailable subsidy at the rates listed below:

Producer/exporter	Subsidy rate (percent)
Guangdong Wire King Co., Ltd. (formerly known as Foshan Shunde Wireking Housewares & Hardware)	19.13
Asber Enterprises Co., Ltd. (China)	175.03
Changzhou Yixiong Metal Products Co., Ltd	154.12
Foshan Winleader Metal Products Co., Ltd	154.12143
Kingsun Enterprises Group Co, Ltd	154.12
Yuyao Hanjun Metal Work Co./Yuyao Hanjun Metal Products Co., Ltd	154.12
Zhongshan Iwatani Co., Ltd.	154.12
All Others	17.51

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these final results and notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act.

Dated: December 1, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–28831 Filed 12–8–14; 8:45 am]

BILLING CODE 3510–DS–P

[3] On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (''IA ACCESS'') to AD and CVD Centralized Electronic Service System (''ACCESS''). The Web site location was changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–021, C–274–807]

Melamine From the People's Republic of China and Trinidad and Tobago: Initiation of Countervailing Duty Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* December 9, 2014.

FOR FURTHER INFORMATION CONTACT: Andrew Medley at (202) 482–4987 or Eve Wang at (202) 482–6231 (People's Republic of China); Brendan Quinn at (202) 482–5848 or Raquel Silva at (202) 482–6475 (Republic of Trinidad and Tobago), Office III, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On November 12, 2014, the Department of Commerce (''Department'') received countervailing duty (''CVD'') petitions concerning imports of melamine from the People's Republic of China (''PRC'') and Trinidad and Tobago (''Trinidad and Tobago'') filed in proper form on behalf of Cornerstone Chemical Company (''Petitioner''). The CVD petitions were accompanied by two antidumping duty (''AD'') petitions.[1] Petitioner is a domestic producer of melamine.[2]

On November 14, and November 19, 2014, the Department requested information and clarification for certain areas of the Petitions.[3] Petitioner filed responses to these requests on

[1] *See* Petitioner's submission entitled ''Petitions For The Imposition Of Antidumping And Countervailing Duties Against Melamine From China And Trinidad And Tobago,'' dated November 12, 2014 (''Petitions'').

[2] *See* Volume I of the Petitions, at 2.

[3] *See* Letter from the Department to Petitioner entitled ''Petition for the Imposition of Countervailing Duties on Imports of Melamine from Trinidad and Tobago: Supplement Question,'' dated November 14, 2014; Letter from the Department to Petitioner entitled ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Melamine from the People's Republic of China and Trinidad and Tobago: Supplemental Questions,'' dated November 14, 2014 (''General Issues Supplemental Questionnaire''); Letter from the Department to Petitioner entitled ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Melamine from the People's Republic of China and Trinidad and Tobago: Supplemental Questions,'' dated November 19, 2014 (''Second General Issues Supplemental Questionnaire'').

November 18, November 20, and November 24, 2014.[4]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (''the Act''), Petitioner alleges that the Government of the PRC (''GOC'') and the Government of Trinidad and Tobago (''GOTT'') are providing countervailable subsidies (within the meaning of sections 701 and 771(5) of the Act) to imports of melamine from the PRC and the Trinidad and Tobago, respectively, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 702(b)(1) of the Act, the Petitions are accompanied by information reasonably available to Petitioner supporting its allegations.

The Department finds that Petitioner filed the Petitions on behalf of the domestic industry because Petitioner is an interested party as defined in section 771(9)(C) of the Act. The Department also finds that Petitioner demonstrated sufficient industry support with respect to the initiation of the CVD investigations that Petitioner is requesting.[5]

Period of Investigations

The period of the investigation for both the PRC and Trinidad and Tobago is January 1, 2013, through December 31, 2013.[6]

Scope of the Investigations

The product covered by these investigations is melamine from the PRC and Trinidad and Tobago. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations'' in Appendix I of this notice.

Comments on Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, Petitioner pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[7]

As discussed in the preamble to the Department's regulations,[8] we are setting aside a period for interested parties to raise issues regarding product coverage (scope). The period for scope comments is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determination. If scope comments include factual information (*see* 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. All such comments must be filed by 5:00 p.m. Eastern Standard Time (''EST'') on December 22, 2014, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. EST on January 2, 2015, which is 10 calendar days after the initial comments deadline.[9]

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of the PRC and Trinidad and Tobago AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'').[10] An electronically-filed document must be received successfully in its entirety by the time and date it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to section 702(b)(4)(A)(i) of the Act, the Department notified representatives of the GOC and the GOTT of the receipt of the Petitions. Also, in accordance with section 702(b)(4)(A)(ii) of the Act, the Department provided representatives of the GOC and the GOTT the opportunity for consultations with respect to the Petitions.[11] Consultations were held with the GOC on November 25, 2014.[12] All memoranda are on file electronically via ACCESS.[13]

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

[4] *See* Letter from Petitioner entitled ''Melamine From Trinidad and Tobago/Petitioner's Response To The Department's Questions Regarding The Petition,'' dated November 18, 2014; Letter from Petitioner entitled ''Melamine from China and Trinidad and Tobago/Petitioner's Response to the Department's Questions Regarding the Petition,'' dated November 18, 2014 (''General Issues Supplement''); Letter from Petitioner entitled ''Melamine From China And Trinidad and Tobago/Petitioner's Response To The Department's Second General Questionnaire,'' dated November 20, 2014 (''Second General Issues Supplement''); Letter from Petitioner entitled ''Supplement to Petitions For The Imposition of Antidumping and Countervailing Duties Melamine from China and Trinidad and Tobago'' dated November 24, 2014 (''Third General Issues Supplement'').

[5] *See* the ''Determination of Industry Support for the Petitions'' section below.

[6] 19 CFR 351.204(b)(2).

[7] *See* General Issues Supplemental Questionnaire and Second General Issues Supplemental Questionnaire; *see also* General Issues Supplement, Second General Issues Supplement, and Third General Issues Supplement.

[8] *See Antidumping Duties; Countervailing Duties; Final rule,* 62 FR 27296, 27323 (May 19, 1997).

[9] According to the Department practice, when a date falls on a weekend or a federal holiday, submissions become due the next business day; *see Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[10] On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (''IA ACCESS'') to AD and CVD Centralized Electronic Service System (''ACCESS''). The Web site location was changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The Final Rule changing the reference to the Regulations can be found at 79 FR 69046 (November 20, 2014).

[11] *See* Letters of invitation from the Department to the GOC and the GOT, both dated November 17, 2014.

[12] *See* Memorandum to the File, ''Consultations with Officials from the Government of the People's Republic of China Regarding the Countervailing Duty Petition Concerning Melamine,'' dated November 26, 2014.

[13] *See supra* fn.10 for information pertaining to ACCESS.

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (''ITC''), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[14] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[15]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, Petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we determined that melamine constitutes a single domestic like product and we analyzed industry support in terms of that domestic like product.[16]

In determining whether Petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. To establish industry support, Petitioner provided its own production of the domestic like product in 2013.[17] Petitioner states that it is the only producer of melamine in the United States; therefore, the Petitions are supported by 100 percent of the U.S. industry.[18]

Based on the data provided in the Petitions, supplemental submissions, and other information readily available to the Department, we determine that Petitioner has established industry support.[19] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[20] Second, the domestic producers (or workers) met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[21] Finally, the domestic producers (or workers) met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[22] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

The Department finds that Petitioner filed the Petitions on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the CVD investigations that it is requesting the Department initiate.[23]

Injury Test

Because the PRC and Trinidad and Tobago are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from the PRC and Trinidad and Tobago materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

Petitioner alleges that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports, individually and cumulatively, are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product.

With regard to the PRC, Petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[24] In CVD petitions, section 771(24)(A)–(B) of the Act provides that imports of subject merchandise from developing countries must exceed the negligibility threshold of four percent. Because Trinidad and Tobago has been designated as a developing country,[25] imports from Trinidad and Tobago must exceed the negligibility threshold of four percent. With regard to Trinidad and Tobago, the allegedly subsidized imports exceed the negligibility threshold provided under section 771(24)(B) of the Act.[26]

Petitioner contends that the industry's injured condition is illustrated by reduced market share, underselling and price depression or suppression, lost sales and revenues, and adversely impacted production, shipments, capacity utilization, financial performance, and capital expenditures.[27] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we

[14] *See* section 771(10) of the Act.

[15] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[16] For a discussion of the domestic like product analysis in this case, *see* Countervailing Duty Investigation Initiation Checklist: Melamine from the People's Republic of China (''PRC CVD Initiation Checklist''), at Attachment II, Analysis of Industry Support for the Petitions Covering Melamine from the People's Republic of China and Trinidad and Tobago (''Attachment II''); and Countervailing Duty Investigation Initiation Checklist: Melamine from Trinidad and Tobago (''Trinidad and Tobago CVD Initiation Checklist''), at Attachment II. These checklists are dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room 7046 of the main Department of Commerce building.

[17] *See* Volume I of the Petitions, at 2 and Exhibit I–18.

[18] *Id.,* at 2.

[19] *See* PRC CVD Checklist and Trinidad and Tobago CVD Checklist, at Attachment II.

[20] *See* section 702(c)(4)(D) of the Act; *see also* PRC CVD Checklist and Trinidad and Tobago CVD Checklist, at Attachment II.

[21] *See* PRC CVD Checklist and Trinidad and Tobago CVD Checklist, at Attachment II.

[22] *Id.*

[23] *Id.*

[24] *See* Volume I of the Petitions, at 11–12 and Exhibit I–11.

[25] *See* section 771(36)(A) of the Act; *see also Developing and Least-Developed Country Designations under the Countervailing Duty Law,* 63 FR 29945–29948 (June 2, 1998).

[26] *See* Volume I of the Petitions, at 11–12 and Exhibit I–11.

[27] *Id.,* at 12–16 and Exhibits I–13 through I–20; *see also* Third General Issues Supplement, at 2–5 and Exhibits 1–4.

determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[28] In accordance with section 771(7)(G)(ii)(III) of the Act, which provides an exception to the mandatory cumulation provision for imports from any country designated as a beneficiary country under the Caribbean Basin Economic Recovery Act (''CBERA''), we considered Petitioner's allegation of injury with respect to Trinidad and Tobago, a designated beneficiary under CBERA, independent of the allegation for the PRC and found that the information provided satisfies the requirements for initiation.[29]

Initiation of Countervailing Duty Investigations

Section 702(b)(1) of the Act requires the Department to initiate a CVD investigation whenever an interested party files a CVD petition on behalf of an industry that: (1) Alleges the elements necessary for an imposition of a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to the petitioner supporting the allegations.

In the Petitions, Petitioner alleges that producers/exporters of melamine in the PRC and Trinidad and Tobago benefited from countervailable subsidies bestowed by the governments of these countries, respectively. The Department examined the Petitions and finds that they comply with the requirements of section 702(b)(1) of the Act. Therefore, in accordance with section 702(b)(1) of the Act, we are initiating CVD investigations to determine whether manufacturers, producers, or exporters of melamine from the PRC and Trinidad and Tobago receive countervailable subsidies from the governments of these countries, respectively.

The PRC

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation of 21 of the alleged programs.[30] For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the PRC CVD Initiation Checklist.

Trinidad and Tobago

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation of 10 of the 10 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the Trinidad and Tobago CVD Initiation Checklist.

A public version of the initiation checklist for each investigation is available on ACCESS and at *http://trade.gov/enforcement/news.asp.*

In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of this initiation.

Respondent Selection

Petitioner named 54 companies as producers/exporters of melamine from the PRC and one company as a producer/exporter of melamine from Trinidad and Tobago.[31] Following standard practice in CVD investigations, the Department will, where appropriate, select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports of melamine during the period of investigation under the following Harmonized Tariff Schedule of the United States (''HTSUS'') number: 2933.61.0000. For the PRC, we intend to release CBP data under Administrative Protective Order (''APO'') to all parties with access to information protected by APO shortly after the announcement of these case initiations. For Trinidad and Tobago, Petitioner named only one company as a producer/exporter of melamine *i.e.,* Methanol Holdings (Trinidad) Ltd., and provided information from an independent third party source as support.[32] Furthermore, we currently know of no additional producers/exporters of subject merchandise from Trinidad and Tobago. Accordingly, the Department intends to examine all known producers/exporters in this investigation (*i.e.,* the company cited above). The Department invites comments regarding CBP data and respondent selection within five calendar days of publication of this **Federal Register** notice. Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. EST by the date noted above. We intend to make our decision regarding respondent selection within 20 days of publication of this **Federal Register** notice. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo.*

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the GOC and GOTT via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each known exporter (as named in the Petitions), consistent with 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of melamine from the PRC and/or Trinidad and Tobago are materially injuring, or threatening material injury to, a U.S. industry.[33] A negative ITC determination for either country will result in the investigation being terminated with respect to that country;[34] otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to AD and CVD proceedings: the definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19

[28] *See* PRC CVD Initiation Checklist and Trinidad and Tobago CVD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Melamine from the People's Republic of China and Trinidad and Tobago (''Attachment III'').

[29] *See id.*

[30] Additionally, Petitioner alleged various grants received individually by four producers/exporters of melamine. The Department intends to investigate these grants to the extent that these specific companies are selected as mandatory respondents in this proceeding.

[31] *See* Volume I of the Petitions, at Exhibit I–5.

[32] *See id.*

[33] *See* section 703(a) of the Act.

[34] *Id.*

CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all proceeding segments initiated on or after May 10, 2013, and thus are applicable to these investigations. Interested parties should review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in these investigations.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in AD and CVD proceedings.[35] The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction information filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013, and thus are applicable to these investigations. Interested parties should review *Extension of Time Limits; Final Rule,* available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[36] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[37] The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act.

Dated: December 2, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigations

The merchandise subject to these investigations is melamine (Chemical Abstracts Service (''CAS'') registry number 108–78–01, molecular formula $C_3H_6N_6$).[1] Melamine is a crystalline powder or granule typically (but not exclusively) used to manufacture melamine formaldehyde resins. All melamine is covered by the scope of these investigations irrespective of purity, particle size, or physical form. Melamine that has been blended with other products is included within this scope when such blends include constituent parts that have been intermingled, but that have not been chemically reacted with each other to produce a different product. For such blends, only the melamine component of the mixture is covered by the scope of these investigations. Melamine that is otherwise subject to these investigations is not excluded when commingled with melamine from sources not subject to these investigations. Only the subject component of such commingled products is covered by the scope of these investigations.

The subject merchandise is provided for in subheading 2933.61.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheading and CAS registry number are provided for convenience and customs purposes, the written description of the scope is dispositive.

[FR Doc. 2014–28832 Filed 12–8–14; 8:45 am]

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[35] *See Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013).

[36] *See* section 782(b) of the Act.

[37] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*''); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[1] Melamine is also known as 2,4,6-triamino-s-triazine; l,3,5-Triazine-2,4,6-triamine; Cyanurotriamide; Cyanurotriamine; Cyanuramide; and by various brand names.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–805]

Certain Circular Welded Non-Alloy Steel Pipe From Mexico; Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to requests from interested parties, the Department of Commerce (the Department) is conducting an administrative review of

the antidumping duty order on certain circular welded non-alloy steel pipe from Mexico.[1] This administrative review originally covered eight entities: Productos Laminados de Monterrey, S.A. de C.V. (Productos Laminados), Prolamsa, Inc.,[2] Conduit S.A. de C.V. (Conduit); Ternium Mexico, S.A. de C.V. (Ternium); Tuberia Nacional, S.A. de C. V. (TUNA); Lamina y Placa Comercial, S.A. de C.V. (Lamina);[3] Mueller Comercial de Mexico, S. de R.L. de C.V. (Mueller); and PYTCO, S.A. de C.V. (PYTCO). All requests for administrative review of Conduit, TUNA, Lamina, Ternium, Mueller, and PYTCO were timely withdrawn, and we are consequently rescinding this administrative review, in part, with respect to these six companies. The sole mandatory respondent is Productos Laminados. The period of review (POR) is August 1, 2012, through July 31, 2013. We preliminarily find that Productos Laminados made sales at prices below normal value (NV) during the POR. We invite interested parties to comment on these preliminary results.

DATES: *Effective Date:* December 9, 2014.

FOR FURTHER INFORMATION CONTACT: Mark Flessner or Robert James, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0698 or (202) 482–1131, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products covered by the order are circular welded non-alloy steel pipes and tubes, of circular cross-section, not more than 406.4 millimeters (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), or end finish (plain end, beveled end, threaded, or threaded and coupled). The merchandise covered by the order and subject to this review is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive. A full description of the scope of the order is contained in the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Certain Circular Welded Non-Alloy Steel Pipe from Mexico,'' (Preliminary Decision Memorandum), dated concurrently with this notice, which is hereby adopted by this notice.[4]

Methodology

The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

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 (ACCESS). ACCESS is available to registered users at *https://access.trade.gov*[5] and 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/index.html.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Review

We preliminarily determine for the period November 1, 2012, through October 31, 2013, the following weighted-average dumping margin exists:

Exporter or producer	Weighted-average dumping margin (percent)
Productos Laminados de Monterrey, S.A. de C.V./Aceros Cuatro Caminos, S.A. de C.V.[6]	6.31

Scope Inquiry

The Department is conducting a scope inquiry to determine whether certain types of black, circular tubing produced to American Society for Testing and Materials standard A–513 by Productos Laminados may be outside the scope of the Order because they meet the exclusion for ''mechanical tubing.'' Parties are notified that the final results of the scope inquiry may affect the final results of this administrative review by decreasing the number of reported sales.

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole, or in part, if a party that requested a review withdraws the request within 90 days of publication of notice of initiation of the requested review. All requests for review by all parties, except those of Productos Laminados and Prolamsa, Inc.,[7] were timely withdrawn.[8] Accordingly, we rescind the administrative review of the antidumping duty order on certain circular welded non-alloy steel pipe from Mexico covering the period November 1, 2012, through October 31,

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 79392 (December 30, 2013).

[2] While the Department initiated an administrative review of Productos Laminados and Prolamsa, Inc. separately, record information indicates that Prolamsa, Inc. is a wholly-owned U.S. subsidiary of Productos Laminados, and is an importer, and not a producer, of subject merchandise.

[3] The Department has determined that Lamina is the successor-in-interest to TUNA. *See Notice of Final Results of Antidumping Duty Changes Circumstances Review: Certain Circular Welded Non-Alloy Steel Pipe From Mexico,* 75 FR 82374 (December 30, 2010).

[4] *See also Notice of Antidumping Duty Orders: Certain Circular Welded Non-Alloy Steel Pipe from Brazil, the Republic of Korea (Korea), Mexico, and Venezuela and Amendment to Final Determination of Sales at Less Than Fair Value: Certain Welded Non-Alloy Steel Pipe from Korea,* 57 FR 49453 (November 2, 1992) (the *Order*).

[5] On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (''IA ACCESS'') to AD and CVD Centralized Electronic Service System (''ACCESS''). The Web site location was changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The Final Rule changing the references to the Regulations can be found at: 79 FR 69046 (November 20, 2014).

[6] *See* the Memorandum from Davina Friedmann to Richard Weible, Office Director, AD/CVD Operations Office VI, entitled, ''Circular Welded Non-Alloy Steel Pipe from Mexico: Affiliation and Collapsing Memorandum,'' dated December 1, 2014; *see also* Preliminary Decision memorandum at 4 and 12–14.

[7] Prolamsa, Inc. (a wholly-owned U.S. subsidiary of Productos Laminados which is an importer, and not a producer, of subject merchandise—*see* footnote 1), made no entries of subject merchandise during the POR. *See* the Memorandum from Davina Hashmi to Richard Weible, Director, AD/CVD Operations Office VI, entitled, ''Administrative Review of the Antidumping Duty Order on Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Respondent Selection Memorandum,'' dated March 20, 2014, at 5.

[8] *See* Preliminary Decision Memorandum at 5.

2013, with respect to Conduit, TUNA, Lamina, Ternium, Mueller, and PYTCO.

Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.[9] Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.[10] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[11] Case and rebuttal briefs should be filed using ACCESS.[12]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5:00 p.m. Eastern Standard Time within 30 days after the date of publication of this notice.[13] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, parties will be notified of the date and time of the hearing to be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in all written case briefs, within 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.[14] If the weighted-average dumping margin for Productos Laminados/Aceros Cuatro Caminos is not zero or *de minimis* in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping duties calculated for an importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212(b)(1). If the weighted-average dumping margin for Productos Laminados/Aceros Cuatro Caminos is zero or *de minimis* in the final results of review, we will instruct CBP not to assess duties on any of its entries in accordance with the Final Modification for Reviews, *i.e.,* ''{w}here the weighted-average margin of dumping for the exporter is determined to be zero or *de minimis,* no antidumping duties will be assessed.'' [15]

As noted above, the Department has rescinded this administrative review for Conduit, TUNA, Lamina, Ternium, Mueller, and PYTCO. For these exporters and/or producers, the Department will instruct CBP to liquidate all appropriate entries as entered.

We intend to issue instructions to CBP 41 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of circular welded non-alloy steel pipe from Mexico entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Productos Laminado/Aceros Cuatro Caminos will be the weighted-average dumping margin established in the final results of this administrative review except if the rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 32.62 percent *ad valorem,* the all-others rate established in the less-than-fair-value investigation.[16] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(1).

Dated: December 1, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Postponement of Preliminary Determination
5. No Shipments Claims
6. Partial Rescission of Review
7. Duty Absorption
8. Methodology
9. Comparisons to Normal Value
   A. Determination of Comparison Method
   B. Results of the DP Analysis
10. Product Comparisons
11. Date of Sale
12. Level of Trade
13. Constructed Export Price
14. Normal Value
   A. Affiliation and Single Entity
   B. Cost of Production
15. Calculation of Normal Value Based on Comparison Market Prices
16. Currency Conversion
17. Recommendation

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[9] *See* 19 CFR 351.224(b).

[10] *See* 19 CFR 351.309(d).

[11] *See* 19 CFR 351.309(c)(2) and (d)(2).

[12] *See* 19 CFR 351.303.

[13] *See* 19 CFR 351.310(c).

[14] In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[15] *Id.* at 77 FR 8101, 8102.

[16] *See* the *Order.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–020, A–274–806]

Melamine From the People's Republic of China and Trinidad and Tobago: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* December 9, 2014.

FOR FURTHER INFORMATION CONTACT: James Terpstra at (202) 482–3965 (the People's Republic of China), or Laurel LaCivita at (202) 482–4243 (Trinidad and Tobago), Office III, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On November 12, 2014, the Department of Commerce (''Department'') received antidumping duty (''AD'') petitions concerning imports of melamine from the People's Republic of China (''PRC'') and Trinidad and Tobago filed in proper form on behalf of Cornerstone Chemical Company (''Petitioner''). The AD petitions were accompanied by two countervailing duty (''CVD'') petitions.[1] Petitioner is a domestic producer of melamine.[2]

On November 14, 2014, the Department requested additional information and clarification of certain portions of the Petitions.[3] Petitioner filed responses to these requests on November 18, 2014.[4] On November 18, 2014, the Department requested additional information and clarification of certain portions of the Petitions.[5] Petitioner filed responses to these requests on November 20, 2014 and November 24, 2014.[6]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (''the Act''), Petitioner alleges that melamine from the PRC and Trinidad and Tobago is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to Petitioner supporting its allegations.

The Department finds that Petitioner filed the Petitions on behalf of the domestic industry because Petitioner is an interested party as defined in section 771(9)(C) of the Act. The Department also finds that Petitioner demonstrated sufficient industry support with respect to the initiation of the AD investigations that Petitioner is requesting.[7]

Period of Investigations

Because the Petitions were filed on November 12, 2014, pursuant to 19 CFR 351.204(b)(1) the period of investigation (''POI'') for the PRC is April 1, 2014 through September 30, 2014, and for Trinidad and Tobago the POI is October 1, 2013, through September 30, 2014.

Scope of the Investigations

The product covered by these investigations is melamine from the PRC and Trinidad and Tobago. For a full description of the scope of these investigations, *see* ''Scope of the Investigations'' in Appendix I of this notice.

Comments on Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, Petitioner pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[8]

As discussed in the preamble to the Department's regulations,[9] we are setting aside a period for interested parties to raise issues regarding product coverage (scope). The period for scope comments is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determinations. If scope comments include factual information (*see* 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. All such comments must be filed by 5:00 p.m. Eastern Standard Time (''EST'') on December 22, 2014, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed no later than 10 calendar days after the initial comments deadline, which in this instance, is January 1, 2015. Because January 1, 2015, is a federal holiday, a non-business day, the revised deadline for these comments is now 5:00 p.m. EST on January 2, 2015.[10]

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of the PRC and Trinidad and Tobago AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's

[1] *See* Petitioner's submission entitled ''Petitions for the Imposition of Antidumping and Countervailing Duties: Melamine from China and Trinidad and Tobago,'' dated November 12, 2014 (''Petitions'').

[2] *See* Volume I of the Petitions, at 1–2.

[3] *See* Letter from the Department to Petitioner entitled ''Re: Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Melamine from the People's Republic of China and Trinidad and Tobago: Supplemental Questions,'' dated November 14, 2014 (''General Issues Supplemental Questionnaire''), Letter from the Department to Petitioner entitled ''Re: Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Melamine from the People's Republic of China: Supplemental Questions,'' dated November 14, 2014, and Letter from the Department to Petitioner entitled ''Re: Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Melamine from Trinidad and Tobago: Supplemental Questions,'' dated November 14, 2014.

[4] *See* ''Melamine from China and Trinidad and Tobago/Petitioner's Response to the Department's Questions Regarding the Petition'' dated November 18, 2014 (''General Issues Supplement''), ''Melamine from The People's Republic of China/Petitioner's Response to the Department's Questions Regarding the Petition'' dated November 18, 2014 (''PRC AD Supplement''), and ''Melamine from Trinidad and Tobago/Petitioner's Response to the Department's Questions Regarding the Petition'' dated November 18, 2014 (''Trinidad and Tobago AD Supplement'').

[5] *See* Letter from the Department to Petitioner entitled ''Re: Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Melamine from the People's Republic of China and Trinidad and Tobago: Supplemental Questions,'' dated November 14, 2014 (''Second General Issues Supplemental Questionnaire'').

[6] *See* ''Melamine from China and Trinidad and Tobago/Petitioner's Response to the Department's Second General Questions Regarding the Petition'' dated November 20, 2014 (''Second General Issues Supplement''), *see also* Supplement to Petitions for the Imposition of Antidumping and Countervailing Duties against Melamine from China and Trinidad and Tobago,'' dated November 24, 2014 (''Third General Issues Supplement'').

[7] *See* the ''Determination of Industry Support for the Petitions'' section below.

[8] *See* General Issues Supplemental Questionnaire and Second General Issues Supplemental Questionnaire; *see also* General Issues Supplement, Second General Issues Supplement, and Third General Issues Supplement.

[9] *See Antidumping Duties; Countervailing Duties; Final rule,* 62 FR 27296, 27323 (May 19, 1997).

[10] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[11] An electronically-filed document must be received successfully in its entirety by the time and date it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaires

The Department requests comments from interested parties regarding the appropriate physical characteristics of melamine to be reported in response to the Department's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors and costs of production accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics; and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe melamine, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all comments must be filed by 5:00 p.m. EST on December 22, 2014, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. EST on January 2, 2015. All comments and submissions to the Department must be filed electronically using ACCESS, as explained above, on the records of the PRC and Trinidad and Tobago less-than-fair-value investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (''ITC''), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[12] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[13]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, Petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we determined that melamine constitutes a single domestic like product and we analyzed industry support in terms of that domestic like product.[14]

In determining whether Petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. To establish industry support, Petitioner provided its own production of the domestic like product in 2013.[15] Petitioner states that it is the only producer of melamine in the United States; therefore, the Petitions are supported by 100 percent of the U.S. industry.[16]

Based on the data provided in the Petitions, supplemental submissions, and other information readily available to the Department, we determine that

[11] *See* On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (''IA ACCESS'') to AD and CVD Centralized Electronic Service System (''ACCESS''). The Web site location has changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

[12] *See* section 771(10) of the Act.

[13] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[14] For a discussion of the domestic like product analysis in this case, *see* Antidumping Duty Investigation Initiation Checklist: Melamine from the People's Republic of China (''PRC AD Initiation Checklist'') at Attachment II, Analysis of Industry Support for the Petitions Covering Melamine from the People's Republic of China and Trinidad and Tobago (''Attachment II''); and Antidumping Duty Investigation Initiation Checklist: Melamine from Trinidad and Tobago (''Trinidad and Tobago AD Initiation Checklist''), at Attachment II. These checklists are dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room 7046 of the main Department of Commerce building.

[15] *See* Volume I of the Petitions, at 2 and Exhibit I–18.

[16] *Id.* at 2.

Petitioner has established industry support.[17] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[18] Second, the domestic producers (or workers) met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[19] Finally, the domestic producers (or workers) met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[20] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

The Department finds that Petitioner filed the Petitions on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the AD investigations that it is requesting the Department initiate.[21]

Allegations and Evidence of Material Injury and Causation

Petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the individual and cumulated imports of the subject merchandise sold at less than fair value. In addition, Petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[22]

Petitioner contends that the industry's injured condition is illustrated by reduced market share, underselling and price depression or suppression, lost sales and revenues, and adversely impacted production, shipments, capacity utilization, financial performance, and capital expenditures.[23] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[24] In accordance with section 771(7)(G)(ii)(III) of the Act, which provides an exception to the mandatory cumulation provision for imports from any country designated as a beneficiary country under the Caribbean Basin Economic Recovery Act (''CBERA''), we considered Petitioner's allegation of injury with respect to Trinidad and Tobago, a designated beneficiary under CBERA, independently of the allegation for the PRC and found that the information provided satisfies the requirements for initiation.[25]

Allegations of Sales at Less Than Fair Value

The following is a description of the allegations of sales at less than fair value upon which the Department based its decision to initiate investigations of imports of melamine from the PRC and Trinidad and Tobago. The sources of data for the deductions and adjustments relating to U.S. price and normal value (''NV'') are discussed in greater detail in the country-specific initiation checklists.

People's Republic of China

Export Price

For the PRC, Petitioner based export price (''EP'') on the POI average unit value (''AUV'') of melamine imports from the PRC under Harmonized Tariff Schedule of the United States (''HTSUS'') subheading 2933.61.0000 (which is specific to subject merchandise), calculated using U.S. import statistics obtained from the ITC's Dataweb. Petitioner also calculated EP based on a producer-specific price for Zhongyuan Dahua Group Company Ltd (''ZDG'') for one individual shipment of melamine during the POI. Petitioner obtained ship manifest data from the U.S. Customs and Border Protection's (''CBP'') Automated Manifest System, via Datamyne, and directly linked monthly U.S. port-specific import statistics (obtained via Datamyne) for imports of melamine entered under HTSUS subheading 2933.61.0000 to a shipment by ZDG identified in the ship manifest data. Because the AUV and producer-specific price were based on FOB China port terms, Petitioner adjusted EP to deduct foreign inland freight and brokerage and handling at the port of exportation.[26]

Normal Value

Petitioner states that the Department has a long-standing policy of treating the PRC as a non-market economy (''NME'') country for AD purposes.[27] The Department has not revoked the presumption of NME status for the PRC as of the date of these Petitions and therefore, in accordance with section 771(18)(C)(i) of the Act, remains in effect for purposes of the initiation of these investigations. Hence, an NME methodology is appropriate for valuing production performed in the PRC. Accordingly, the NV of the product is appropriately based on the factors of production (''FOP'') used in the manufacture of melamine and valued in a surrogate market economy country selected as a surrogate, in accordance with section 773(c) of the Act.

Petitioner contends that Indonesia is the appropriate surrogate country for the PRC because: it is at a level of economic development comparable to that of the PRC, and is a significant producer of comparable merchandise.[28] Furthermore, Petitioner states that integrated producers of melamine and comparable merchandise, *i.e.,* nitrogenous fertilizers such as urea, utilize the same equipment and production processes. Moreover, Petitioner states that Indonesian data for valuing the FOPs for melamine are available and reliable.[29] Petitioner states that the data includes a publicly available financial statement for PT Pupuk Kujang (''Kujang''), an integrated producer of nitrogenous fertilizers in Indonesia.[30] Based on the information provided by Petitioner, we believe that it is appropriate to use Indonesia as a surrogate country for initiation purposes.

[17] *See* PRC AD Checklist and Trinidad and Tobago AD Checklist, at Attachment II.

[18] *See* section 732(c)(4)(D) of the Act; *see also* PRC AD Checklist and Trinidad and Tobago AD Checklist, at Attachment II.

[19] *See* PRC AD Checklist and Trinidad and Tobago AD Checklist, at Attachment II.

[20] *Id.*

[21] *Id.*

[22] *See* Volume I of the Petitions, at 11–12 and Exhibit I–11.

[23] *Id.,* at 12–16 and Exhibits I–13 through I–20; *see also* Third General Issues Supplement, at 2–5 and Exhibits 1–4.

[24] *See* PRC AD Initiation Checklist and Trinidad and Tobago AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Melamine from the People's Republic of China and Trinidad and Tobago (''Attachment III'').

[25] *Id.*

[26] *See* Volume II of the Petition, at 5 and Exhibits II–2—II–5; *see also* PRC AD Supplement, at 1 and Exhibit II–S1.

[27] *See* Volume II of the Petition, at 2.

[28] *Id.,* at 3.

[29] *Id.*

[30] *Id.,* at 4.

After initiation of the investigation, interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value factors of production no later than 30 days before the date of the preliminary determination. In addition, in the course of the investigation covering merchandise from the PRC, all parties, including the public, will have the opportunity to provide relevant information related to the issues of the PRC's NME status and the granting of separate rates to individual exporters.

Valuation of FOP Inputs

Because Petitioner does not have access to actual FOPs for any PRC manufacturers, Petitioner based consumption rates of FOPs, including direct materials, labor, energy, and packing, for the production of merchandise under consideration on its own experience.[31] Petitioner states that its experience is likely to be representative of the experience of integrated PRC producers. Petitioner valued the FOPs using surrogate value information from Indonesia. Petitioner based factory overhead, selling, general and administrative (''SG&A'') expenses, and profit on the financial results of a surrogate producer of nitrogen based fertilizers in Indonesia.[32]

Valuation of Raw Materials

Petitioner valued the direct material FOPs to produce the merchandise under consideration using publicly available Indonesian import data obtained from Global Trade Atlas (''GTA'') in U.S. dollars for the period March 2014 through August 2014.[33] Petitioner excluded all import values from all countries previously determined by the Department to maintain broadly available, non-industry-specific export subsidies, from countries previously determined by the Department to be NME countries, and unspecified countries.[34]

Valuation of Direct and Indirect Labor

Petitioner calculated the labor expense rate using 2010 data for Indonesia from the International Labor Organization under schedule 5B, Section 242: Manufacture of Other Chemical Products.[35] Petitioner adjusted this rate for inflation using the consumer price index for Indonesia published by the International Monetary Fund and converted the rate to U.S. dollars using the POI average exchange rate.[36]

Valuation of Electricity, Natural Gas, Compressed Air, and Water

Petitioner valued electricity using 2011 data published by the Indonesian Ministry of Energy and Mineral Resources in the 2012 Handbook of Energy & Economic Statistics of Indonesia.[37] Petitioner valued natural gas (and steam produced from natural gas) using GTA weight-based import data for propane natural gas as a proxy for natural gas converted to a BTU equivalent value.[38] Petitioner valued compressed air based on its own cost for compressed air adjusted for differences in Indonesian costs.[39] Petitioner valued water using a 2006 study by the United Nations Development Program ''Disconnected: Poverty Water Supply and Development in Jakarta Indonesia.''[40] Petitioner adjusted these values for inflation using the wholesale price index for Indonesia published by the Organization for Economic Cooperation and Development (''OECD'') and converted these values to U.S. dollars using the POI average exchange rate.[41]

Valuation of Factory Overhead, Selling, General and Administrative Expenses, and Profit

Petitioner calculated surrogate financial ratios (*i.e.,* factory overhead expenses, selling, general, and administrative expenses, and profit) based on the 2013 financial statements of Kujang, an Indonesian producer of nitrogenous-based fertilizers.[42] Petitioner contends that Kujang, like ZDG and Petitioner, is a vertically integrated producer that produces urea from ammonia and, therefore, is an appropriate surrogate.[43]

Trinidad and Tobago

Export Price

For Trinidad and Tobago, Petitioner based U.S. price on pricing data for Trinidadian melamine received from a U.S. customer.[44] Petitioner made deductions for movement and other expenses consistent with the sales and delivery terms of the price quotes (*e.g.,* U.S. and Trinidadian inland freight and brokerage and handling and ocean freight and insurance).[45]

Normal Value

For Trinidad and Tobago, the Petitioner alleged that the home market was not viable.[46] In addition, Petitioner alleged that sales of melamine in Trinidad's largest third-country export market were made at prices substantially below the fully-loaded cost of production (''COP''). Accordingly, Petitioner based NV on the constructed value (''CV'') of the imported merchandise.[47]

Sales-Below-Cost Allegation

For Trinidad and Tobago, Petitioner provided information demonstrating reasonable grounds to believe or suspect that sales of melamine in the Italian market were made at prices below the COP, within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales-below-cost investigation.[48] The Statement of Administrative Action (''SAA''), submitted to the Congress in connection with the interpretation and application of the Uruguay Round Agreements Act, states that an allegation of sales below COP need not be specific to individual exporters or producers.[49] The SAA states that ''Commerce will consider allegations of below-cost sales in the aggregate for a foreign country, just as Commerce currently considers allegations of sales at less than fair value on a country-wide basis for purposes of initiating an antidumping investigation.''[50]

Further, the SAA provides that section 773(b)(2)(A) of the Act retains the requirement that the Department have ''reasonable grounds to believe or suspect'' that below-cost sales have occurred before initiating such an investigation. Reasonable grounds exist when an interested party provides specific factual information on costs and prices, observed or constructed, indicating that sales in the foreign

[31] *Id.,* at 6.

[32] *Id.*

[33] *Id.,* at 6–7; *see also* PRC AD Supplement, at 2 and Exhibit II–S5.

[34] *See* Volume II of the Petition at 6–7 and Exhibit II–5.

[35] *Id.,* at 7 and Exhibit II–8.

[36] *Id.* at 7 and Exhibit II–11; *see also* PRC AD Supplement at 5, item 9, and Exhibit II–S8.

[37] *Id.* at 7–8 and Exhibit II–9

[38] *Id.* at 8 and Exhibit II–9; *see also* PRC AD Supplement at 4 and Exhibit II–S6.

[39] *Id.* at 3–4.

[40] *Id.* at 8–9 and Exhibit II–9; *see also* PRC AD Supplement at 5 and Exhibit II–S7.

[41] *Id.* at 7–8 and Exhibits II–8 and II–11.

[42] *Id.* at Exhibit II–10.

[43] *Id.* at 9 and Exhibit II–10.

[44] *See* Volume III of the Petition, at Exhibit III–27.

[45] *Id.,* at Exhibit III–31. *See* Trinidad and Tobago AD Checklist for further information on this U.S. price calculation.

[46] *Id.* at 3–4 and Exhibit III–1 at 51.

[47] *Id.,* at 4–6 and Exhibits III–9 through III–17.

[48] *Id.*

[49] *See* SAA, H.R. Doc. No. 103–316 at 833 (1994).

[50] *Id.*

market in question are at below-cost prices.[51]

Cost of Production

Pursuant to section 773(b)(3) of the Act, COP consists of the cost of manufacturing (''COM''); SG&A expenses; financial expenses; and packing expenses. Petitioner calculated COM based on the Petitioner's experience adjusted for known differences between the U.S. and the industries of the respective country during the proposed POI.[52] Using average export values into Trinidad and Tobago for the year 2013 (as obtained from the GTA),[53] International Labor Organization wage data, and electricity, steam, and natural gas data (either obtained from or adjusted by price data reported by the Trinidadian and Tobagonian Government and Central Bank), Petitioner multiplied its own usage quantities by these publicly-available input values to account for price differences in the manufacture of melamine.[54]

Petitioner, at the request of the Department, relied on the 2013 financial statements of a producer of comparable merchandise (*i.e.,* methanol) to determine the SG&A and profit ratios, which is consistent with the Department's practice. Petitioner calculated the overhead ratio based on its own production experience.[55]

Petitioner contends that that a third-country market (*i.e.,* Italy) is a viable comparison market for determining normal value and provided a price quote for melamine produced in Trinidad and Tobago and sold in this third-country market.[56] In order to calculate an ''ex-factory'' third-country net price, Petitioner made an adjustment for foreign inland freight costs, foreign brokerage and handling costs, and ocean freight costs.[57]

Based upon a comparison of the net price of the foreign like product in the third-country market to the COP of the product, we find reasonable grounds to believe or suspect that sales of the foreign like product in the comparison market were made below the COP, within the meaning of section 773(b)(2)(A)(i) of the Act.[58] Accordingly, the Department is initiating a country-wide cost investigation relating to sales of melamine sold in Trinidad and Tobago's third-country market, Italy.

Normal Value Based on Constructed Value

Because Trinidad and Tobago does not have a viable home market and certain third-country prices fell below COP, pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, Petitioner based NV on CV.[59] Petitioner calculated CV using the same average COM, SG&A, overhead, and financial expenses used to compute COP, as discussed above. That is, Petitioner constructed CV based on its own consumption rates during the proposed POI and generally valued inputs using recent trade data for all countries exporting to Trinidad and Tobago, along with other Trinidadian pricing information, as appropriate.[60] Petitioner, at the request of the Department, relied on the 2013 financial statements of a producer of comparable merchandise (*i.e.,* methanol) to determine the SG&A and profit ratios. Petitioner calculated the overhead ratio based on its own production experience.[61]

Fair Value Comparisons

Based on the data provided by Petitioner, there is reason to believe that imports of melamine from the PRC and Trinidad and Tobago are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of export price to NV in accordance with section 773(a) of the Act, the estimated AD margins for PRC range from 255.44 to 336.31 percent.[62] Based on comparisons of export price to CV, the estimated AD margin for Trinidad and Tobago range from 166.9 to 189.1 percent.[63]

Initiation of Less-Than-Fair-Value Investigations

Based upon the examination of the AD Petitions on melamine from PRC and Trinidad and Tobago, we find that the Petitions meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether imports of melamine from the PRC and Trinidad and Tobago are being, or are likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Respondent Selection

Although the Department normally relies on import data from CBP to select a limited number of producers/exporters for individual examination in AD investigations, if appropriate, these Petitions name only one company as a producer/exporter of melamine in Trinidad and Tobago: Methanol Holdings (Trinidad) Ltd., and Petitioner provided information from an independent third party source as support.[64] Furthermore, we currently know of no additional producers/exporters of subject merchandise from Trinidad and Tobago. Accordingly, the Department intends to examine all known producers/exporters in this investigation (*i.e.,* the company cited above). We invite interested parties to comment on this issue. Parties wishing to comment must do so within five days of the publication of this notice in the **Federal Register**. Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. EST by the date noted above.

With respect to the PRC, Petitioner identified 54 potential respondents.[65] In accordance with our standard practice for respondent selection in AD investigations involving NME countries, we intend to issue quantity and value questionnaires to each potential respondent named in the Petition,[66] and will base respondent selection on the responses received. In addition, the Department will post the quantity and value questionnaire along with the filing instructions on the Enforcement and Compliance Web site (*http://trade.gov/enforcement/news.asp*). Exporters and producers of melamine from the PRC that do not receive quantity and value questionnaires via mail may still submit a quantity and value response, and can obtain a copy from the Enforcement and Compliance Web site. The quantity and value questionnaire response must be submitted by all PRC exporters/

[51] *Id.*

[52] *See* Trinidad and Tobago AD Checklist.

[53] Because contemporaneous import data was not available for Trinidad and Tobago, Petitioner valued raw material inputs based on the average export values into Trinidad and Tobago for the year 2013, obtained from the GTA. *See* Trinidad and Tobago AD Checklist at 10.

[54] *Id.; see also* Volume III of the Petition, at 7 and Exhibit III–21 through III–26.

[55] *Id.*

[56] *See* Trinidad and Tobago AD Checklist and Volume III of the Petition, at 4.

[57] *Id.,* at 4, at 5–6 and Exhibits III–11 through III–17; *see also* Trinidad and Tobago AD Supplement, at 1–2 and Exhibits III–S1 through III–S5.

[58] *See* Trinidad and Tobago AD Supplement, at 3–4 and Exhibit III–S7 at 5 and Exhibit III–S9.

[59] *See* Trinidad and Tobago AD Initiation Checklist.

[60] *Id.*

[61] *Id.*

[62] *See* PRC AD Initiation Checklist.

[63] *See* Trinidad and Tobago AD Initiation Checklist.

[64] *See* Volume III of the Petition at 1 and Exhibit III–1.

[65] *See* Volume I of the Petition at Exhibit I–5.

[66] *Id.*

producers no later than 5:00 p.m. EST on December 17, 2014. All quantity and value questionnaire responses must be filed electronically using ACCESS.

Separate Rates

In order to obtain separate rate status in an NME AD investigation, exporters and producers must submit a separate rate application.[67] The specific requirements for submitting the separate rate application in the PRC investigation are outlined in detail in the application itself, which will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this initiation notice in the **Federal Register**. The separate rate application will be due 60 days after the publication of this initiation notice no later than 5:00 p.m. EST. For exporters and producers who submit a separate rate status application and have been selected as mandatory respondents, these exporters and producers will no longer be eligible for consideration for separate rate status unless they respond to all parts of the Department's AD questionnaire as mandatory respondents. The Department requires that the PRC respondents submit a response to both the quantity-and-value questionnaire and the separate rate application by their respective deadlines referenced above in order to receive consideration for separate rate status.

Use of Combination Rates

The Department will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME investigations will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[68]

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of the PRC and Trinidad and Tobago via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of melamine from the PRC and Trinidad and Tobago are materially injuring or threatening material injury to a U.S. industry.[69] A negative ITC determination for any country will result in the investigation being terminated with respect to that country;[70] otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to AD and CVD proceedings: the definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all proceeding segments initiated on or after May 10, 2013, and thus are applicable to these investigations. Interested parties should review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt* prior to submitting factual information in these investigations.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in AD and CVD proceedings.[71] The modification clarifies that parties may request an extension of time limits before a time limit established under 19 CFR 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2) filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction information filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties

[67] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005) (''Separate Rates and Combination Rates Bulletin''), available on the Department's Web site at *http://enforcement.trade.gov/policy/.*

[68] *See* Separate Rates and Combination Rates Bulletin, at 6 (emphasis added).

[69] *See* section 733(a) of the Act.

[70] *Id.*

[71] *See Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013).

simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013, and thus are applicable to these investigations. Interested parties should review *Extension of Time Limits; Final Rule,* available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013–22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[72] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[73] The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed in 19 CFR 351.103(d)).

[72] *See* section 782(b) of the Act.

[73] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

This notice is issued and published pursuant to section 777(i) of the Act and 19 CFR 351.203(c).

Dated: December 2, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigations

The merchandise subject to these investigations is melamine (Chemical Abstracts Service (''CAS'') registry number 108–78–01, molecular formula $C_3H_6N_6$).[1] Melamine is a crystalline powder or granule typically (but not exclusively) used to manufacture melamine formaldehyde resins. All melamine is covered by the scope of these investigations irrespective of purity, particle size, or physical form. Melamine that has been blended with other products is included within this scope when such blends include constituent parts that have been intermingled, but that have not been chemically reacted with each other to produce a different product. For such blends, only the melamine component of the mixture is covered by the scope of these investigations. Melamine that is otherwise subject to these investigations is not excluded when commingled with melamine from sources not subject to these investigations. Only the subject component of such commingled products is covered by the scope of these investigations.

The subject merchandise is provided for in subheading 2933.61.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheading and CAS registry number are provided for convenience and customs purposes, the written description of the scope is dispositive.

[FR Doc. 2014–28840 Filed 12–8–14; 8:45 am]

BILLING CODE 3510–DS–P

[1] Melamine is also known as 2,4,6-triamino-s-triazine; l,3,5-Triazine-2,4,6-triamine; Cyanurotriamide; Cyanurotriamine; Cyanuramide; and by various brand names.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Mariner Opinions of the Right Whale Mandatory Ship Reporting System

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before February 9, 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 and instructions should be directed to Kristy Wallmo, 301–427–8190 or *Kristy.Wallmo@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection.

The North Atlantic right whale (*Eubalaena glacialis*) is an endangered marine mammal found primarily in waters off the northeastern coast of the United States to Canada. Fatal collisions with large ships are the primary threat to the recovery of this species. In 1998 the United States proposed to the International Maritime Organization (IMO) the establishment of two Mandatory Ship Reporting (MSR) systems in key right whale habitat areas. Under the proposed MSR all vessels 300 gross tons or greater are required to send a message to a shore-based station when entering either of two prescribed habitat areas. The IMO endorsed the proposal and the MSR systems were established in July 1999. Each reporting ship is required to provide vessel name, call sign, course, speed, location, destination, and route (*e.g.,* waypoints). An automatically-generated message is sent directly to the reporting vessel that includes information on right whale locations and procedural guidance to help prevent vessel/whale collisions; mariners are also informed about additional regulations established to protect whales from vessel strikes. The two-way exchange is mediated by satellite-linked communications systems.

Although the program has been in effect for over 15 years, the U.S. Government has not assessed the role, if any, that the MSR has in reducing ship collisions with right whales. In addition, mariners have not been polled to assess possible difficulties involved in the reporting itself. The goal of this information collection is to determine if (a) the reporting procedures are adequately clear to the mariner; (b) the reporting itself is onerous or unwieldy

(*e.g.,* it may interfere with other vessel operations); and (c) mariners use the information being sent to them and if so, how it is used to avoid collisions with North Atlantic right whales.

II. Method of Collection

This will be a web-based survey.

III. Data

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,000.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 167.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, 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: December 3, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–28719 Filed 12–8–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; National Marine Sanctuary Permits

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before February 9, 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 and instructions should be directed to Vicki Wedell, 301–713–7237 or *Vicki.Wedell@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

National Marine Sanctuary regulations at 15 CFR part 922 list specific activities that are prohibited in national marine sanctuaries. These regulations also state that otherwise prohibited activities are permissible if a permit is issued by the Office of National Marine Sanctuaries (ONMS). Persons desiring a permit must submit an application, and anyone obtaining a permit is generally required to submit one or more reports on the activity allowed under the permit.

The recordkeeping and reporting requirements at 15 CFR part 922 form the basis for this collection of information. This information is required by ONMS to protect and manage sanctuary resources as required by the National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*).

II. Method of Collection

Depending on the permit being requested, various applications, reports, and telephone calls may be required from applicants. Applications and reports can be submitted via email, fax, or traditional mail. Applicants are encouraged to use electronic means to apply for permits and submit reports whenever possible.

III. Data

OMB Control Number: 0648–0141.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Business or other for-profit organizations; individuals or households; not-for-profit institutions; Federal government; state, local or tribal government.

Estimated Number of Respondents: 650.

Estimated Time per Response: General permits, 1 hour and 30 minutes; special use permits, 8 hours; historical resources permits, 13 hours; baitfish permits and lionfish removal permits, 5 minutes; permit amendments and certifications, 30 minutes; voluntary registrations, 15 minutes; appeals, 24 hours; Tortugas access permits, 6 minutes.

Estimated Total Annual Burden Hours: 1,788.

Estimated Total Annual Cost to Public: $1,478 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, 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: December 3, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–28717 Filed 12–8–14; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Coral Reef Conservation Program Administration

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before February 9, 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 and instructions should be directed to Jenny Waddell at (301) 563–1150, or *Jenny.Waddell@noaagov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

The Coral Reef Conservation Act of 2000 (Act) was enacted to provide a framework for conserving coral reefs. The Coral Reef Conservation Grant Program, under the Act, provides funds to broad-based applicants with experience in coral reef conservation to conduct activities to protect and conserve coral reef ecosystems. The information submitted by applicants is used to determine if a proposed project is consistent with the NOAA coral reef conservation priorities and the priorities of authorities with jurisdiction over the area where the project will be carried out. As part of the application, NOAA requires a Data and Information Sharing Plan in addition to the standard required application materials.

II. Method of Collection

The information will be collected electronically by email or by the secure web based tool grants.gov.

III. Data

OMB Control Number: 0648–0448.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Business or other for-profit organizations; not-for-profit institutions; state, local, or tribal government.

Estimated Number of Respondents: 35.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 70 hours.

Estimated Total Annual Cost to Public: $35 in recording/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, 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: December 3, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–28718 Filed 12–8–14; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD639

Fisheries of the Exclusive Economic Zone Off Alaska; North Pacific Halibut and Sablefish Individual Fishing Quota Cost Recovery Programs

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

ACTION: Notification of standard prices and fee percentage.

SUMMARY: NMFS publishes individual fishing quota (IFQ) standard prices and fee percentage for the IFQ cost recovery program in the halibut and sablefish fisheries of the North Pacific. The fee percentage for 2014 is 2.6%. This action is intended to provide holders of halibut and sablefish IFQ permits with the 2014 standard prices and fee percentage to calculate the required payment for IFQ cost recovery fees due by January 31, 2015.

DATES: Effective December 9, 2014.

FOR FURTHER INFORMATION CONTACT: Troie Zuniga, Fee Coordinator, 907–586–7105.

SUPPLEMENTARY INFORMATION:

Background

NMFS Alaska Region administers the halibut and sablefish individual fishing quota (IFQ) program in the North Pacific. The IFQ program is a limited access system authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Northern Pacific Halibut Act of 1982. Fishing under the IFQ program began in March 1995. Regulations implementing the IFQ program are set forth at 50 CFR part 679.

In 1996, the Magnuson-Stevens Act was amended to, among other things, require the Secretary of Commerce to ''collect a fee to recover the actual costs directly related to the management and enforcement of any . . . individual quota program.'' This requirement was further amended in 2006 to include collection of the actual costs of data collection, and to replace the reference to ''individual quota program'' with a more general reference to ''limited access privilege program'' at section 304(d)(2)(A). This section of the Magnuson-Stevens Act also specifies an upper limit on these fees, when the fees must be collected, and where the fees must be deposited.

On March 20, 2000, NMFS published regulations implementing the IFQ cost recovery program (65 FR 14919), which are set forth at § 679.45. Under the regulations, an IFQ permit holder incurs a cost recovery fee liability for every pound of IFQ halibut and IFQ sablefish that is landed on his or her IFQ permit(s). The IFQ permit holder is responsible for self-collecting the fee liability for all IFQ halibut and IFQ sablefish landings on his or her permit(s). The IFQ permit holder is also responsible for submitting a fee liability payment to NMFS on or before the due date of January 31 of the year following the year in which the IFQ landings were made. The dollar amount of the fee due

is determined by multiplying the annual IFQ fee percentage (3 percent or less) by the ex-vessel value of all IFQ landings made on a permit and summing the totals of each permit (if more than one).

Standard Prices

The fee liability is based on the sum of all payments made to fishermen for the sale of the fish during the year. This includes any retro-payments (*e.g.,* bonuses, delayed partial payments, post-season payments) made to the IFQ permit holder for previously landed IFQ halibut or sablefish.

For purposes of calculating IFQ cost recovery fees, NMFS distinguishes between two types of ex-vessel value: Actual and standard. Actual ex-vessel value is the amount of all compensation, monetary or non-monetary, that an IFQ permit holder received as payment for his or her IFQ fish sold. Standard ex-vessel value is the default value on which to base fee liability calculations. IFQ permit holders have the option of using actual ex-vessel value if they can satisfactorily document it; otherwise, the standard ex-vessel value is used.

Regulations at § 679.45(c)(2)(i) require the Regional Administrator to publish IFQ standard prices during the last quarter of each calendar year. These standard prices are used, along with estimates of IFQ halibut and IFQ sablefish landings, to calculate standard values. The standard prices are described in U.S. dollars per IFQ equivalent pound for IFQ halibut and IFQ sablefish landings made during the year. IFQ equivalent pound(s) is the weight (in pounds) for an IFQ landing, calculated as the round weight for sablefish, and headed and gutted net weight for halibut. NMFS calculates the standard prices to closely reflect the variations in the actual ex-vessel values of IFQ halibut and IFQ sablefish landings by month and port or port-group. The standard prices for IFQ halibut and IFQ sablefish are listed in the tables that follow the next section. Data from ports are combined as necessary to protect confidentiality.

Fee Percentage

Section 304(d)(2)(B) of the Magnuson-Stevens Act specifies a maximum fee of 3 percent of the ex-vessel value of fish harvested under an IFQ program. NMFS annually sets a fee percentage for halibut and sablefish IFQ holders that is based on the actual annual costs associated with certain management and enforcement functions, as well as the standard ex-vessel value of the catch subject to the IFQ fee for the current year. The method used by NMFS to calculate the IFQ fee percentage is described at § 679.45(d)(2)(ii).

Regulations at § 679.45(d)(3)(i) require NMFS to publish the IFQ fee percentage for the halibut and sablefish IFQ fisheries in the **Federal Register** during or before the last quarter of each year. For the 2014 halibut and sablefish IFQ fishing season, an IFQ permit holder is to use a fee liability percentage of 2.6% to calculate his or her fee for landed IFQ in pounds. The IFQ permit holder is responsible for submitting the fee liability payment to NMFS on or before January 31, 2015.

The 2014 fee liability percentage of 2.6% is a decrease of 0.2% from the 2013 fee liability of 2.8% (78 FR 77869, December 4, 2013). The decrease in the IFQ fee percentage in 2014 is due to an increase in the total standard ex-vessel value of the halibut and sablefish fisheries as a result of significantly higher ex-vessel prices which compensated for the lower catch limits in 2014. The NMFS management and enforcement costs for the IFQ program remained constant from 2013 to 2014.

REGISTERED BUYER STANDARD EX-VESSEL PRICES BY LANDING LOCATION FOR 2014 IFQ SEASON [1]

Landing location	Period ending	Halibut standard ex-vessel price	Sablefish standard ex-vessel price
CORDOVA	March 31		
	April 30		
	May 31	6.49	
	June 30		
	July 31	7.29	
	August 31	6.79	
	September 30	6.57	
	October 31	6.57	
	November 30	6.57	
HOMER	March 31	6.29	
	April 30	6.32	
	May 31	6.26	3.37
	June 30	6.73	3.40
	July 31	7.08	
	August 31	6.72	3.68
	September 30	6.51	3.66
	October 31	6.51	3.66
	November 30	6.51	3.66
KETCHIKAN	March 31	6.10	
	April 30	6.46	
	May 31	6.37	
	June 30	6.39	
	July 31	6.35	
	August 31	6.44	
	September 30	6.80	
	October 31	6.80	
	November 30	6.80	
KODIAK	March 31	6.01	
	April 30	5.96	3.20
	May 31	6.09	3.34
	June 30	6.65	3.61
	July 31	6.62	3.57
	August 31	6.63	4.06
	September 30	6.54	3.97

REGISTERED BUYER STANDARD EX-VESSEL PRICES BY LANDING LOCATION FOR 2014 IFQ SEASON [1]—Continued

Landing location	Period ending	Halibut standard ex-vessel price	Sablefish standard ex-vessel price
	October 31	6.54	3.97
	November 30	6.54	3.97
PETERSBURG	March 31		
	April 30		
	May 31		
	June 30	6.52	
	July 31	6.85	
	August 31		
	September 30		
	October 31		
	November 30		
SEWARD	March 31		
	April 30		
	May 31		
	June 30		
	July 31	7.72	
	August 31		
	September 30		
	October 31		
	November 30		
YAKUTAT	March 31		
	April 30		
	May 31		
	June 30		
	July 31	6.92	
	August 31		
	September 30		
	October 31		
	November 30		

Port group	Period ending	Halibut standard ex-vessel price	Sablefish standard ex-vessel price
BERING SEA [2]	March 31		
	April 30		
	May 31	5.36	3.82
	June 30	5.56	4.33
	July 31	5.75	
	August 31	5.83	4.49
	September 30	5.87	3.99
	October 31	5.87	3.99
	November 30	5.87	3.99
CENTRAL GULF [3]	March 31	6.28	3.25
	April 30	6.21	3.29
	May 31	6.25	3.40
	June 30	6.57	3.52
	July 31	6.78	3.55
	August 31	6.63	3.84
	September 30	6.48	3.82
	October 31	6.48	3.82
	November 30	6.48	3.82
SOUTHEAST [4]	March 31	6.27	3.64
	April 30	6.26	3.31
	May 31	6.41	3.51
	June 30	6.47	3.76
	July 31	6.74	3.70
	August 31	6.89	3.92
	September 30	6.84	4.00
	October 31	6.84	4.00
	November 30	6.84	4.00
ALL [5]	March 31	6.27	3.57
	April 30	6.22	3.32
	May 31	6.19	3.44
	June 30	6.35	3.68
	July 31	6.57	3.68
	August 31	6.48	3.99
	September 30	6.50	3.92
	October 31	6.50	3.92

Port group	Period ending	Halibut standard ex-vessel price	Sablefish standard ex-vessel price
	November 30	6.50	3.92

[1] Note: In many instances prices have not been reported to comply with confidentiality guidelines that prevent price reports when there are fewer than three processors operating in a location during a month.

[2] *Landing locations Within Port Group—Bering Sea:* Adak, Akutan, Akutan Bay, Atka, Bristol Bay, Chefornak, Dillingham, Captains Bay, Dutch Harbor, Egegik, Ikatan Bay, Hooper Bay, King Cove, King Salmon, Kipnuk, Mekoryuk, Naknek, Nome, Quinhagak, Savoonga, St. George, St. Lawrence, St. Paul, Togiak, Toksook Bay, Tununak, Beaver Inlet, Ugadaga Bay, Unalaska.

[3] *Landing Locations Within Port Group—Central Gulf of Alaska:* Anchor Point, Anchorage, Alitak, Chignik, Cordova, Eagle River, False Pass, West Anchor Cove, Girdwood, Chinitna Bay, Halibut Cove, Homer, Kasilof, Kenai, Kenai River, Alitak, Kodiak, Port Bailey, Nikiski, Ninilchik, Old Harbor, Palmer, Sand Point, Seldovia, Resurrection Bay, Seward, Valdez, Whittier.

[4] *Landing Locations Within Port Group—Southeast Alaska:* Angoon, Baranof Warm Springs, Craig, Edna Bay, Elfin Cove, Excursion Inlet, Gustavus, Haines, Hollis, Hoonah, Hyder, Auke Bay, Douglas, Tee Harbor, Juneau, Kake, Ketchikan, Klawock, Metlakatla, Pelican, Petersburg, Portage Bay, Port Alexander, Port Graham, Port Protection, Point Baker, Sitka, Skagway, Tenakee Springs, Thorne Bay, Wrangell, Yakutat.

[5] *Landing Locations Within Port Group—All:* For Alaska: All landing locations included in 2, 3, and 4. For California: Eureka, Fort Bragg, Other California. For Oregon: Astoria, Aurora, Lincoln City, Newport, Warrenton, Other Oregon. For Washington: Anacortes, Bellevue, Bellingham, Nagai Island, Edmonds, Everett, Granite Falls, Ilwaco, La Conner, Port Angeles, Port Orchard, Port Townsend, Ranier, Fox Island, Mercer Island, Seattle, Standwood, Other Washington. For Canada: Port Hardy, Port Edward, Prince Rupert, Vancouver, Haines Junction, Other Canada.

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

Dated: December 3, 2014.

Alan D. Risenhoover,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD531

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Rocky Intertidal Monitoring Surveys Along the Oregon and California Coasts

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to the Partnership for Interdisciplinary Study of Coastal Oceans (PISCO) at the University of California (UC) Santa Cruz for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to rocky intertidal monitoring surveys.

DATES: Effective December 17, 2014, through December 16, 2015.

ADDRESSES: A copy of the authorization, application, and associated Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) may be obtained by writing to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Robert Pauline, 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 to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

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, other means of effecting the least practicable impact on the species or stock and its habitat, 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) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the 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 30, 2014, NMFS received an application from PISCO for the taking of marine mammals incidental to rocky intertidal monitoring surveys along the Oregon and California coasts. NMFS determined that the application was adequate and complete on August 22, 2014. On October 8, 2014, we published a notice in the **Federal Register** of our proposal to issue an IHA with preliminary determinations and explained the basis for the proposal and preliminary determinations (78 FR 64918). The notice initiated a 30-day public comment period. Responses are discussed below. In December 2012, NMFS issued a 1-year IHA to PISCO to

take marine mammals incidental to these same proposed activities (77 FR 72327, December 5, 2012). That IHA expired on December 2, 2013. In December 2013 NMFS issued another 1 year IHA to PISCO to take marine mammals incidental to continuation of proposed activities which expires on December 16, 2014 (78 FR 79403, December 30, 2013).

The research group at UC Santa Cruz operates in collaboration with two large-scale marine research programs: PISCO and the Multi-agency Rocky Intertidal Network. The research group at UC Santa Cruz (PISCO) is responsible for many of the ongoing rocky intertidal monitoring programs along the Pacific coast. Monitoring occurs at rocky intertidal sites, often large bedrock benches, from the high intertidal to the water's edge. Long-term monitoring projects include Community Structure Monitoring, Intertidal Biodiversity Surveys, Marine Protected Area Baseline Monitoring, Intertidal Recruitment Monitoring, and Ocean Acidification. Research is conducted throughout the year along the California and Oregon coasts and will continue indefinitely. Most sites are sampled one to two times per year over a 4–6 hour period during a negative low tide series. This IHA is only effective for a 12-month period. The following specific aspects of the proposed activities are likely to result in the take of marine mammals: Presence of survey personnel near pinniped haulout sites and approach of survey personnel towards hauled out pinnipeds. Take, by Level B harassment only, of individuals of three species of marine mammals is anticipated to result from the specified activity.

Description of the Specified Activity and Specified Geographic Region

PISCO focuses on understanding the nearshore ecosystems of the U.S. west coast through a number of interdisciplinary collaborations. PISCO integrates long-term monitoring of ecological and oceanographic processes at dozens of sites with experimental work in the lab and field. A short description of each project is contained here. Additional information can be found in PISCO's application (see **ADDRESSES**) and the Notice of Proposed IHA (79 FR 60831, October 8, 2014).

Community Structure Monitoring involves the use of permanent photoplot quadrats which target specific algal and invertebrate assemblages (*e.g.* mussels, rockweeds, barnacles). This project provides managers with insight into the causes and consequences of changes in species abundance. Each Community Structure site is surveyed over a 1-day period during a low tide series one to two times a year. Sites, location, number of times sampled per year, and typical sampling months for each site are presented in Table 1 in PISCO's application (see **ADDRESSES**).

Biodiversity Surveys, which are part of a long-term monitoring project and are conducted every 3–5 years at established sites, involve point contact identification along permanent transects, mobile invertebrate quadrat counts, sea star band counts, and tidal height topographic measurements. Table 2 in PISCO's application (see **ADDRESSES**) lists established biodiversity sites in Oregon and California.

In September 2007, the state of California began establishing a network of Marine Protected Areas along the California coast as part of the Marine Life Protection Act (MLPA). Under baseline monitoring programs funded by Sea Grant and the Ocean Protection Council, PISCO established additional intertidal monitoring sites in the Central Coast, North Central Coast, and South Coast study regions. Six additional sites will be established and sampled in the North Coast study region during 2015 (see Table 3 in PISCO's application). Baseline characterization of newly established areas involves sampling of these new sites, as well as established sites both within and outside of marine protected areas. These sites were sampled using existing Community Structure and Biodiversity protocols for consistency. Resampling of these sites may take place as part of future marine protected area evaluation.

Specified Geographic Location and Activity Timeframe

PISCO's research is conducted throughout the year along the California and Oregon coasts. Most sites are sampled one to two times per year over a 1-day period (4–6 hours per site) during a negative low tide series. Due to the large number of research sites, scheduling constraints, the necessity for negative low tides and favorable weather/ocean conditions, exact survey dates are variable and difficult to predict. Some sampling is anticipated to occur in all months, except for January, August, and September.

The intertidal zones where PISCO conducts intertidal monitoring are also areas where pinnipeds can be found hauled out on the shore at or adjacent to some research sites. Accessing portions of the intertidal habitat may cause incidental Level B (behavioral) harassment of pinnipeds through some unavoidable approaches if pinnipeds are hauled out directly in the study plots or while biologists walk from one location to another. No motorized equipment is involved in conducting these surveys. The species for which Level B harassment is requested are: California sea lions (*Zalophus californianus californianus*); harbor seals (*Phoca vitulina richardii*); and northern elephant seals (*Mirounga angustirostris*).

Comments and Responses

A Notice of Proposed IHA was published in the **Federal Register** on October 8, 2014 (79 FR 60831) for public comment. During the 30-day public comment period, NMFS received one letter from the Marine Mammal Commission. No other organizations provided comments on the proposed issuance of an IHA for this activity. The Marine Mammal Commission recommended that NMFS issue the IHA, subject to inclusion of the proposed mitigation and monitoring measures. NMFS has included all of the mitigation and monitoring measures proposed in the Notice of Proposed IHA (79 FR 60831, October 8, 2014) in the issued IHA.

Description of Marine Mammals in the Area of the Specified Activity

Several pinniped species can be found along the California and Oregon coasts. The three that are most likely to occur at some of the research sites are California sea lion, harbor seal, and northern elephant seal. On rare occasions, PISCO researchers have seen very small numbers (*i.e.,* five or fewer) of Steller sea lions at one of the sampling sites. These sightings are rare. Therefore, encounters are not expected. However, if Steller sea lions are sighted before approaching a sampling site, researchers will abandon approach and return at a later date. For this reason, this species is not considered further in this IHA notice.

We refer the public to Carretta *et al.* (2014) for general information on these species. The publication is available on the internet at: *http://www.nmfs.noaa.gov/pr/sars/pdf/pacific2013_final.pdf.* Additional information on the status, distribution, seasonal distribution, and life history can also be found in PISCO's application and NMFS' Notice of Proposed IHA (79 FR 60831, October 8, 2014). The information has not changed and is therefore not repeated here.

California (southern) sea otters (*Enhydra lutris nereis*), listed as threatened under the ESA and categorized as depleted under the MMPA, usually range in coastal waters

within 2 km (1.2 mi) of shore. This species is managed by the U.S. Fish and Wildlife Service and is not considered further in this notice.

Potential Effects of the Specified Activity on Marine Mammals

The appearance of researchers may have the potential to cause Level B harassment of any pinnipeds hauled out at sampling sites. Although marine mammals are never deliberately approached by abalone survey personnel, approach may be unavoidable if pinnipeds are hauled out in the immediate vicinity of the permanent study plots. Disturbance may result in reactions ranging from an animal simply becoming alert to the presence of researchers (*e.g.,* turning the head, assuming a more upright posture) to flushing from the haul-out site into the water. NMFS does not consider the lesser reactions to constitute behavioral harassment, or Level B harassment takes, but rather assumes that pinnipeds that move greater than 1 m (3.3 ft) or change the speed or direction of their movement in response to the presence of researchers are behaviorally harassed, and thus subject to Level B taking. Animals that respond to the presence of researchers by becoming alert, but do not move or change the nature of locomotion as described, are not considered to have been subject to behavioral harassment. NMFS' Notice of Proposed IHA (79 FR 60831, October 8, 2014) contains information regarding potential impacts to marine mammals from the specified activity. The information has not changed and is therefore not repeated here.

Typically, even those reactions constituting Level B harassment would result at most in temporary, short-term disturbance. In any given study season, researchers will visit sites one to two times per year for a total of 4–6 hours per visit. Therefore, disturbance of pinnipeds resulting from the presence of researchers lasts only for short periods of time and is separated by significant amounts of time in which no disturbance occurs. Because such disturbance is sporadic, rather than chronic, and of low intensity, individual marine mammals are unlikely to incur any detrimental impacts to vital rates or ability to forage and, thus, loss of fitness. Correspondingly, even local populations, much less the overall stocks of animals, are extremely unlikely to accrue any significantly detrimental impacts.

NMFS does not anticipate that the activities would result in the injury, serious injury, or mortality of pinnipeds because pups are only found at a couple of the sampling locations during certain times of the year and that many rookeries occur on the offshore islands and not the mainland areas where the activities would occur. In addition, researchers will exercise appropriate caution approaching sites, especially when pups are present and will redirect activities when pups are present.

Anticipated Effects on Marine Mammal Habitat

The only habitat modification associated with the activity is the placement of permanent bolts and other sampling equipment in the intertidal. Bolts are installed during the set-up of a site and, at existing sites, this has already occurred. In some instances, bolts will need to be replaced or installed for new plots. Bolts are 7.6 to 12.7 cm (2 to 5 in) long, stainless steel 1 cm (3/8 in) Hex or Carriage bolts. They are installed by drilling a hole with a battery powered DeWalt 24 volt rotary hammer drill with a 1 cm (3/8 in) bit. The bolts protrude 1.3–7.6 cm (0.5–3 in) above the rock surface and are held in place with marine epoxy. Although the drill does produce noticeable noise, researchers have never observed an instance where near-by or offshore marine mammals were disturbed by it. Any marine mammal at the site would likely be disturbed by the presence of researchers and retreat to a distance where the noise of the drill would not increase the disturbance. In most instances, wind and wave noise also drown out the noise of the drill. The installation of bolts and other sampling equipment is conducted under the appropriate permits (Monterey Bay National Marine Sanctuary, California State Parks). Once a particular study has ended, the respective sampling equipment is removed. No trash or field gear is left at a site. Thus, the proposed activity is not expected to have any habitat-related effects, including to marine mammal prey species, that could cause significant or long-term consequences for individual marine mammals or their populations.

Mitigation

In order to issue an incidental take authorization (ITA) under section 101(a)(5)(D) of the MMPA, NMFS must, where applicable, set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant).

PISCO shall implement several mitigation measures to reduce potential take by Level B (behavioral disturbance) harassment. Measures include: (1) Approaching study sites cautiously and quietly, such that any disturbance of pinnipeds is minimized and stampeding is avoided; (2) avoiding disturbance that may place pinniped pups at risk; (3) using binoculars to detect pinnipeds before close approach to avoid being seen by the animals; (4) monitoring the offshore area for predators (such as killer whales and white sharks) and avoid flushing of pinnipeds when predators are observed in nearshore waters; (5) rescheduling work at sites where pups are present, unless other means to accomplishing the work can be done without causing disturbance to mothers and dependent pups; (6) only flushing pinnipeds if they are located in the sampling plots and there are no other means to accomplish the survey (however, flushing must be done slowly and quietly so as not to cause a stampede); (7) not intentionally flushing pups if present at the sampling; and (8) rescheduling sampling if Steller sea lions are present at the study site.

The methodologies and actions noted in this section will be utilized and included as mitigation measures in the IHA to ensure that impacts to marine mammals are mitigated to the lowest level practicable. The primary method of mitigating the risk of disturbance to pinnipeds, which will be in use at all times, is the selection of judicious routes of approach to study sites, avoiding close contact with pinnipeds hauled out on shore, and the use of extreme caution upon approach. In no case will marine mammals be deliberately approached by survey personnel, and in all cases every possible measure will be taken to select a pathway of approach to study sites that minimizes the number of marine mammals potentially harassed. In general, researchers will stay inshore of pinnipeds whenever possible to allow maximum escape to the ocean. Each visit to a given study site will last for approximately 4–6 hours, after which the site is vacated and can be re-occupied by any marine mammals that may have been disturbed by the presence of researchers. By arriving before low tide, worker presence will tend to encourage pinnipeds to move to other areas for the day before they haul out and settle onto rocks at low tide.

PISCO will suspend sampling and monitoring operations immediately if an injured marine mammal is found in the vicinity of the project area and the

monitoring activities could aggravate its condition.

NMFS has carefully evaluated PISCO's mitigation measures and considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals;
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and
- The practicability of the measure for applicant implementation.

Based on our evaluation of the applicant's final measures, NMFS has determined that the 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.

Monitoring and Reporting

In order to issue an ITA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must, where applicable, set forth ''requirements pertaining to the monitoring and reporting of such taking''. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area.

PISCO can add to the knowledge of pinnipeds in California and Oregon by noting observations of: (1) Unusual behaviors, numbers, or distributions of pinnipeds, such that any potential follow-up research can be conducted by the appropriate personnel; (2) tag-bearing carcasses of pinnipeds, allowing transmittal of the information to appropriate agencies and personnel; and (3) rare or unusual species of marine mammals for agency follow-up.

Monitoring requirements in relation to PISCO's rocky intertidal monitoring will include observations made by the applicant. Information recorded will include species counts (with numbers of pups/juveniles when possible), numbers of observed disturbances, and descriptions of the disturbance behaviors during the monitoring surveys, including location, date, and time of the event. In addition, observations regarding the number and species of any marine mammals observed, either in the water or hauled out, at or adjacent to the site, will be recorded as part of field observations during research activities. Observations of unusual behaviors, numbers, or distributions of pinnipeds will be reported to NMFS so that any potential follow-up observations can be conducted by the appropriate personnel. In addition, observations of tag-bearing pinniped carcasses as well as any rare or unusual species of marine mammals will be reported to NMFS. Information regarding physical and biological conditions pertaining to a site, as well as the date and time that research was conducted will also be noted.

If at any time injury, serious injury, or mortality of the species for which take is authorized should occur, or if take of any kind of any other marine mammal occurs, and such action may be a result of the research, PISCO will suspend research activities and contact NMFS immediately to determine how best to proceed to ensure that another injury or death does not occur and to ensure that the applicant remains in compliance with the MMPA.

A draft final report must be submitted to NMFS Office of Protected Resources within 60 days after the conclusion of the 2014–2015 field season or 60 days prior to the start of the next field season if a new IHA will be requested. The report will include a summary of the information gathered pursuant to the monitoring requirements set forth in the IHA. A final report must be submitted to the Director of the NMFS Office of Protected Resources and to the NMFS West Coast Office Regional Administrator within 30 days after receiving comments from NMFS on the draft final report. If no comments are received from NMFS, the draft final report will be considered to be the final report.

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].

All anticipated takes would be by Level B harassment, involving temporary changes in behavior. The mitigation and monitoring measures are expected to minimize the possibility of injurious or lethal takes such that take by injury, serious injury, or mortality is considered remote. Animals hauled out close to the actual survey sites may be disturbed by the presence of biologists and may alter their behavior or attempt to move away from the researchers.

As discussed earlier, NMFS considers an animal to have been harassed if it moved greater than 1 m (3.3 ft) in response to the researcher's presence or if the animal was already moving and changed direction and/or speed, or if the animal flushed into the water. Animals that became alert without such movements were not considered harassed.

For the purpose of this IHA, only Oregon and California sites that are frequently sampled and have a marine mammal presence during sampling were included in take estimates. Sites where only Biodiversity Surveys are conducted were not included due to the infrequency of sampling and rarity of occurrences of pinnipeds during sampling. In addition, Steller sea lions are not included in take estimates as they will not be disturbed by researchers or research activities since activities will not occur or will be suspended if Steller sea lions are present. A small number of harbor seal and northern elephant seal pup takes are anticipated as pups may be present at several sites during spring and summer sampling.

Takes estimates are based on marine mammal observations from each site. Marine mammal observations are done as part of PISCO site observations, which include notes on physical and biological conditions at the site. The maximum number of marine mammals, by species, seen at any given time throughout the sampling day is recorded at the conclusion of sampling. A marine mammal is counted if it is seen on access ways to the site, at the site, or immediately up-coast or down-coast of the site. Marine mammals in the water immediately offshore are also recorded. Any other relevant information, including the location of a marine mammal relevant to the site, any unusual behavior, and the presence of pups is also noted.

These observations formed the basis from which researchers with extensive knowledge and experience at each site estimated the actual number of marine mammals that may be subject to take. In

most cases the number of takes is based on the maximum number of marine mammals that have been observed at a site throughout the history of the site (2–3 observation per year for 5–10 years or more). Section 6 in PISCO's application outlines the number of visits per year for each sampling site and the potential number of pinnipeds anticipated to be encountered at each site. Table 4 in PISCO's application outlines the number of potential takes per site (see ADDRESSES).

Based on this information, NMFS has authorized the take, by Level B harassment only, of 55 California sea lions, 183 harbor seals, and 30 northern elephant seals. These numbers are considered to be maximum take estimates; therefore, actual take may be slightly less if animals decide to haul out at a different location for the day or animals are out foraging at the time of the survey activities.

Negligible Impact and Small Numbers Analysis and Determination

NMFS typically includes our negligible impact and small numbers analyses and determinations under the same section heading of our **Federal Register** notices. Despite co-locating these terms, we acknowledge that negligible impact and small numbers are distinct standards under the MMPA and treat them as such. The analyses presented below do not conflate the two standards; instead, each standard has been considered independently, and we have applied the relevant factors to inform our negligible impact and small numbers determinations.

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.'' In making a negligible impact determination, NMFS considers a variety of factors, including but not limited to: (1) The number of anticipated mortalities; (2) the number and nature of anticipated injuries; (3) the number, nature, intensity, and duration of Level B harassment; and (4) the context in which the take occurs.

No injuries or mortalities are anticipated to occur as a result of PISCO's rocky intertidal monitoring, and none are authorized. The behavioral harassments that could occur would be of limited duration, as researchers only conduct sampling one to two times per year at each site for a total of 4–6 hours per sampling event. Therefore, disturbance will be limited to a short duration, allowing pinnipeds to reoccupy the sites within a short amount of time.

Some of the pinniped species may use some of the sites during certain times of year to conduct pupping and/or breeding. However, some of these species prefer to use the offshore islands for these activities. At the sites where pups may be present, PISCO will implement certain mitigation measures, such as no intentional flushing if dependent pups are present, which will avoid mother/pup separation and trampling of pups.

Of the three marine mammal species anticipated to occur in the activity areas, none are listed under the ESA. Table 1 in this document presents the abundance of each species or stock, the authorized take estimates, and the percentage of the affected populations or stocks that may be taken by harassment. Based on these estimates, PISCO would take less than 1.1% of each species or stock. Because these are maximum estimates, actual take numbers are likely to be lower, as some animals may select other haulout sites the day the researchers are present.

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 finds that the rocky intertidal monitoring program will result in the incidental take of small numbers of marine mammals, by Level B harassment only, and that the total taking from the rocky intertidal monitoring program will have a negligible impact on the affected species or stocks.

TABLE 1—POPULATION ABUNDANCE ESTIMATES, TOTAL AUTHORIZED LEVEL B TAKE, AND PERCENTAGE OF POPULATION THAT MAY BE TAKEN FOR THE POTENTIALLY AFFECTED SPECIES DURING THE PROPOSED ROCKY INTERTIDAL MONITORING PROGRAM

Species	Abundance *	Total authorized level B take	Percentage of stock or population
Harbor Seal	[1] 30,196 [2] 16,165	183	0.6–1.1
California Sea Lion	296,750	60	0.02
Northern Elephant Seal	124,000	30	0.03

* Abundance estimates are taken from the 2013 U.S. Pacific Marine Mammal Stock Assessments (Carretta *et al.,* 2014).
[1] California stock abundance estimate;
[2] Oregon/Washington stock abundance estimate

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

None of the marine mammals for which incidental take is authorized are listed as threatened or endangered under the ESA. NMFS' Permits and Conservation Division worked with the NMFS West Coast Regional Office to ensure that Steller sea lions would be avoided and incidental take would not occur. Therefore, NMFS has determined that issuance of the IHA to PISCO under section 101(a)(5)(D) of the MMPA will have no effect on species listed as threatened or endangered under the ESA.

National Environmental Policy Act (NEPA)

In 2012, we prepared an EA analyzing the potential effects to the human environment from conducting rocky intertidal surveys along the California and Oregon coasts and issued a FONSI on the issuance of an IHA for PISCO's rocky intertidal surveys in accordance with section 6.01 of the NOAA Administrative Order 216–6

(Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). PISCO's proposed activities and impacts for 2013–2014 are within the scope of our 2012 EA and FONSI. We have reviewed the 2012 EA and determined that there are no new direct, indirect, or cumulative impacts to the human and natural environment associated with the IHA requiring evaluation in a supplemental EA and we, therefore, reaffirm the 2012 FONSI.

Authorization

As a result of these determinations, NMFS has authorized the take of marine mammals incidental to PISCO's rocky intertidal monitoring research activities, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: December 3, 2014.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–28807 Filed 12–8–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0157]

Proposed Collection; Comment Request

AGENCY: Defense Media Activity, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Media Activity announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by February 9, 2015.

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

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

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Media Activity, American Forces Network-Broadcast Center, 23755 Z Street, Riverside, CA 92518, or call 951–413–2569.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: AFNConnect (AFNC); OMB Control Number 0704–TBD.

Needs and Uses: The information collection requirement is necessary to obtain and audit the eligibility of DoD Employees, DoD contractors, Department of State (DoS) employees, military personnel (including retirees and active reservists) and their family members OCONUS to receive restricted American Forces Radio and Television Service (AFRTS) programming services (*i.e.,* radio, television, and web streaming services). Demographic data will also be collected to ensure DMA provides its services in the most efficient and cost effective manner.

Affected Public: Individuals or households

Annual Burden Hours: 1,667

Number of Respondents: 10,000

Responses Per Respondent: 1

Average Burden Per Response: 10 minutes

Frequency: On occasion

The American Forces Network (AFN) is a broadcast service of the Defense Media Activity (DMA). AFN provides an internal information program to provide U.S. radio and television news, information, and entertainment programming to Military Service members, DoD civilian and contract employees, and their families overseas, on board U.S. Navy and Coast Guard ships at sea, and other authorized users. This DoD internal information program (1) provides U.S. military commanders worldwide with a unique means to communicate internal information directly to DoD personnel and their family members overseas; (2) provides overseas DoD personnel and their families the same type of information and entertainment programming as their fellow citizens in the United States; (3) assists in maintaining and enhancing the morale, readiness, situational awareness, and well-being of DoD personnel and their family members overseas. AFN communicates messages and themes from senior DoD leaders (*i.e.,* Secretary of Defense, Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, Military Service Chiefs of Staff, Combatant Commanders), as well as other leaders in the chain of command, in order to support and improve quality of life and morale, promote situational awareness, provide timely and immediate force protection information, and sustain readiness.

Much of the content distributed by AFN is commercial programming whose distribution is restricted to targeted OCONUS audiences. The AFNConnect system is an automated system which will allow potential consumers of AFN content to quickly validate their location and status, and be automatically authorized to receive AFN programming.

Dated: December 3, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–28731 Filed 12–8–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees

AGENCY: DoD.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense is publishing this notice to announce that it is renewing the charter for the Department of Defense Military Family Readiness Council (''the Council'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This Council's charter is being renewed under the provisions of 10 U.S.C. 1781a, as amended, 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) (''the Sunshine Act''), and 41 CFR 102–3.50(a).

The Council is a statutory Federal advisory committee that will review and make recommendations to the Secretary of Defense regarding the policy and plans required under 10 U.S.C. 1781b, monitor requirements for the support of military family readiness by the Department of Defense (DoD), and evaluate and assess the effectiveness of the military family readiness programs and activities of the DoD.

The Council, no later than February 1st of each year, shall submit a report to the Secretary of Defense and the congressional defense committees on military family readiness. Each report, at a minimum, will include the following:

a. An assessment of the adequacy and effectiveness of the military family readiness programs and activities of the DoD during the preceding fiscal year in meeting the needs and requirements of military families.

b. Recommendations on actions to be taken to improve the capability of the military family readiness programs and activities of the DoD to meet the needs and requirements of military families, including actions relating to the allocation of funding and other resources to and among such programs and activities.

The annual report referenced above will be submitted to the Secretary of Defense and the congressional defense committees. The Under Secretary of Defense for Personnel and Readiness (USD(P&R)), pursuant to DoD policy, may act upon the Council's advice and recommendations. The DoD, through the Office of the USD(P&R), provides support, as deemed necessary, for the Council's performance and functions, and ensures compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) (''the Sunshine Act''), governing Federal statutes and regulations, and established DoD policies and procedures.

The Council, pursuant to 10 U.S.C. 1781a, as amended, will be composed of 18 members, appointed as specified below:

a. The USD(P&R), who shall serve as chair of the Council. The Principal Deputy Under Secretary of Defense for Personnel and Readiness, as approved by the Secretary of Defense, may, in the absence of the USD(P&R), serve as the Council's chair with all rights and privileges thereunto.

b. One representative from each of the Army, Navy, Marine Corps, and Air Force, each of whom shall be a member of the armed force to be represented.

c. The Secretary of Defense has approved the following *ex officio* appointments for a two-year term of service with annual renewals:

1. Army—the Assistant Chief of Staff for Installation Management;

2. Navy—the Chief of Naval Personnel;

3. Air Force—the Deputy Chief of Staff for Manpower and Personnel; and

4. Marine Corps—the Deputy Commandant for Manpower and Reserve Affairs.

d. One representative of the Army National Guard or the Air National Guard, who may be a member of the National Guard.

The Secretary of Defense, based upon the recommendation of the Chief, National Guard Bureau through the USD(P&R) shall appoint one individual to serve on the Council. If the Secretary appoints a person who is a full-time or permanent part-time Federal employee, then that individual will be appointed as a regular government employee (RGE) member. If the Secretary appoints a person who is not a full-time or permanent part-time federal officer or employee or a member of the Army or Air National Guard, then that individual will be appointed as an expert or consultant under the authority of 5 U.S.C. 3109 to serve as a special government employee (SGE) member. Representation on the Council will rotate between the Army National Guard and Air National Guard every two years on a calendar year basis with annual renewals.

a. One spouse or parent of a member of each of the Army, Navy, Marine Corps, and Air Force, two of whom shall be the spouse or parent of an active component member and two of whom shall be the spouse or parent of a reserve component member.

The Secretary of Defense shall appoint these individuals based upon the recommendation of the USD(P&R). Spouse or parent nominees of Regular Component members shall begin with the Army and Navy followed by the Air Force and Marine Corps. Spouse or parent nominees of Reserve Component members shall begin with the Air Force and Marine Corps followed by the Army and the Navy. A spouse or parent of a member of the Regular or Reserve Component appointed by the Secretary of Defense, unless he or she is a full-time or permanent part-time Federal officer or employee, will be appointed to the Council as an expert or consultant under the authority of 5 U.S.C. 3109 and serve as a SGE member. The term of service for these members shall be two years with annual renewals.

b. Three individuals appointed by the Secretary of Defense from among representatives of military family organizations, including military family organizations of families of members of the regular components and families of members of the reserve components.

For the period 2012–2015, the following military family organizations are invited to serve on the Council: The National Military Family Association, the American Red Cross, and the Blue Star Families. Individuals appointed by the Secretary of Defense from these three organizations who are not full-time or permanent part-time federal officers or employees shall be appointed as experts or consultants under the authority of 5 U.S.C. 3190 to serve as a SGE member. The term of service shall be three years with annual renewals.

c. The senior enlisted advisors from each of the Army, Navy, Marine Corps, and Air Force, except that two of these members may instead be selected from among the spouses of the senior enlisted advisors.

The Secretary of Defense shall appoint two Senior Enlisted Advisors beginning with the Navy and Marine Corps and followed by the Army and Air Force. The Secretary of Defense shall appoint two spouses of Senior Enlisted Advisers beginning with the Army and Air Force and followed by the Navy and Marine Corps. A spouse of a Senior Enlisted Advisor of the Army, Navy, Air Force or Marine Corps appointed by the Secretary of Defense, unless he or she is a full-time or permanent part-time Federal officer or employee, shall be appointed to the Council as an expert or consultant under the authority of 5 U.S.C. 3109 and serve as a SGE member. The term of service for Senior Enlisted Advisors shall be two years with annual renewals. The term of service for spouses of Senior Enlisted Advisors shall be either two years or until the conclusion of the Service member's tour of duty as Senior Enlisted Advisor during which the spouse was appointed to the Council, whichever is earlier, with annual renewals.

d. The Director of the Office of Community Support for Military

Families with Special Needs (''the Director'').

The Director is appointed as a regular government (*ex officio*) member of the Council. The Director may send someone to attend a council meeting if he or she is unable to attend; however, this person will not engage in Council deliberations, vote on matters before the Council, or count toward a quorum.

Council members are not compensated for service on the Council, but each member is reimbursed for travel and per diem as it pertains to official business of the Council. The DoD, when necessary and consistent with the Council's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Council. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R), as the DoD Sponsor.

Such subcommittees will not work independently of the Council, and will report all of their recommendations and advice solely to the Council for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Council. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Council, directly to the DoD or any Federal officer or employee.

All subcommittee members must be appointed by the Secretary of Defense or the Deputy Secretary of Defense to a term of service of one-to-four years, with annual renewals, even if the individual in question is already a member of the Council, and no subcommittee member will serve more than two consecutive terms of service, unless authorized by the Secretary of Defense of the Deputy Secretary of Defense. Subcommittee members who are not full-time or permanent part-time Federal employees will be appointed as experts or consultants pursuant to 5 U.S.C. 3109, to serve as SGE members. Subcommittee members who are full-time or permanent part-time Federal employees will be appointed pursuant to 41 CFR 102–3.130(a), to serve as a RGE member. With the exception of reimbursement of official travel and per diem related to the Council or its subcommittees, subcommittee members will serve without compensation. All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

The Council's DFO must be a full-time or permanent part-time DoD employee, appointed in accordance with established DoD policies and procedures.

The Council's DFO is required to attend all meetings of the Council and its subcommittees for the entire duration of each and every meeting. However, in the absence of the Council's DFO, a properly approved Alternate DFO, duly appointed to the Council according to established DoD policies and procedures, must attend the entire duration of all meetings of the Council and its subcommittees.

The DFO, or the Alternate DFO, shall call all meetings of the Council and its subcommittees; prepares and approves all meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to Department of Defense Military Family Readiness Council membership about the Council's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of Department of Defense Military Family Readiness Council.

All written statements shall be submitted to the DFO for the Department of Defense Military Family Readiness Council, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Department of Defense Military Family Readiness Council DFO can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/*.

The DFO, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Department of Defense Military Family Readiness Council. The DFO, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: December 4, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–28795 Filed 12–8–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0156]

Agency Information Collection Activities; Comment Request; Program for International Student Assessment 2012 (PISA: 2012) Validation Study 2015 Field Test and Main Study

AGENCY: Institute of Education Sciences/National Center for Education Statistics (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before February 9, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0156 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E103, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubzdela, 202–502–7411.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is

soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Program for International Student Assessment 2012 (PISA: 2012) Validation Study 2015 Field Test and Main Study.

OMB Control Number: 1850–0900.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 6,260.

Total Estimated Number of Annual Burden Hours: 2,086.

Abstract: PISA (Program for International Student Assessment) is an international assessment of 15-year-olds designed to evaluate, at the end of compulsory education, how well students are prepared for the challenges of further education and the workforce (OMB# 1850–0755). To date, in the United States, PISA has been administered only as a cross-sectional study, and thus it has not been possible to evaluate how well it assesses key competencies of 15-year-olds for their later success. NCES proposes to conduct a follow-up study with students who participated in PISA 2012 to learn how performance on PISA relates to subsequent outcomes and skills of young adults. The follow-up study—referred to in materials to potential respondents as the PISA Young Adult Follow-Up Study, and in this request as the PISA Validation Study—will provide information about how students' skills and experiences at age 15, collected through PISA, relate to subsequent literacy, numeracy, and problem-solving skills, as well as educational attainment, education and work experiences, skills used in daily life, career intentions, and aspects of well-being. In fall 2015, when these students will be around 18 years of age, they will be asked to take the web-based version of the Organization for Economic Cooperation and Development 's (OECD) Program for the International Assessment of Adult Competencies (PIAAC) assessment and background questionnaire—the Education and Skills Online (ESO). In fall 2013, students in the United States who participated in PISA 2012 and supplied contact information were contacted and invited to update their contact information in preparation for the follow-up study (OMB 1850–0900 v.1). This request is to (1) recruit the PISA 2012 sample respondents who have been successfully located; (2) administer ESO to a field test sample in the summer of 2015; and (3) administer ESO to a main study sample in the fall of 2015.

Dated: December 3, 2014.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–28706 Filed 12–8–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2203–015]

Alabama Power Company; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2203–015.

c. *Date filed:* August 16, 2013.

d. *Applicant:* Alabama Power Company (Alabama Power).

e. *Name of Project:* Holt Hydroelectric Project.

f. *Location:* The project is located at the U.S. Army Corps of Engineers' existing Holt Lock and Dam on the Black Warrior River in Tuscaloosa County, Alabama and occupies 36.64 acres of Corps lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jim Heilbron, Senior Vice President and Senior Production Officer, Alabama Power Company, 600 North 18th Street, P.O. Box 2641, Birmingham, AL 35203–2206, (205) 257–1000.

i. *FERC Contact:* Jeanne Edwards (202) 502–6181, or by email at *Jeanne.edwards@ferc.gov.*

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests, comments, and/or recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (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–2203–015.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is now ready for environmental analysis.

l. Portions of the existing Holt Project facilities that are owned and operated by Alabama Power consist of: (1) A 130-foot-long concrete non-overflow dam; (2) a 110-foot long earth fill dam located between the non-overflow structure and the right abutment; (3) a powerhouse integral with the dam containing one turbine with an installed capacity of 46,944-kilowatts; (4) a 2.48-mile-long transmission line; and (5) Overlook Park, a project recreation site. The applicant estimates that the total average annual generation would be 153,604,600 kilowatt hours. All generated power is utilized within the applicant's electric utility system. Additionally, Alabama Power proposes correct the mapping of the project boundary from 46.59 acres to 50.08 acres. The change would affect privately owned lands, resulting in no land disturbing activities.

m. A copy of the application is available for 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.

All filings must: (1) Bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS''; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

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.

n. Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

Dated: December 2, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–28757 Filed 12–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12589–020]

Public Service Company of Colorado; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Application for Temporary Variance of Minimum Flow Requirement.

b. Project No.: 12589–020.

c. *Date Filed:* November 12, 2014.

d. *Applicant:* Public Service Company of Colorado d.b.a. Xcel Energy (licensee).

e. *Name of Project:* Tacoma Project.

f. *Location:* Cascade Creek in San Juan and La Plata counties, Colorado.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Bruce Cotie, Hydro-West Manager, (303) 273–4917, or *bruce.e.cotie@xcelenergy.com*.

i. *FERC Contact:* John Aedo, (415) 369–3335, or *john.aedo@ferc.gov*.

j. Deadline for filing comments, motions to intervene, protests, and recommendations is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (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. Please include the project number (P–12589–020) on any comments, motions to intervene, protests, or recommendations filed.

k. *Description of Request:* The licensee requests a temporary variance of the maximum flow diversion requirements in Cascade Creek. U.S. Forest Service Section 4(e) Condition No. 17 (found in the project license) limits diversions to the flowline of no greater than 2 cubic feet per second (cfs), when natural inflow is less than 9 cfs. However, the licensee requests that it be allowed to divert 4 cfs into the flowline from December 15, 2014 to April 15, 2015. The licensee states that the increased diversion is necessary to keep a temporary, above-ground flowline from freezing while it performs repairs to a damaged section of flowline during the winter.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp*. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov*, for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All

comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the variance. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: December 2, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–28758 Filed 12–8–14; 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: EC15–43–000.
Applicants: Niagara Generation, LLC.
Description: Application of Niagara Generation, LLC and NiGen, LLC for Expedited Approval of Intra-Corporate Transfer Under Section 203 of the Federal Power Act.
Filed Date: 12/1/14.
Accession Number: 20141201–5300.
Comments Due: 5 p.m. ET 12/22/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–3301–005; ER10–2757–005; ER10–2756–005.
Applicants: Arlington Valley, LLC, GWF Energy LLC, Griffith Energy LLC.
Description: Notification of Non-Material Change in Status of the Star West Companies.
Filed Date: 12/1/14.
Accession Number: 20141201–5302.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER14–2569–001.
Applicants: Alabama Power Company.
Description: Compliance filing per 35: Attachment J–2 (SGIP) Filing to Comply with Errata relating to Order No. 792 to be effective 8/1/2014.
Filed Date: 12/1/14.
Accession Number: 20141201–5230.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–539–000.
Applicants: Puget Sound Energy, Inc.
Description: Compliance filing per 35: Order No. 676–H Compliance Filing to be effective 2/2/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5225.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–540–000.
Applicants: Alabama Power Company.
Description: Compliance filing per 35: OATT Attachment O Filing in Compliance with Order No. 676–H to be effective 2/2/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5226.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–541–000.
Applicants: Alabama Power Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): OATT Attachment T Amdendment Filing to be effective 12/1/2014.
Filed Date: 12/1/14.
Accession Number: 20141201–5228.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–542–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–12–01_Land Cost Recovery Filing to be effective 1/31/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5236.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–543–000.
Applicants: Black Hills Power, Inc.
Description: Compliance filing per 35: Order No. 676–H Compliance Filing to be effective 5/15/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5258.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–544–000.
Applicants: Alcoa Power Generating Inc.
Description: Compliance filing per 35: Order No. 676–H Compliance Filing to be effective 12/2/2014 under ER15–544 Filing Type: 80.
Filed Date: 12/1/14.
Accession Number: 20141201–5261.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–545–000.
Applicants: Black Hills/Colorado Electric Utility Co.
Description: Compliance filing per 35: Order No. 676–H Compliance Filing to be effective 5/15/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5266.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–546–000.
Applicants: Cheyenne Light, Fuel and Power Company.
Description: Compliance filing per 35: Order No. 676–H Compliance Filing to be effective 5/15/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5271.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–547–000.
Applicants: Avista Corporation.
Description: Compliance filing per 35: Avista Corp OATT Order 676–H Compliance Filing to be effective 2/2/2015.
Filed Date: 12/2/14.
Accession Number: 20141202–5000.
Comments Due: 5 p.m. ET 12/23/14.

Docket Numbers: ER15–548–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Request for Temporary Waiver of Midcontinent Independent System Operator, Inc.
Filed Date: 12/1/14.
Accession Number: 20141201–5287.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–549–000.
Applicants: Southern Company Services, Inc.
Description: Request for Waiver of Southern Company Services, Inc. (as Agent).
Filed Date: 12/1/14.
Accession Number: 20141201–5298.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–550–000.
Applicants: New York Independent System Operator, Inc.
Description: Request of the New York Independent System Operator for Waivers of North American Energy Standards Board Wholesale Electric Quadrant Standards under ER15–550.
Filed Date: 12/1/14.
Accession Number: 20141201–5299.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–551–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2390R2 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2014.
Filed Date: 12/2/14.
Accession Number: 20141202–5036.
Comments Due: 5 p.m. ET 12/23/14.

Docket Numbers: ER15–552–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 1894R3 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2014.

Filed Date: 12/2/14.
Accession Number: 20141202–5037.
Comments Due: 5 p.m. ET 12/23/14.

Docket Numbers: ER15–553–000.
Applicants: San Diego Gas & Electric Company.
Description: Second Annual Informational Filing of Fourth Transmission Owner Rate Formula rate mechanism of San Diego Gas & Electric Company.
Filed Date: 12/1/14.
Accession Number: 20141201–5301.
Comments Due: 5 p.m. ET 12/22/14.

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: December 2, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–28739 Filed 12–8–14; 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: PR15–9–000.
Applicants: American Midstream (Alabama Intrastate), LLC.
Description: Tariff filing per 284.123(b)(2) +(g): Rate Petition to be effective 12/1/2014; TOFC: 1310.
Filed Date: 11/26/14.
Accession Number: 20141126–5004.
Comments Due: 5 p.m. ET 12/17/14.
284.123(g) Protests Due: 5 p.m. ET 1/26/15.

Docket Numbers: RP15–218–000.
Applicants: Trailblazer Pipeline Company LLC.
Description: § 4(d) rate filing per 154.204: NC Contract 2014–11–24 Mercuria to be effective 12/1/2014.
Filed Date: 11/26/14.
Accession Number: 20141126–5052.
Comments Due: 5 p.m. ET 12/8/14.

Docket Numbers: RP15–219–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) rate filing per 154.204: Neg Rate A&R Antero 11–26–14 to be effective 12/1/2014.
Filed Date: 11/26/14.
Accession Number: 20141126–5053.
Comments Due: 5 p.m. ET 12/8/14.

Docket Numbers: RP15–220–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) rate filing per 154.403(d)(2): EPNG Fuel Filing to be effective 1/1/2015.
Filed Date: 11/26/14.
Accession Number: 20141126–5107.
Comments Due: 5 p.m. ET 12/8/14.

Docket Numbers: RP15–221–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) rate filing per 154.204: Mercuria Energy Negotiated Rate to be effective 12/1/2014.
Filed Date: 11/26/14.
Accession Number: 20141126–5108.
Comments Due: 5 p.m. ET 12/8/14.

Docket Numbers: RP15–222–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) rate filing per 154.601: Non-Conforming Agreement Update Filing (APS OPASA) to be effective 1/1/2015.
Filed Date: 11/26/14.
Accession Number: 20141126–5158.
Comments Due: 5 p.m. ET 12/8/14.

Docket Numbers: RP15–223–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) rate filing per 154.204: 20141126 Negotiated Rate to be effective 12/1/2014.
Filed Date: 11/26/14.
Accession Number: 20141126–5245.
Comments Due: 5 p.m. ET 12/8/14.

Docket Numbers: RP15–224–000.
Applicants: Alliance Pipeline L.P.
Description: § 4(d) rate filing per 154.204: 2015 Jan 1–Nov 30 2015 Neg Rate to be effective 1/1/2015.
Filed Date: 11/28/14.
Accession Number: 20141128–5054.
Comments Due: 5 p.m. ET 12/10/14.

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 date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: PR13–12–003.
Applicants: Southern California Gas Company.
Description: Tariff filing per 284.123(b)(1),: Revised Statement of Operating Conditions to be effective 3/1/2013; TOFC: 1000.
Filed Date: 11/26/14.
Accession Number: 20141126–5083.
Comments Due: 5 p.m. ET 12/3/14
284.123(g) Protests Due:

Docket Numbers: RP12–318–006.
Applicants: Texas Eastern Transmission, LP.
Description: Compliance filing per 154.203: Reservation Charge Credit Nov2014 Compliance Filing to be effective 12/1/2014.
Filed Date: 11/26/14.
Accession Number: 20141126–5030.
Comments Due: 5 p.m. ET 12/8/14.

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 date(s).

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: December 1, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–28742 Filed 12–8–14; 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: EC15–44–000.
Applicants: Blue Sky East, LLC, Canandaigua Power Partners, LLC, Canandaigua Power Partners II, LLC, Erie Wind, LLC, Evergreen Gen Lead,

LLC, Evergreen Wind Power, LLC, Evergreen Wind Power III, LLC, First Wind Energy Marketing, LLC, Longfellow Wind, LLC, Maine GenLead, LLC, Milford Wind Corridor Phase I, LLC, Milford Wind Corridor Phase II, LLC, Niagara Wind Power, LLC, Palouse Wind, LLC, Stetson Holdings, LLC, Stetson Wind II, LLC, Vermont Wind, LLC, TerraForm Power, LLC, SunEdison, Inc.

Description: Application for Authorization of the First Wind Applicants Under Section 203 of the Federal Power Act and Request for Waivers, Confidential Treatment, Expedited Action and Shortened Comment Period.

Filed Date: 12/2/14.

Accession Number: 20141202–5133.

Comments Due: 5 p.m. ET 12/23/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2822–007; ER14–2676–001; ER12–96–004; ER12–422–004; ER12–308–005; ER12–2649–002; ER12–2109–003; ER12–2108–003; ER12–2107–003; ER12–2106–003; ER12–2102–003; ER12–2101–003; ER12–2097–003; ER12–2086–003; ER12–2084–003; ER12–2083–003; ER12–2081–003; ER12–2078–003; ER12–2077–003; ER12–2076–003; ER11–2475–005; ER11–2474–007; ER11–2473–005; ER11–2472–005; ER11–2471–005; ER11–2470–005; ER11–2469–005; ER11–2468–005; ER11–2467–005; ER11–2466–005; ER11–2465–006; ER11–2464–005; ER11–2463–005; ER11–2462–005; ER11–2196–006; ER11–2112–006; ER10–3162–005; ER10–3161–005; ER10–3158–005; ER10–3031–002; ER10–3010–002; ER10–3004–003; ER10–3002–002; ER10–3001–003; ER10–2994–011; ER10–2942–004; ER10–2828–002; ER10–2822–007; ER10–2423–005; ER10–2404–005; ER10–1725–002.

Applicants: Atlantic Renewable Projects II LLC, Barton Windpower LLC, Big Horn Wind Project LLC, Big Horn II Wind Project LLC, Blue Creek Wind Farm LLC, Buffalo Ridge I LLC, Buffalo Ridge II LLC, Casselman Windpower LLC, Colorado Green Holdings LLC, Dillon Wind LLC, Elm Creek Wind, LLC, Elm Creek Wind II LLC, Farmers City Wind, LLC, Flat Rock Windpower LLC, Flat Rock Windpower II LLC, Flying Cloud Power Partners, LLC, Groton Wind, LLC, Hardscrabble Wind Power LLC, Hay Canyon Wind LLC, Iberdrola Arizona Renewables, LLC, Iberdrola Renewables, LLC, Juniper Canyon Wind Power LLC, Klamath Energy LLC, Klamath Generation LLC, Klondike Wind Power LLC, Klondike Wind Power II LLC, Klondike Wind Power III LLC, Leaning Juniper Wind Power II LLC, Lempster Wind, LLC, Locust Ridge Wind Farm, LLC, Locust Ridge II, LLC, Manzana Wind LLC, MinnDakota Wind LLC, Moraine Wind LLC, New England Wind, LLC, Northern Iowa Windpower II LLC, Moraine Wind II LLC, Pebble Springs Wind LLC, Providence Heights Wind, LLC, Rugby Wind LLC, San Luis Solar LLC, Shiloh I Wind Project, LLC, South Chestnut LLC, Star Point Wind Project LLC, Streator-Cayuga Ridge Wind Power LLC, Trimont Wind I LLC, Twin Buttes Wind LLC, Elk River Windfarm, LLC, New Harvest Wind Project LLC, Mountain View Power Partners III, LLC.

Description: Notice of Change in Status of the Iberdrola MBR Sellers.

Filed Date: 12/1/14.

Accession Number: 20141201–5305.

Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER10–3154–001.

Applicants: Niagara Generation, LLC.

Description: Notice of Change in Status of Niagara Generation, LLC.

Filed Date: 12/2/14.

Accession Number: 20141202–5138.

Comments Due: 5 p.m. ET 12/23/14.

Docket Numbers: ER11–47–004; ER14–594–004; ER14–2477–001; ER14–2476–001; ER14–2475–001; ER13–1896–006; ER12–2343–002; ER12–1544–002; ER12–1542–002; ER12–1541–002; ER12–1540–002; ER11–46–007; ER11–41–004; ER10–2981–004; ER10–2975–007.

Applicants: Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Wheeling Power Company, AEP Texas Central Company, AEP Texas North Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, Ohio Power Company, AEP Energy Partners, Inc., CSW Energy Services, Inc., AEP Retail Energy Partners LLC, AEP Energy, Inc., AEP Generation Resources Inc.

Description: Notice of Non-Material Change in status of the AEP MBR affiliates.

Filed Date: 12/1/14.

Accession Number: 20141201–5304.

Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–554–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2014–12–02_PFP_YearOneChanges to be effective 1/1/2015.

Filed Date: 12/2/14.

Accession Number: 20141202–5081.

Comments Due: 5 p.m. ET 12/23/14.

Docket Numbers: ER15–555–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: Installed Capacity Requirements, Hydro-Quebec Interconnection Capability Credits and Related Values for 2015/2016, 2016/2017 and 2017/2018 Annual Reconfiguration Auctions of ISO New England, Inc.

Filed Date: 12/2/14.

Accession Number: 20141202–5087.

Comments Due: 5 p.m. ET 12/23/14.

Docket Numbers: ER15–556–000.

Applicants: Direct Energy Small Business, LLC

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Normal 3.0 to be effective 12/3/2014.

Filed Date: 12/2/14.

Accession Number: 20141202–5100.

Comments Due: 5 p.m. ET 12/23/14.

Docket Numbers: ER15–557–000.

Applicants: ITC Midwest LLC.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Filing of a Joint Use Pole Agreement to be effective 2/2/2015.

Filed Date: 12/2/14.

Accession Number: 20141202–5107.

Comments Due: 5 p.m. ET 12/23/14.

Docket Numbers: ER15–558–000.

Applicants: Direct Energy Business Marketing, LLC.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Normal 2.0 to be effective 12/3/2014.

Filed Date: 12/2/14.

Accession Number: 20141202–5118.

Comments Due: 5 p.m. ET 12/23/14.

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: December 2, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–28741 Filed 12–8–14; 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: RP15–225–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) rate filing per 154.204: Cap Rel Neg Rate Agmt Filing (JW Operating 34690 to QWest 43528) to be effective 12/1/2014.
Filed Date: 12/1/14.
Accession Number: 20141201–5092.
Comments Due: 5 p.m. ET 12/15/14.

Docket Numbers: RP15–226–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) rate filing per 154.204: Neg Rate Agmt and Amendment Filing (SW 43521 & ExGen 43198–1) to be effective 12/1/2014.
Filed Date: 12/1/14.
Accession Number: 20141201–5093.
Comments Due: 5 p.m. ET 12/15/14.

Docket Numbers: RP15–227–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) rate filing per 154.204: Amendment to Neg Rate Agmts (Santa Rosa 42487–3 & Mobile 42488–3) to be effective 12/1/2014.
Filed Date: 12/1/14.
Accession Number: 20141201–5094.
Comments Due: 5 p.m. ET 12/15/14.

Docket Numbers: RP15–228–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) rate filing per 154.204: Cap Rel Neg Rate Agmts (QEP 37657 & 36601 to Trans LA & Texla, various) to be effective 12/1/2014.
Filed Date: 12/1/14.
Accession Number: 20141201–5095.
Comments Due: 5 p.m. ET 12/15/14.

Docket Numbers: RP15–229–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) rate filing per 154.204: Neg Rate 2012–12–01 A&R BP, Encana, EOG Vanguard CR to be effective 12/1/2014.
Filed Date: 12/1/14.
Accession Number: 20141201–5106.
Comments Due: 5 p.m. ET 12/15/14.

Docket Numbers: RP15–230–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) rate filing per 154.204: Non-Conforming Agmt due to Perm Rel (JP Morgan 27225 to Mercuria 34366) to be effective 12/1/2014.
Filed Date: 12/1/14.
Accession Number: 20141201–5107.
Comments Due: 5 p.m. ET 12/15/14.

Docket Numbers: RP15–231–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 12/01/14 Negotiated Rates—Castleton Commodities Merchant Trading (RTS) 4010–02 to be effective 12/1/2014.
Filed Date: 12/1/14.
Accession Number: 20141201–5151.
Comments Due: 5 p.m. ET 12/15/14.

Docket Numbers: RP15–232–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) rate filing per 154.204: Section 4 Update to be effective 1/1/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5154.
Comments Due: 5 p.m. ET 12/15/14.

Docket Numbers: RP15–233–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 12/01/14 Negotiated Rates—Mercuria Energy Gas Trading LLC (RTS)—7540–02 to be effective 12/1/2014.
Filed Date: 12/1/14.
Accession Number: 20141201–5252.
Comments Due: 5 p.m. ET 12/15/14.

Docket Numbers: RP15–234–000.
Applicants: Millennium Pipeline Company, LLC.
Description: § 4(d) rate filing per 154.204: Calculation of Reservation Charge Credits & Voluntary Interruption Commitments to be effective 1/1/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5265.
Comments Due: 5 p.m. ET 12/15/14.

Docket Numbers: RP15–235–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: § 4(d) rate filing per 154.204: Substitute Published Index Prices Filing to be effective 1/1/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5274.
Comments Due: 5 p.m. ET 12/15/14.

Docket Numbers: RP15–236–000.
Applicants: Midcontinent Express Pipeline LLC.
Description: § 4(d) rate filing per 154.204: Chesapeake Energy Negotiated Rate to be effective 12/1/2014.
Filed Date: 12/1/14.
Accession Number: 20141201–5281.
Comments Due: 5 p.m. ET 12/15/14

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: December 2, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–28743 Filed 12–8–14; 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: EC15–21–000.
Applicants: Rising Tree Wind Farm LLC, Rising Tree Wind Farm II LLC.
Description: Amendment to October 31, 2014 Application for Authorization for Disposition of Jurisdictional Facilities of Rising Tree Wind Farm LLC, et. al.
Filed Date: 11/14/14.
Accession Number: 20141114–5246.
Comments Due: 5 p.m. ET 12/11/14.

Docket Numbers: EC15–42–000.
Applicants: Sunshine Gas Producers, LLC, Innovative Energy Systems, LLC, Seneca Energy II, LLC.
Description: Application Under FPA Section 203 Of Sunshine Gas, Innovative Energy and Seneca Energy II with Privileged Exhibit I.
Filed Date: 12/1/14.
Accession Number: 20141201–5033.
Comments Due: 5 p.m. ET 12/22/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2385–004*; ER10–2346–005; ER10–2353–005; ER10–2382–004; ER10–2357–004; ER10–2361–004.*
Applicants: Elkhorn Ridge Wind, LLC, Forward WindPower, LLC, Lookout WindPower, LLC, San Juan Mesa Wind Project, LLC, Sleeping Bear, LLC, Wildorado Wind, LLC.

Description: Notice of Change in Status of NRG Wind TE Holdco LLC subsidiaries under ER10–2835, et. al.
Filed Date: 12/1/14.
Accession Number: 20141201–5166.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER10–2615–004; *ER11–2335–005.*
Applicants: Plum Point Energy Associates, LLC, Plum Point Services Company, LLC.
Description: Notice of Non-Material Change in Status of Plum Point Energy Associates, LLC, et. al.
Filed Date: 12/1/14.
Accession Number: 20141201–5044.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER13–2157–005.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing per 35: 2014–12–01_SA 2289 Compliance Ameren-Hoopeston H094 GIA to be effective 8/15/2013.
Filed Date: 12/1/14.
Accession Number: 20141201–5211.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER14–2562–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing per 35: 2014–12–01 SGIP Order 792 Compliance_Attachment X to be effective 10/1/2014.
Filed Date: 12/1/14.
Accession Number: 20141201–5108.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER14–2895–001.
Applicants: New York Independent System Operator, Inc.
Description: Compliance filing per 35: NYISO compliance tariff revision re:Code of Conduct Prvsn on information sharing to be effective 11/17/2014.
Filed Date: 12/1/14.
Accession Number: 20141201–5217.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–492–000.
Applicants: Southwest Power Pool, Inc.
Description: Petition for waiver of Attachment O of the SPP Open Access Tariff provisions of Southwest Power Pool, Inc.
Filed Date: 11/26/14.
Accession Number: 20141126–5060.
Comments Due: 5 p.m. ET 12/17/14.

Docket Numbers: ER15–517–000.
Applicants: ISO New England Inc.
Description: Compliance filing per 35: Stan. for Bus. Prac. and Comm. Protocols for Public Utilities—Order 676–H to be effective 2/2/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5065.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–518–000.
Applicants: Duke Energy Progress, Inc., Duke Energy Carolinas, LLC, Duke Energy Florida, Inc.
Description: Compliance filing per 35: Order 676–H Compliance Filing and Waiver Request to be effective 2/2/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5072.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–519–000.
Applicants: ISO New England Inc.
Description: Compliance filing per 35: OATT Req. for Waivers Rel. to Order No. 676–H to be effective 2/2/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5084.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–520–000.
Applicants: Deseret Generation & Transmission Co-operative, Inc.
Description: Compliance filing per 35: OATT Order No. 676–H Waiver and Compliance Filing to be effective 2/2/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5090.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–521–000.
Applicants: Public Service Company of Colorado.
Description: Compliance filing per 35: 2014–12–1 Order 676–H Filing to be effective 2/2/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5091.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–522–000.
Applicants: Arizona Public Service Company.
Description: Compliance filing per 35: Revisions to MBR Tariff to be Effective February 2, 2015 to be effective 2/2/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5104.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–523–000.
Applicants: Duke Energy Progress, Inc., Duke Energy Florida, Inc., Duke Energy Carolinas, LLC.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Software Related Issues Filing to be effective 1/13/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5109.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–524–000.
Applicants: Tucson Electric Power Company.
Description: Compliance filing per 35: Order No. 676–H Compliance Filing to be effective 2/2/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5112.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–525–000.
Applicants: UNS Electric, Inc.
Description: Compliance filing per 35: Order No. 676–H Compliance Filing to be effective 2/2/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5113.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–526–000.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing per 35: 2014–12–01—Oder676–H—Compliance to be effective 2/2/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5114.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–527–000.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing per 35: Compliance Filing per Order 676–H—RM05–5–022—Business Practice Standards to be effective 2/2/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5128.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–528–000.
Applicants: Golden Spread Electric Cooperative, Inc.
Description: Compliance filing per 35: OATT Order No. 676–H Compliance Filing to be effective 2/2/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5141.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–529–000.
Applicants: Arizona Public Service Company.
Description: Compliance filing per 35: OATT Modifications Pursuant to Order 676–H to be effective 5/15/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5144.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–530–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing per 35: 2014–12–01 Order 676–H Compliance new NAESB standard to be effective 2/2/2015.
Filed Date: 12/1/14.
Accession Number: 20141201–5182.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–531–000.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing per 35: 2014–12–01_Waiver_Order676–H to be effective N/A.
Filed Date: 12/1/14.
Accession Number: 20141201–5192.
Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–532–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 1897R3 Westar Energy,

Inc. NITSA and NOA to be effective 8/1/2014.

Filed Date: 12/1/14.

Accession Number: 20141201–5196.

Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–533–000.

Applicants: Public Service Company of New Mexico.

Description: Compliance filing per 35: Order No. 676–H Compliance Filing to be effective 5/15/2015.

Filed Date: 12/1/14.

Accession Number: 20141201–5200.

Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–534–000.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing per 35: Revisions to Attachment R–1 in Compliance to Order No. 676–H to be effective 2/2/2015.

Filed Date: 12/1/14.

Accession Number: 20141201–5199.

Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–535–000.

Applicants: Nevada Power Company.

Description: Compliance filing per 35: OATT Order No. 676–H Compliance Filing to be effective 2/2/2015.

Filed Date: 12/1/14.

Accession Number: 20141201–5216.

Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–536–000.

Applicants: PJM Interconnection, L.L.C., Baltimore Gas and Electric Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): BG&E submits revisions to PJM OATT Attachment H–2A to be effective 2/2/2015.

Filed Date: 12/1/14.

Accession Number: 20141201–5218.

Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–537–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Original Service Agreement No. 4044 to be effective 11/1/2014.

Filed Date: 12/1/14.

Accession Number: 20141201–5219.

Comments Due: 5 p.m. ET 12/22/14.

Docket Numbers: ER15–538–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Original Service Agreement No. 4047 to be effective 11/1/2014.

Filed Date: 12/1/14.

Accession Number: 20141201–5221.

Comments Due: 5 p.m. ET 12/22/14.

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: December 1, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–28738 Filed 12–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–23–000]

Exelon Corporation and Calpine Cooperation (Complainants) v. ISO New England Inc., (Respondent); Notice of Complaint

Take notice that on November 26, 2014, pursuant to Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824, 824(e), and 825(e), Exelon Corporation and Calpine Corporation (collectively, Complainants) filed a formal complaint against ISO New England Inc. (ISO–NE or Respondent), alleging that ISO–NE's Transmission, Markets & Services Tariff (Tariff) is unjust, unreasonable and unduly discriminatory because of the price suppression that will result if price-taker offers are entered for capacity from new resources who have chosen to lock-in their prices under Section III.13.1.1.2.2.4 of the Tariff, as more fully explained in the complaint.

The Complainants certifies that copies of the complaint were served on the contacts for ISO–NE 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 December 16, 2014.

Dated: December 1, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–28762 Filed 12–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–522–000]

Algonquin Gas Transmission, LLC; Notice of Availability of the Environmental Assessment for the Proposed Salem Lateral Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Salem Lateral Project, proposed by Algonquin Gas Transmission, LLC (Algonquin) in the above-referenced docket. Algonquin requests authorization to construct approximately 1.2 miles of pipeline in the city of Salem, Massachusetts in order to provide 115,000 dekatherms of natural gas per day to the Salem Harbor

Station natural gas-fired power plant. Footprint Power Salem Harbor Development, LP (Footprint) intends to replace the existing coal-fired electric generation facility with a natural gas-fired facility.

The EA assesses the potential environmental effects of the construction and operation of the Salem Lateral Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The New England Division of Army Corps of Engineers (COE) participated as a cooperating agency in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by a proposal and participate in the NEPA analysis. The COE intends to adopt and use the EA to support issuance of their Section 404 and Section 10 permit authorizations.

The proposed Salem Lateral Project includes the following facilities:

- Approximately 1.2 miles of new 16-inch-diameter lateral pipeline (Salem Lateral); and
- A new metering and flow regulating (M&R) station (Salem Lateral M&R Station) on Footprint's property.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the Project area; and parties to this proceeding. In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before January 9, 2015.

For your convenience, there are three methods you can use to file your comments with the Commission. In all instances please reference the project Docket Number (CP14–522–000) 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*.

(1) You can file your comments electronically using the eComment feature located 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 also file your comments electronically 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.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; 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.

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 385.214).[1] 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 this proceeding 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.

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.,* CP14–522). Be sure you have selected an appropriate date range. 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. 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 which 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: December 2, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–28755 Filed 12–8–14; 8:45 am]

BILLING CODE 6717–01–P

[1] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–515–000]

Great Bay Energy VII, 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 Great Bay Energy VII, LLC's application for market-based rate authority, with an accompanying rate schedule, 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 December 22, 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(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

Dated: December 2, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–28764 Filed 12–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–463–000]

San Gorgonio Westwinds II, 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 San Gorgonio Westwinds II, LLC's application for market-based rate authority, with an accompanying rate schedule, 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 December 22, 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(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

Dated: December 2, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–28763 Filed 12–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9709–065]

Trafalgar Power, Inc., ECOsponsible, LLC; Notice of Application for Transfer of License and Soliciting Comments and Motions To Intervene

On October 13, 2014 and supplemented on November 24, 2014, Trafalgar Power, Inc. (transferor) and ECOsponsible, LLC (transferee) filed an application for transfer of license of the Herkimer Project, FERC No. 9709. The project is located on the West Canada Creek in Herkimer County, New York.

The transferor and transferee seek Commission approval to transfer the license for the Herkimer Project from the transferor to the transferee.

Applicant Contact: For Transferor: Mr. Arthur Steckler, President, Trafalgar Power, Inc., 11010 Lake Grove Blvd., Suite 100, Box 353, Morrisville, NC 27560–7392. For Transferee: Mr. Dennis Ryan, President, ECOsponsible, Inc., Managing Member, ECOsponsible, LLC, 469 Snyder Road, East Aurora, NY 14052, phone 716–655–3524, email: *denryan@gmail.com.*

FERC Contact: Patricia W. Gillis, (202) 502–8735.

Deadline for filing comments and motions to intervene: 30 days from the issuance date of this notice, by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (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–9709–065.

Dated: December 1, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–28756 Filed 12–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14646–000]

Yedatene Na, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On November 6, 2014, Yedatene Na, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA),

proposing to study the feasibility of the Jack River Dam Hydroelectric Project (Jack River Project or project) to be located on the Jack River, near Cantwell in Matanuska-Susitna Borough, Alaska. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission. The project reservoir utilizes 286 acres of land owned by the Bureau of Land Management.

The proposed project would consist of the following: (1) A 750-foot-long, 250-foot-high dam on the Jack River with a 250-foot-high spillway built into the crest of the dam; (2) an 865-acre reservoir with a storage capacity of 50,700-acre-feet; (3) two 300-foot-long, 4-foot-diameter steel penstocks; (4) a 75-foot long, 125-foot-wide powerhouse with two Francis turbine units rated for 2.1 megawatts (MW) each or 4.2 MW total at 250 feet of net head; (5) a 20-foot-wide, 20-foot-deep, 25-foot-long concrete tailrace emptying into the Jack River; (6) an 8,000-foot-long, 15-kilovolt transmission line tying into the existing substation northwest of the project; and (7) appurtenant facilities.

The estimated annual generation of the Jack River Project would be 23.4 gigawatt-hours.

Applicant Contact: Mr. Brent L. Smith, Manager, Northwest Power Services, Inc., P.O. Box 872316, Wasilla, AK 99687; phone: (907) 414–8223.

FERC Contact: Julia Kolberg; phone: (202) 502–8261.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (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–14646–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14646) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: December 2, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–28760 Filed 12–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–19–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization

Take notice that on November 21, 2014, Columbia Gas Transmission, LLC (Columbia), 5151 San Felipe, Suite 2500, Houston, Texas 77056 filed in Docket No. CP15–19–000, a prior notice request pursuant to sections 157.205, 157.208 (b) and 157.210 of the Commission's regulations under the Natural Gas Act for authorization to construct approximately 3.0 miles of 16-inch pipeline connected to its existing transmission system and appurtenant facilities in Wayne County, West Virginia and Lawrence County, Kentucky to provide 72,000 Dth per day of transportation service to its customer Kentucky Power Company, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this Application should be directed to James R. Downs, Vice President, Regulatory Affairs or S. Diane Neal, Assistant General Counsel, Columbia Gas Transmission, LLC, 5151 San Felipe Suite 2500, Houston, TX 77056, by phone at (713) 267–4759 or (713)386–3745, or by email at *jdowns@nisource.com* or *dneal@nisource.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with he Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right

to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Dated: December 1, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–28761 Filed 12–8–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14241–000]

Alaska Energy Authority; Notice of Revised Restricted Service List for a Programmatic Agreements for Managing Properties Included In or Eligible for Inclusion in the National Register of Historic Places

On February 25, 2014, the Federal Energy Regulatory Commission (Commission) issued notice of a proposed restricted service list for the preparation of a programmatic agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places at the Susitna-Watana Hydroelectric Project No. 14241. Rule 2010(d)(1) of the Commission's Rules of Practice and Procedure, 18 CFR 2010(d)(1) (2005), provides for the establishment of such a list for a particular phase or issue in a proceeding to eliminate unnecessary expense or improve administrative efficiency. Under Rule 2010(d)(4), persons on the official service list are to be given notice of any proposal to establish a restricted service list and an opportunity to show why they should also be included on the restricted service list.

On March, 11, 2014, Sharon Corsaro, Concerned Citizen for the Historic District of Talkeetna, Alaska (Talkeetna Historic District), and Robert Gerlach, President of Talkeetna Airmen's Association filed requests to include: Sharon Corsaro, Talkeetna Historic District; Constance Twigg, property owner in the Talkeetna Historic District; and Robert Gerlach, Talkeetna Airmen's Association on the proposed restricted service list.

On March 12, 2014, Van Ness Feldman, LLP (Van Ness) on behalf of the Alaska Energy Authority (AEA) filed a request to include Wayne Dyok, Susitna-Watana Project Manager of AEA and Charles Sensiba of Van Ness, and council for AEA, on the proposed restricted service list.

On May 12, 2014, AEA filed a letter opposing the additions of such persons as Ms. Corsaro, Ms. Twigg, and Mr. Gerlach to the restricted service list because AEA maintains that their particular interests are more broad and non-regulatory in nature and they should not have access to sensitive cultural information that is protected by law from public disclosure.[1] In this regard, we agree with AEA to restrict such sensitive information from individuals who are not associated with the involved agencies and Alaska Native entities.

Under Rule 2010(d)(2), any restricted service list will contain the names of each person on the official service list, or the person's representative, who, in the judgment of the decisional authority establishing the list, is an active participant with respect to the phase or issue in the proceeding for which the list is established. As the proposed licensee for the project, AEA, and their legal representative at Van Ness, have an identifiable interest in issues relating to the management of historic properties at the Susitna-Watana Hydroelectric Project No. 14241. Therefore, AEA's representatives will be added to the restrictive service list. In regards to the representatives associated with the Talkeetna Historic District and Talkeetna Airmen's Association, these additional three individuals will also be added to the restricted service list as they too have identifiable interest in issues relating to the management of historic properties at the Susitna-Watana Hydroelectric Project No. 14241. These interests are: (1) The partial ownership of the Talkeetna Village Air Strip by the Talkeetna Airmen's Association and the preservation and protection of this historic property; and (2) the preservation and protection of the Talkeetna Historic District. However, these three individuals should not receive any information deemed sensitive or confidential in nature that is associated with: (1) data or reports involving archeological finds; or (2) Alaska Native areas, items, or perspectives deemed to be of religious or cultural significance and considered sensitive to one or more the involved Alaska Native entities. Finally, the Bureau of Land Management also needs to have a representative added to the restricted service list because they manage lands within the proposed project's boundary and are participants within the technical work group for cultural resources.

Accordingly, the restricted service list issued on October 12, 2006, for the Susitna-Watana Hydroelectric Project No. 14241, is revised to add the following persons:

Wayne Dyok or Representative, Susitna-Watana Project Manager, Alaska Energy Authority, 813 West Northern Lights Boulevard, Anchorage, AK 99503.

John Jangela or Representative, Bureau of Land Management, Glennallen Field Office, P.O. Box 147, Mile Post 186.5 Glenn Hwy., Glennallen, AK 99588.

Sharon Corsaro or Representative, Concern Citizen, Historic District of Talkeetna, P.O. Box 255, Hermosa Beach, CA 90254.

Charles Sensiba or Representative, Van Ness Feldman, LLP, 1050 Thomas Jefferson St., NW, Seventh Floor, Washington, DC 20007.

Constance Twigg or Representative, Property Owner, Historic Townsite of Talkeetna, P.O. Box 266, Talkeetna, AK 99676.

Robert Gerlach or Representative, President of the Talkeetna Airman's, Association, P.O. Box 23, Talkeetna, AK 99676.

Dated: December 2, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–28759 Filed 12–8–14; 8:45 am]

BILLING CODE 6717–01–P

[1] See 16 U.S.C. 470w–3(a); also see 18 CFR 5.2(c).

DEPARTMENT OF ENERGY

Western Area Power Administration

Colorado River Storage Project—Rate Order No. WAPA–169

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Proposed Salt Lake City Area Integrated Projects Firm Power Rate and Colorado River Storage Project Transmission and Ancillary Services Rates.

SUMMARY: Western Area Power Administration (Western) is proposing adjustments to the Salt Lake City Area Integrated Projects (SLCA/IP) Firm Power Rate and the Colorado River Storage Project (CRSP) Transmission and Ancillary Services Rates. The SLCA/IP consists of the CRSP, Collbran,

and Rio Grande projects, which were integrated for marketing and ratemaking purposes on October 1, 1987, and two participating projects of the CRSP that have power facilities, the Dolores and Seedskadee projects. The current rates, under Rate Schedules SLIP–F9, SP–PTP7, SP–NW3, SP–NFT6, SP–SD3, SP–RS3, SP–EI3, SP–FR3, and SP–SSR3 will expire September 30, 2015. The proposed rates, under Rate Schedules SLIP–F10, SP–PTP8, SP–NW4, SP–NFT7, SP–SD4, SP–RS4, SP–EI4, SP–FR4, SP–SSR4, and SP–UU1 are scheduled to be placed into effect on an interim basis on October 1, 2015, and will remain in effect through September 30, 2020, or until superseded. These rates will provide sufficient revenue to pay all annual costs, including operation, maintenance, replacements (OM&R), interest expenses, and the required repayment of investment within the allowable period.

Western will prepare a brochure that provides detailed information on the rates and will make it available to all interested parties. Publication of this **Federal Register** notice (FRN) begins the formal process for the proposed rates.

DATES: The consultation and comment period closes on March 13, 2015. Western will present a detailed explanation of the proposed rates at a public information forum to be held on January 15, 2015, 11:30 a.m. MST, in Salt Lake City, Utah. Western will accept oral and written comments at a public comment forum to be held on February 5, 2015, 11:30 a.m. MST, in Salt Lake City, Utah. Western will accept written comments any time during the consultation and comment period.

ADDRESSES: Written comments and requests to be informed of Federal Energy Regulatory Commission (FERC) actions concerning the rates submitted by Western to FERC for approval should be sent to: Ms. Lynn C. Jeka, CRSP Manager, Colorado River Storage Project Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111–1580, telephone (801) 524–6372, email *jeka@wapa.gov* or *CRSPMC–RATE–ADJ@WAPA.GOV.* Western will post information regarding this rate process on its Web page located at: *http://www.wapa.gov/crsp/ratescrsp/WAPA-169.htm.* Western will post official comments received by letter and email to its Web page after the close of the comment period. Western must receive written comments by the end of the consultation and comment period to ensure consideration in Western's decision process. The location of the public information forum and the comment forum is the Holiday Inn & Suites Salt Lake City Airport West, 5001 Wiley Post Way, Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Mr. Rodney G. Bailey, Power Marketing Manager, Colorado River Storage Project Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111–1580, telephone (801) 524–4007, email *rbailey@wapa.gov.*

SUPPLEMENTARY INFORMATION: The proposed rates for SLCA/IP Firm Power and CRSP Transmission and Ancillary Services will collect annual revenue sufficient to recover annual OM&R expenses, interest expense, irrigation assistance, and capital requirements, ensuring repayment of the project within the cost recovery criteria set forth in DOE Order RA 6120.2.

The Deputy Secretary of Energy approved Rate Schedules SLIP–F9 for SLCA/IP Firm Power and SP–PTP7, SP–NW3, SP–NFT6, SP–SD3, SP–RS3, SP–EI3, SP–FR3, and SP–SSR3 for CRSP Transmission and Ancillary Services on August 1, 2008 [1] for a 5-year period ending on September 30, 2013. The Deputy Secretary of Energy approved Rate Order WAPA–161 [2] on September 6, 2013, extending the rates through September 30, 2015.

Firm Power Rate

Under the current Rate Schedule SLIP–F9, the energy rate is 12.19 mills per kilowatthour (mills/kWh), and the capacity rate is $5.18 per kilowattmonth (kWmonth). The composite rate is 29.62 mills/kWh.

The proposed rates under Rate Schedule SLIP–F10 are intended to become effective October 1, 2015. The revenue requirements for the proposed rates are based on the fiscal year (FY) 2016 work plans for Western and the Bureau of Reclamation (Reclamation). These work plans form the basis for the FY 2016 Congressional budget requests for the two agencies. If available, the FY 2017 work plans will be included in the final rate order submission. The FY 2013 historical financial data are the latest available for the proposed rate. The final rate-setting study will include the FY 2014 historical financial data. As in the current Rate Schedule, Western will determine firming energy purchase expenses by using Reclamation's long-term, median hydrological studies. The August 2014, 24-month study is used for the proposed Rate Order, and the April 2015, 24-month study for the final Rate Order. This reflects the firming purchase power requirements between projected generation and contract obligations for FY 2016–FY 2020. In the existing SLIP–F9 Rate Schedule, $4 million a year is projected in the remaining out years to cover operational costs for the Energy Marketing and Management Office (EMMO) in Montrose, Colorado. The proposed Rate Schedule, SLIP–F10, will include the $4 million for the EMMO operational costs every year, not just the out years. Table 1 below displays the current and proposed Firm Power Rates.

TABLE 1—COMPARISON OF EXISTING AND PROPOSED FIRM POWER RATES

Rate schedule	Existing rate under rate schedule SLIP–F9 effective October 1, 2008	Proposed rate under rate schedule SLIP–F10 effective October 1, 2015	Change (percent)
Base Rate:			
Firm Energy: (mills/kWh)	12.19	12.38	1.6
Firm Capacity: ($kW/month)	5.18	5.26	1.5
Composite Rate: (mills/kWh)	29.62	29.93	1.0

[1] Rate Order No. WAPA–137, 73 FR 52980, September 12, 2008. FERC confirmed and approved the rate schedules on June 19, 2009, under FERC Docket No. EF08–5171–000 (127 FERC ¶ 62,220).

[2] Rate Order No. WAPA–161, 78 FR 56692, September 13, 2013.

Cost Recovery Charge

In setting its firm power rate, Western forecasts generation available from the SLCA/IP units and projects the firming energy purchase expense over the ratesetting period. These firming expense projections are included in the annual revenue requirement of the firm power rate. The volatility of hydropower generation and power prices continue to be a concern for cost-recovery issues for the SLCA/IP. To adequately recover expenses in times of financial hardship, Western will continue to calculate the Cost Recovery Charge (CRC) as in the current Rate Schedule SLIP–F9. The CRC is an additional charge on all sustainable hydropower (SHP) energy deliveries (long-term SLCA/IP hydropower capacity with energy) that may be implemented when, among other things, the Basin Fund's balance is at risk due to low hydropower generation, high prices for firming power, funding for capitalized investments, etc. Western will establish the energy waiver level (WL) per the formulas of the CRC. The WL provides Customers the ability for Western to reduce purchase power expenses by scheduling less energy than their contractual amounts. Customers may choose not to take the full SHP energy supplied using the WL. For those Customers who voluntarily schedule no more energy than their proportionate share of the WL, Western will waive the CRC for that year. The conditions that would trigger the CRC, as well as a more detailed formula methodology of how and when the CRC would apply, will be discussed in detail in the rate brochure and at the public information forum. Western will continue to include a mechanism that allows for re-calculation of the CRC if the annual water release from Glen Canyon Dam falls below 8.23 million acre-feet.

The proposed changes for the CRC will include ''tiers'' to quantify the need for a CRC-based on the balance of the Basin Fund and Western's ability to meet contractual agreements. The CRC will be implemented at the discretion of Western when the Basin Fund's balance meets the criteria in the tiers below. The Basin Fund Beginning Balance (BFBB) determines the applicable tier criteria. The minimum Basin Fund target balance is $40 million. In addition to the current process of an annual review for tiers one through three below and Customer notification in May for the upcoming FY, Western will conduct additional reviews as specified in tiers four and five below that are tailored to meet the urgency for cost recovery:

CRSP has the option to charge or not charge a CRC if the BFBB is:

i. Greater than $150 million with an expected decrease below $75 million.

ii. Less than $150 million but greater than $120 million with an expected 50-percent decrease.

iii. Less than $120 million but greater than $90 million with an expected 40-percent decrease.

iv. Less than $90 million but greater than $60 million with an expected 25-percent decrease, conduct semi-annual reviews in May and November.

v. Less than $60 million but greater than $40 million with an expected decrease below $40 million; conduct monthly reviews.

If it is determined during the additional reviews that a CRC is necessary, Customers will be notified that a CRC will be implemented in 90 days. Western will provide its Customers with information concerning the anticipated CRC and give them 45 days to request a waiver or accept the CRC. The established CRC will be in effect for 12 months from the date implemented.

Proposed Formula Transmission Rate (SP–PTP8)

Western proposes to change the method used to calculate the Annual Transmission Costs to recover transmission expenses and investments on a current basis rather than a historical basis. This will allow Western to more accurately match cost recovery with cost incurrence. Western will use projections to estimate transmission costs and load for the upcoming year in the annual rate calculation. Currently, the rate calculation for a year uses actual data from 2 years prior to that year. This is a change in the manner in which the inputs for the rate are developed, rather than a change to the formula rate itself.

Western will ''true up'' the cost estimates with Western's actual costs. Revenue collected in excess of Western's actual net revenue requirement will be returned to Customers through a credit against rates in a subsequent year. Actual revenues that are less than the net revenue requirement would likewise be recovered in a subsequent year. The ''true-up'' procedure will ensure that Western recovers no more and no less than the actual transmission costs for the year.

Proposed Rate for Regulation and Frequency Response Service (SP–FR4)

The current rate states ''[i]f the CRSP MC has regulation available for sale, the SLCA/IP firm power capacity rate, currently in effect, will be charged. If regulation is unavailable from SLCA/IP resources, the Western Area Lower Colorado or Western Area Colorado Missouri balancing authorities can provide the service, in accordance with their respective rate schedules.'' Western proposes to use a formula-based rate that will more accurately reflect the cost of the Regulation and Frequency Response Service rather than the SLCA/IP firm power capacity rate. The formula will be discussed in detail in the rate brochure and during the Information Forum.

Proposed Rate for Unreserved Use of Transmission Service (SP–UU1)

Western is proposing to migrate from an Unauthorized Use Charge to an Unreserved Use of Transmission Service (Unreserved Use) Rate under the proposed Rate Schedule SP–UU1. Unreserved Use is provided when a transmission customer uses transmission service it has not reserved or exceeds its reserved capacity.

Western proposes that a transmission customer that engages in Unreserved Use be assessed a penalty charge of 200 percent of Western's approved transmission service rate for Firm Point-to-Point transmission service as follows:

(i) The Unreserved Use penalty for a single hour of unreserved use will be based upon the rate for daily firm point-to-point service.

(ii) The Unreserved Use penalty for more than one assessment for a given duration (*e.g.,* daily) will increase to the next longest duration (*e.g.,* weekly).

(iii) The Unreserved Use penalty charge for multiple instances of unreserved use (*e.g.,* more than 1 hour) within a day will be based on the rate for daily firm point-to-point service. Multiple instances of unreserved use isolated to 1 calendar week will result in a penalty based on the charge for weekly firm point-to-point service. The penalty charge for multiple instances of unreserved use during more than 1 week during a calendar month will be based on the rate for monthly firm point-to-point service.

A transmission customer that exceeds its firm reserved capacity at any point of receipt or point of delivery, or an eligible customer that uses transmission service at a point of receipt or point of delivery that it has not reserved will be required to pay, in addition to the Unreserved Use penalties, for all ancillary services identified in Western's Open Access Transmission Tariff based on the amount of transmission service it used and did not reserve.

Proposed Rates for Network Integration Transmission, Non-Firm Point-to-Point Transmission, Scheduling-System Control and Dispatch, Reactive Supply and Voltage Control, Energy Imbalance, and Spinning and Supplemental Reserves (SP–NW4, SP–NFT7, SP–SD4, SP–RS4, SP–EI4, SP–SSR4)

Western is not proposing any formula changes to the existing Rate Schedules for Network Integration Transmission, Non-Firm Point-to-Point Transmission, Scheduling-System Control & Dispatch, Reactive Supply & Voltage Control, Energy Imbalance, and Spinning & Supplemental Reserves.

Legal Authority

The proposed rates constitute a major rate adjustment, as defined by 10 CFR part 903, and Western will hold both a public information forum and a public comment forum. Western will review all timely public comments and make amendments or adjustments to the proposal as appropriate. A final rate schedule will be forwarded to the Deputy Secretary of Energy for approval on an interim basis.

Western is establishing firm electric service rates for SLCA/IP under the Department of Energy Organization Act (42 U.S.C. 7152); the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and other acts that specifically apply to the projects involved.

By Delegation Order No. 00–037.00A, effective October 25, 2013, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to FERC. Existing DOE procedures for public participation in power rate adjustments (10 CFR part 903) were published on September 18, 1985.

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents that Western initiates or uses to develop the proposed rates are available for inspection and copying at the Colorado River Storage Project Management Center, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT. Many of these documents and supporting information are also available on Western's Web page, located at *http://www.wapa.gov/crsp/ratescrsp/WAPA-169.htm.*

Ratemaking Procedure Requirements

Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321–4347; the Council on Environmental Quality Regulations for implementing NEPA (40 CFR parts 1500–1508); and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021), Western is in the process of determining whether an environmental assessment or an environmental impact statement should be prepared or if this action can be categorically excluded from those requirements.

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Dated: December 1, 2014.

Mark A. Gabriel,

Administrator.

[FR Doc. 2014–28866 Filed 12–8–14; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2013–0677; FRL–9919–62]

Receipt of Test Data Under the Toxic Substances Control Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing its receipt of test data submitted pursuant to test rules issued by EPA under the Toxic Substances Control Act (TSCA). As required by TSCA, this document identifies each chemical substance and/or mixture for which test data have been received; the uses or intended uses of such chemical substances and/or mixtures; and describes the nature of the test data received. Each chemical substance and/or mixture related to this announcement is identified in Unit I. under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Kathy Calvo, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8089; email address: *calvo.kathy@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Chemical Substances and/or Mixtures

Information about the following chemical substances and/or mixtures is provided in Unit IV.:

A. Benzenediamine, ar,ar-diethyl-ar-methyl- (Chemical Abstracts Service (CAS) No. 68479–98–1).

B. 2-Oxiranemethanamine, *N*-[4-(2-oxiranylmethoxy)phenyl]-*N*-(2-oxiranylmethyl)- (CAS No. 5026–74–4).

C. Phenol, 2,4-bis(1-methyl-1-phenylethyl)-6-[2-(2-nitrophenyl)diazenyl]- (CAS No. 70693–50–4).

II. Federal Register Publication Requirement

Section 4(d) of TSCA (15 U.S.C. 2603(d)) requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under TSCA section 4 (15 U.S.C. 2603).

III. Docket Information

A docket, identified by the docket identification (ID) number EPA–HQ–OPPT–2013–0677, has been established for this **Federal Register** document that announces the receipt of data. Upon EPA's completion of its quality assurance review, the test data received will be added to the docket for the TSCA section 4 test rule that required the test data. Use the docket ID number provided in Unit IV. to access the test data in the docket for the related TSCA section 4 test rule.

The docket for this **Federal Register** document and the docket for each related TSCA section 4 test rule is available electronically at *http://www.regulations.gov* or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

IV. Test Data Received

This unit contains the information required by TSCA section 4(d) for the test data received by EPA.

A. Benzenediamine, ar,ar-diethyl-ar-methyl- (CAS No. 68479–98–1)

1. *Chemical Use(s):* Processing reactant in the manufacture of adhesives, plastics and resins; paint and coatings; and synthetic rubber materials.

2. *Applicable Test Rule:* Chemical testing requirements for second group of high production volume chemicals (HPV2), 40 CFR 799.5087.

3. *Test Data Received:* The following listing describes the nature of the test data received. The test data will be added to the docket for the applicable TSCA section 4 test rule and can be found by referencing the docket ID number provided. EPA reviews of the health effects test data will be added to the same docket upon completion.

• Repeated Dose Toxicity Study, oral. The docket ID number assigned to this data is EPA–HQ–OPPT–2007–0531.

B. 2-Oxiranemethanamine, N-[4-(2-oxiranylmethoxy)phenyl]-N-(2-oxiranylmethyl)- (CAS No. 5026–74–4)

1. *Chemical Use(s):* Resin and synthetic rubber manufacturing; and aerospace and parts manufacturing.

2. *Applicable Test Rule:* Chemical testing requirements for third group of high production volume chemicals (HPV3), 40 CFR 799.5089.

3. *Test Data Received:* The following listing describes the nature of the test data received. The test data will be added to the docket for the applicable TSCA section 4 test rule and can be found by referencing the docket ID number provided. EPA reviews of the health effects test data will be added to the same docket upon completion.

• Repeated Dose Toxicity Study, oral. The docket ID number assigned to this data is EPA–HQ–OPPT–2009–0112.

C. Phenol, 2,4-bis(1-methyl-1-phenylethyl)-6-[2-(2-nitrophenyl)diazenyl]- (CAS No. 70693–50–4)

1. *Chemical Use(s):* UV absorber or light stabilizer for plastics.

2. *Applicable Test Rule:* Chemical testing requirements for third group of high production volume chemicals (HPV3), 40 CFR 799.5089.

3. *Test Data Received:* The following listing describes the nature of the test data received. The test data will be added to the docket for the applicable TSCA section 4 test rule and can be found by referencing the docket ID numbers provided. EPA reviews of the health effects test data will be added to the same docket upon completion.

• Acute Toxicity Study, oral. The docket ID number assigned to this data is EPA–HQ–OPPT–2009–0112.

• Genetic Toxicity Study, *in vitro.* The docket ID number assigned to this data is EPA–HQ–OPPT–2009–0112.

• Genetic Toxicity Study, *in vivo.* The docket ID number assigned to this data is EPA–HQ–OPPT–2009–0112.

• Repeated Dose Toxicity Study in Rats. The docket ID number assigned to this data is EPA–HQ–OPPT–2009–0112.

• Developmental Toxicity Study in Rats. The docket ID number assigned to this data is EPA–HQ–OPPT–2009–0112.

• Developmental Toxicity/Teratogenicity Study. The docket ID number assigned to this data is EPA–HQ–OPPT–2009–0112.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: December 1, 2014.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2014–28821 Filed 12–8–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9920–25–Region 6]

Underground Injection Control Program; Hazardous Waste Injection Restrictions; Reissuance of a Petition for Exemption—Class I Hazardous Waste Injection; Pergan Marshall, LLC Marshall, TX

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of a final decision on a no migration petition reissuance.

SUMMARY: Notice is hereby given that a reissuance of an exemption to the land disposal Restrictions, under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act, has been denied to Pergan Marshall, LLC for two Class I injection wells located at Marshall, TX. The company was unable to demonstrate to the satisfaction of the Environmental Protection Agency by the petition reissuance application and supporting documentation that, to a reasonable degree of certainty, there would be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision prohibits the underground injection by Pergan, of restricted hazardous wastes, into Class I hazardous waste injection wells WDW–180 and WDW–243. A public notice was issued October 2, 2014. The public comment period closed on November 18, 2014. No comments were received. This decision constitutes final Agency action and there is no Administrative appeal. This decision may be reviewed/appealed in compliance with the Administrative Procedure Act.

DATES: This action is effective as of November 24, 2014.

ADDRESSES: Copies of the petition reissuance and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Quality Protection Division, Source Water Protection Branch (6WQ–S), 1445 Ross Avenue, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Philip Dellinger, Chief Ground Water/UIC Section, EPA—Region 6, telephone (214) 665–8324.

Dated: November 24, 2014.

William K. Honker,

Director, Water Quality Protection Division.

[FR Doc. 2014–28810 Filed 12–8–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Information Collection Revision; Comment Request (3064–0189)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act, and request for comment.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) invites the general public and other Federal agencies to take this opportunity to comment on a revision of a continuing information collection, as required by the Paperwork Reduction Act of 1995.

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The FDIC is soliciting comment concerning its information collection titled, ''Annual Stress Test Reporting Template and Documentation for Covered Banks with Total Consolidated Assets of $10 Billion to $50 Billion under Dodd-Frank'' (OMB Control No. 3064–0189).

DATES: Comments must be received by January 8, 2015.

ADDRESSES: You may submit written comments by any of the following methods:

• *Agency Web site: http://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the FDIC Web site.

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

• *Email: Comments@FDIC.gov.* Include ''Annual Stress Test Reporting'' on the subject line of the message.

• *Mail:* Gary A. Kuiper, Counsel, or John Popeo, Counsel, Legal Division, MB–3098, Attention: Comments, FDIC, 550 17th Street NW., Washington, DC 20429.

• *Hand Delivery/Courier:* Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

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

Additionally, you may send a copy of your comments: By mail to the U.S. OMB, 725 17th Street NW., #10235, Washington, DC 20503 or by facsimile to 202.395.6974, Attention: Federal Banking Agency Desk Officer.

FOR FURTHER INFORMATION CONTACT: You can request additional information from Gary Kuiper, 202.898.3877, or John Popeo, 202.898.6923, Legal Division, FDIC, 550 17th Street NW., MB–3098, Washington, DC 20429. In addition, copies of the templates referenced in this notice can be found on the FDIC's Web site (*http://www.fdic.gov/regulations/laws/federal/*).

SUPPLEMENTARY INFORMATION: The FDIC is requesting comment on the following revision of an information collection:

Annual Stress Test Reporting Template and Documentation for Covered Banks With Total Consolidated Assets of $10 Billion to $50 Billion Under Dodd-Frank

Section 165(i)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act [1] (Dodd-Frank Act) requires certain financial companies, including state nonmember banks and state savings associations, to conduct annual stress tests [2] and requires the primary financial regulatory agency [3] of those financial companies to issue regulations implementing the stress test requirements.[4] A state nonmember bank or state savings association is a ''covered bank'' and therefore subject to the stress test requirements if its total consolidated assets exceed $10 billion. Under section 165(i)(2), a covered bank is required to submit to the Board of Governors of the Federal Reserve System (Board) and to its primary financial regulatory agency a report at such time, in such form, and containing such information as the primary financial regulatory agency may require.[5] On October 15, 2012, the FDIC published in the **Federal Register** a final rule implementing the section 165(i)(2) annual stress test requirement.[6] The final rule requires covered banks to meet specific reporting requirements under section 165(i)(2). In 2013, the FDIC first implemented the reporting templates for covered banks with total consolidated assets of $10 billion to $50 billion and provided instructions for completing the reports.[7] This information collection notice describes revisions by the FDIC to those reporting templates and related instructions as well as required information. The information contained in these information collections may be given confidential treatment to the extent allowed by law. (5 U.S.C. 552(b)(4)).

Consistent with past practice, the FDIC intends to use the data collected through these revised templates to assess the reasonableness of the stress test results of covered banks and to provide forward-looking information to the FDIC regarding a covered bank's capital adequacy. The FDIC also may use the results of the stress tests to determine whether additional analytical techniques and exercises could be appropriate to identify, measure, and monitor risks at the covered bank. The stress test results are expected to support ongoing improvement in a covered bank's stress testing practices with respect to its internal assessments of capital adequacy and overall capital planning.

The FDIC recognizes that many covered banks with total consolidated assets of $10 billion to $50 billion are part of a holding company that is also required to submit relevant Dodd Frank Annual Stress Test (DFAST) reports to the Board (FR Y–16, OMB No. 7100–0356). The FDIC, Office of Comptroller of the Currency, and Board (collectively the ''Agencies'') have coordinated the preparation of stress testing templates in order to make the templates as similar as possible and thereby minimize the burden on affected institutions. These Agencies have coordinated in a similar manner regarding these proposed modifications to the stress testing templates. Therefore, the revisions by the FDIC to its reporting requirements will remain consistent with the modifications that the Board proposes to make to the FR Y–16.

Description of Information Collection

The FDIC DFAST 10–50 reporting form collects data through two primary schedules: (1) The Results Schedule (which includes the quantitative results of the stress tests under the baseline, adverse, and severely adverse scenarios for each quarter of the planning horizon) and (2) the Scenario Variables Schedule. In addition, respondents are required to submit a summary of the qualitative information supporting their quantitative projections.

Results Schedule

For each of the three supervisory scenarios (baseline, adverse, and severely adverse) each covered bank is required to report data on two supporting schedules: (1) The Income Statement Schedule and (2) the Balance Sheet Schedule. Therefore, two supporting schedules for each scenario (baseline, adverse, and severely adverse) are completed. In addition, the Results Schedule includes a Summary Schedule, which summarizes key results from the Income Statement and Balance Sheet Schedules.

Income statement data is collected on a projected quarterly basis showing projections of revenues and losses. For example, respondents project net charge-offs by loan type (stratified by twelve specific loan types), gains and losses on securities, pre-provision net revenue, and other key components of net income (*i.e.,* provision for loan and lease losses, taxes, etc.).

Balance sheet data is collected on a quarterly basis for projections of certain assets, liabilities, and capital. Capital data is also collected on a projected quarterly basis and include components of regulatory capital, including the projections of risk weighted assets and capital actions such as common dividends and share repurchases.

Scenario Variables Schedule

To conduct the stress tests, an institution may choose to project additional economic and financial variables beyond the mandatory supervisory scenarios provided to estimate losses or revenues for some or all of its portfolios. In such cases, the institution would be required to complete the Scenario Variables Schedule for each scenario where the institution chooses to use additional

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

[2] 12 U.S.C. 5365(i)(2)(A).

[3] 12 U.S.C. 5301(12).

[4] 12 U.S.C. 5365(i)(2)(C).

[5] 12 U.S.C. 5365(i)(2)(B).

[6] 77 FR 62417 (October 15, 2012).

[7] *See* 78 FR 16263 (March 14, 2013) and 78 FR 63470 (October 24, 2013).

variables. The Scenario Variables Schedule collects information on the additional scenario variables used over the planning horizon for each supervisory scenario.

Revisions to Reporting Templates for Banks With $10 Billion to $50 Billion in Assets

On July 9, 2013, the FDIC approved an interim final rule that will revise and replace the FDIC's risk-based and leverage capital requirements to be consistent with agreements reached by the Basel Committee on Banking Supervision in ''Basel III: A Global Regulatory Framework for More Resilient Banks and Banking Systems'' (''Basel III'').[8] The final rule was published in the **Federal Register** on April 14, 2014 (''revised capital framework'').[9] The revisions include implementation of a new definition of regulatory capital, a new common equity tier 1 minimum capital requirement, a higher minimum tier 1 capital requirement, and, for banking organizations subject to the Advanced Approaches capital rules, a supplementary leverage ratio that incorporates a broader set of exposures in the denominator measure. In addition, the rule will amend the methodologies for determining risk weighted assets. All banking organizations that are not subject to the Advanced Approaches Rule must begin to comply with the revised capital framework on January 1, 2015.

Due to the timing of the Dodd-Frank Act stress test and the revised capital rulemaking, the FDIC considered several options for the timing and scope of this proposal to collect information related to the capital rulemaking. On August 13, 2014, the FDIC published in the **Federal Register**, a 60-day information collection notice requesting public comment on proposed revisions to the stress testing reporting templates.[10] The FDIC received one comment. The commenter expressed concerns that covered banks will lack the relevant data for the stress testing requirements ahead of when these items are required to be reported in the Consolidated Report of Condition and Income (''Call Reports''). After carefully considering this comment, the FDIC has made minor technical changes and clarifications to the reporting instructions as described below.

The FDIC proposes to revise the FDIC DFAST 10–50 Summary Schedule by adding a common equity tier 1 capital data item and the FDIC DFAST 10–50 Balance Sheet Schedules (baseline, adverse, and severely adverse scenarios) by adding a common equity tier 1 risk based capital ratio data item in order to reflect the requirements of the revised capital framework. These revisions to the FDIC 10–50 DFAST reporting forms would apply beginning in the 2015 stress test cycle in which covered banks must report by March 31, 2015.

In addition, the FDIC proposes to clarify the FDIC DFAST 10–50 reporting form instructions to emphasize that a covered bank should transition to the revised capital framework requirements in its bank-run stress test projections in the quarter in which the revised capital framework requirements become effective. Specifically, a covered bank would be required to comply with the revised capital framework and begin including the common equity tier 1 capital data item and common equity tier 1 risk based capital ratio data item in projected quarter 2 (1st quarter, 2015) through projected quarter 9 (4th quarter, 2016) for each supervisory scenario for the 2015 stress test cycle.

The FDIC also proposes several clarifications to the FDIC DFAST 10–50 reporting form instructions, including: Indicating that the Scenario Variables Schedule would be collected as a reporting form in Reporting Central (instead of as a file submitted in Adobe Acrobat PDF format); clarifying what covered banks should include in line items 32 and 33 (retail and wholesale funding) on the Balance Sheet Schedule with reference to relevant Call Report line items; clarifying the disallowed deferred tax asset and unrealized gains and losses on available-for-sale (''AFS'') securities line items; clarifying the descriptions of the total capital and total risk-based capital line items; and finally, clarifying how the supporting qualitative information should be organized.

Burden Estimates

The FDIC estimates the burden of this collection of information as follows:

Current

Number of Respondents: 22.

Annual Burden per Respondent: 464 hours.

Total Annual Burden: 10,208 hours.

Proposed

Estimated Number of Respondents: 22.

Estimated Annual Burden per Respondent: 469 hours.

Estimated Total Annual Burden: 10,318 hours.

The burden for each $10 billion to $50 billion covered bank that completes the FDIC DFAST 10–50 Results Template and FDIC DFAST 10–50 Scenario Variables Template is estimated to be 469 hours. The burden to complete the FDIC DFAST 10–50 Results Template is estimated to be 440 hours, including 20 hours to input these data and 420 hours for work related to modeling efforts. The burden to complete the FDIC DFAST 10–50 Scenario Variables Template is estimated to be 29 hours. The total burden for all 22 respondents to complete both templates is estimated to be 10,318 hours, or an increase to the total burden of 110 hours.

Comments are invited on all aspects of the proposed changes to the information collection, particularly:

(a) Whether the collection of information is necessary for the proper performance of the functions of the FDIC, including whether the information has practical utility;

(b) The accuracy of the FDIC'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 on respondents, including through the use of automated collection techniques or other forms of information technology;

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information; and

(f) The ability of FDIC-supervised banks and savings associations with assets between $10 billion and $50 billion to provide the requested information to the FDIC by March 31, 2015.

Dated at Washington, DC, this 3rd day of December 2014.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–28708 Filed 12–8–14; 8:45 am]

BILLING CODE 6714–01–P

[8] 78 FR 55340 (September 10, 2013).

[9] 79 FR 20754 (April 14, 2014).

[10] 79 FR 47457 (August 13, 2014).

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission

DATE AND TIME: *Thursday, December 11, 2014 at 10:00 a.m.*

PLACE: 999 E Street NW., Washington, DC (Ninth Floor)

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes for November 6, 2014

Draft Advisory Opinion 2014–18: Rayonier Inc. and Rayonier Advanced Materials Inc.

Petition to Amend 11 CFR 100.4—Draft Notice of Disposition

2014 Legislative Recommendations

Revised Enforcement Manual

Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shelley E. Garr,

Deputy Secretary of the Commission.

[FR Doc. 2014–28937 Filed 12–5–14; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

December 5, 2014.

TIME AND DATE: 2:00 p.m., Thursday, December 18, 2014.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Small Mine Development,* Docket Nos. WEST 2011–1351–M, et al. (Issues include whether the Administrative Law Judge erred in concluding that a refuge must be installed during exploration or development of an ore body when the operator decides not to construct a second escapeway.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2014–28988 Filed 12–5–14; 3:15 pm]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

December 5, 2014.

TIME AND DATE: 10:00 a.m., Thursday, December 18, 2014.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW, Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument in the matter *Secretary of Labor* v. *Small Mine Development,* Docket Nos. WEST 2011–1351–M, et al. (Issues include whether the Administrative Law Judge erred in concluding that a refuge must be installed during exploration or development of an ore body when the operator decides not to construct a second escapeway.)

Any person attending this oral argument who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2014–28986 Filed 12–5–14; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 26, 2014.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *The Joseph P. Kennedy and Marybeth Kennedy Trust, and Jay Kennedy, trustee, both of Frankfort, Kansas; Nancy Padden, individually and as trustee of the Nancy C. Padden Trust, and Jon Padden as trustee of the Nancy C. Padden Trust,* all of Marysville, Kansas; to retain voting shares of First Frankfort Bancshares, Inc., and thereby retain voting shares of First National Bank in Frankfort, both in Frankfort, Kansas.

Board of Governors of the Federal Reserve System, December 4, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–28791 Filed 12–8–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (''OMB'') for review, as required by the Paperwork Reduction Act (''PRA''). The FTC is seeking public comments on its proposal to extend for an additional three years its OMB clearance for the information collection requirements contained in the Commission's Business Opportunity Rule (''Rule''). That clearance expires on February 28, 2015.

DATES: Comments must be submitted by January 8, 2015.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Business Opportunity Rule Paperwork Comment, FTC File No. P114408'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/BusinessOptionRulePRA2* by following

the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to Christine M. Todaro, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., CC–8528, Washington, DC 20580, (202) 326–3711.

SUPPLEMENTARY INFORMATION: On September 11, 2014, the FTC sought public comment on the information collection requirements associated with the Rule (September 11, 2014 Notice [1]), 16 CFR part 437 (OMB Control Number 3084–0142). No comments were received. Pursuant to the OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.,* the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Rule. All comments should be filed as prescribed herein, and must be received on or before January 8, 2015.

Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5806.

Burden statement:

As detailed in the September 11, 2014 Notice, the FTC estimates cumulative annual burden on affected entities to be 10,065 hours, $2,516,250 in labor costs, and $3,062,139 in non-labor costs.

Request for Comment:

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before January 8, 2015. Write ''Business Opportunity Rule Paperwork Comment, FTC File No. P114408'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential . . . , '' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[2] Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/BusinessOptionRulePRA2* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home*, you also may file a comment through that Web site.

If you file your comment on paper, write ''Business Opportunity Rule Paperwork Comment, FTC File No. P114408'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before January 8, 2015. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *http://www.ftc.gov/ftc/privacy.htm.* For supporting documentation and other information underlying the PRA discussion in this Notice, see *http://www.reginfo.gov/public/jsp/PRA/praDashboard.jsp.*

David C. Shonka,

Principal Deputy General Counsel.

[FR Doc. 2014–28865 Filed 12–8–14; 8:45 am]

BILLING CODE 6750–01–P

[1] 79 FR 54276.

[2] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c), 16 CFR 4.9(c).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–0990–0390–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Assistant Secretary of Administration, HHS.

ACTION: Notice

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). The ICR is for revision of the approved information collection assigned OMB control number 0990–

0390 which expires on February 28, 2015. Prior to submitting that ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before February 9, 2015.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS0990–0390–60D for reference.

Information Collection Request Title: Challenge and Prize Competition Solicitations.

Abstract: In 2011, Federal agencies including HHS were given prize authority for administering challenges and competitions. Challenges and competitions enable the Assistant Secretary for Administration, HHS to tap into the expertise and creativity of the public in new ways. In order for HHS to quickly and effectively launch competitions on a continual basis, HHS seeks generic clearance to collect information for these challenges and competitions, which will generally include first name, last name, email, city, state and when applicable other demographic information. It can also include other information necessary to evaluate submissions and understand their impact related to the general goals of the competition.

The information collected will be used to understand whether the participant has met the technical requirements for the challenge, assist in the technical review and judging of the solutions that are provided, and understand the impact and consequences of administering the competition and developing solutions for submission. Information may be collected during the competition or after its completion.

Need and Proposed Use of the Information: In 2011, Federal agencies including HHS were given prize authority for administering challenges and competitions. Section 105(a) of the America Competes Act, adds Section 24 to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 *et seq.*) that addresses provisions for challenges and competitions with prizes conducted by Federal agencies.

Challenges and competitions enable HHS to tap into the expertise and creativity of the public in new ways. HHS has sponsored challenges and competitions in a wide variety of areas such as recruitment efforts, health data applications and other types of data, development of novel technologies, and communications to increase public participation and solicit new ideas on a wide array of topics important to the agencies mission. HHS's goal is to engage a broader number of stakeholders who are inspired to work on some of our most pressing health issues, thus supporting a new ecosystem of scientists, developers, and entrepreneurs who can continue to innovate for public health.

The generic clearance is necessary for HHS to quickly and effectively launch competitions on a continual basis. The information collected for these challenges and competitions will generally include first name, last name, email, city, state and when applicable other demographic information. It can also include other information necessary to evaluate submissions and understand their impact related to the general goals of the competition. Upon entry or during the judging process, applicants under the age of 18 may be asked to confirm parental consent, requiring students under 18 to have a parent signature in writing on a parental consent form provided by the Department in order to qualify for the contest. For certain challenges we may also need to collect data such as types of data sets used in the solution, types of software tools used in the solution, and information regarding uses of proprietary software (*i.e.,* licenses or use agreements). Information obtained from participants will be used by the program managers (challenge manager), other agency officials (such as general counsel representatives) and in some cases the technical reviewers acting on behalf of the program manager (challenge manager). The information collected will be used to understand whether the participant has met the technical requirements for the challenge, assist in the technical review and judging of the solutions that are provided, and understand the impact and consequences of administering the competition and developing solutions for submission. Information may be collected during the competition or after its completion.

To obtain approval for a collection under this generic, HHS will provide a copy of the **Federal Register** notice used for the challenge, a standardized form that includes an estimate of the burden, and the instrument (*e.g.,* a questionnaire) to OMB.

Likely Respondents: Likely respondents include individuals, businesses, and state and local governments who choose to participate in a challenge or competition hosted by HHS.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Individuals or Households	1000	1	1/6	166.6
Organizations	1000	1	1/6	166.6
Businesses	1000	1	1/6	166.6
State, territory, tribal or local governments	60	1	1/6	10
Total	3060			510

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Darius Taylor,

Information Collection Clearance Officer.

[FR Doc. 2014–28705 Filed 12–8–14; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Misconduct in Science

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

Kaushik Deb, Ph.D., University of Missouri-Columbia: Based upon the evidence and findings of an investigation report by the University of Missouri-Columbia (UM) transmitted to the United States Department of Health and Human Services (HHS), Office of Research Integrity (ORI) and additional analysis conducted by ORI in its oversight review, ORI found that Dr. Kaushik Deb, former Postdoctoral Fellow, Life Sciences Center, UM, engaged in misconduct in science in research that was supported by National Institute of Child Health and Human Development (NICHD), National Institutes of Health (NIH), grants 2 R01 HD021896 and 5 R01 HD042201–05 and National Center for Research Resources (NCRR), NIH, grant 5 R01 RR013438–07.

ORI found that the Respondent intentionally, knowingly, and recklessly fabricated and falsified data reported in the following published paper:

• Deb, K., Sivarguru, M., Yong, H., & Roberts, R.M. ''Cdx2 gene expression and trophectoderm lineage specification in mouse embryos.'' *Science* 311:992–996, 2006 (hereafter referred to as ''*Science* 311''); this paper was retracted on July 27, 2007

An earlier version of *Science* 311 had been previously submitted to *Nature* on or about June 24, 2005 (hereafter referred to as ''*Nature* #1''). It was revised and resubmitted to *Nature* on or about August 24, 2005, and ultimately was rejected by *Nature* on September 14, 2005 (hereafter referred to as ''*Nature* #2'').

Specifically, ORI finds by a preponderance of the evidence that the Respondent engaged in misconduct in science by intentionally, knowingly, and recklessly:

1. Falsifying and/or fabricating three panels of data in Figure 1 (Figures 1C, 1D, and 1E) in *Science 311* and in *Nature* #1 and *Nature* #2, by photo-manipulating confocal fluorescent images to falsely represent three-, four-, and six-cell embryos, thereby supporting the paper's central premise that cells derived from a late-dividing blastomere would be positive for a transcription factor, Cdx2, while the cells derived from a leading blastomere would be Cdx2 negative

2. using photo-manipulation to falsify and fabricate at least 13 panels of confocal image data in Figures 2, 3, and S2, including Figures 2K, 2L, 2Q, 2R, 2V, 2X, 3G, 3H, 3I, S2s, S2t, S2u, and 2W, in *Science* 311 and in corresponding figures in *Nature* #1 and *Nature* #2 so that these images falsely supported the central premise in *Science* 311 that Cdx2-expressing cells were peripherally located in the embryo

3. falsifying Figures 2G, 3J, 3L, S2V, S2X, S6I, S6J, and S6K in *Science* 311, Figures 2A, 2C, S4v, and S4x in *Nature* #1, and Figures 2G, 3I, 3J, and 3K in *Nature* #2 by reusing and re-labelling the same image to represent different embryos and different experimental conditions

4. falsifying Figure 4 in *Science* 311 and corresponding figures submitted in *Nature* #1 and *Nature* #2 to falsely illustrate that the first dividing cell of a two-cell mouse embryo will ultimately differentiate into the trophoblast; specifically, Respondent:

• Falsely colored and photomanipulated a single bright-phase image of a three-cell embryo to make it appear as four separate embryos that had been differentially injected with TRD

• falsely colored and photomanipulated a four-cell embryo to make TRD appear distinctly located in the lagging cell and in its descendent cell, when the actual embryo contained diffuse staining within the sub-zonal, extracellular space

• photomanipulated a damaged, non-viable two-cell embryo to make it appear viable

• re-used, falsely colored, and relabeled seven images from an unrelated experiment to falsely represent a time lapse course of eight different images

5. falsifying Figures 5K, 5L, 5N, and 5O in *Science* 311 by photo-manipulating a single confocal image to falsely represent four different images at two different stages of embryonic development. The images also were presented as Figures 4k, 4l, 4n, and 4o in *Nature* #1.

The Respondent failed to take responsibility for the fabrication and falsification described in ORI's findings.

The following administrative actions have been implemented for a period of three (3) years, beginning on November 17, 2014:

(1) Respondent is debarred from any contracting or subcontracting with any agency of the United States Government and from eligibility for, or involvement in, nonprocurement programs of the United States Government referred to as ''covered transactions'' pursuant to HHS' Implementation (2 CFR part 376 *et seq*) of Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension, 2 CFR part 180 (collectively the ''Debarment Regulations''); and

(2) Respondent is prohibited from serving in any advisory capacity to PHS including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

FOR FURTHER INFORMATION: Acting Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8800.

Donald Wright,

Acting Director, Office of Research Integrity.

[FR Doc. 2014–28859 Filed 12–8–14; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Head Start Family and Child Experiences Survey (FACES).

OMB No.: 0970–0151.

Description: The Office of Planning, Research and Evaluation (OPRE), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing to collect data for a new round of the Head Start Family and Child Experiences Survey (FACES). Featuring a new ''Core Plus'' study design, FACES will provide data on a set of key indicators, including information for performance measures. The design allows for more rapid and frequent data reporting (Core studies) and serves as a vehicle for studying more complex issues and topics in greater detail and with increased efficiency (Plus studies).

The FACES Core study will assess the school readiness skills of Head Start children, survey their parents, and ask their Head Start teachers to rate children's social and emotional skills. In addition, FACES will include observations in Head Start classrooms, and program director, center director, and teacher surveys. FACES Plus studies include additional survey content of policy or programmatic interest, and may include additional programs or respondents beyond those participating in the Core FACES study.

Previous notices provided the opportunity for public comment on the proposed Head Start program recruitment and center selection process (FR V. 78, pg. 75569 12/12/2013; FR V. 79, pg. 8461 02/12/2014) and the child-level data collection (FR V. 79, pg. 11445 02/28/2014; FR V. 79; pg. 27620 5/14/2014). This 30-day notice describes the planned data collection activities for spring 2015. Classroom sampling information collection, parent supplement survey content, and teacher, program director, and center director surveys for the Core study are included in this information collection request. Additionally, parent and staff interviews are included for FACES Plus studies.

Methods for Core data collection involve returning to 60 programs visited in fall 2014, where we will conduct previously approved activities of child assessments, parent surveys, and Teacher Child Reports. An additional 240 Head Start centers in 120 Head Start programs will be visited to sample classrooms. Field enrollment specialists (FES) will request a list of all Head Start-funded classrooms from Head Start staff. Across all 180 programs, 720 teachers, 180 program directors, and 360 center directors will complete surveys about the Head Start classroom or program and their own background using the Web or paper-and-pencil forms.

Two Plus studies are also planned in spring 2015. First, a topical module on family engagement will be conducted in the 60 programs participating in child-level data collection. All parents will complete a 5-minute spring supplement to the parent survey about parent-staff relationship and communication and community support. All teachers will complete a 5-minute Plus survey about parent-staff relationships (FPTRQ) as part of the core teacher survey. A subsample of Head Start parents (n=360) and Family Service Staff (n=180) will be interviewed on parent involvement in Head Start and program outreach and engagement practices. Interviews will take about one-hour and will be conducted by phone using paper-and-pencil guides. Second, within the 120 programs participating in classroom-only-level data collection, 480 classroom teachers will complete a new measure of program functioning (5E-Early Ed) to examine its reliability and validity for future FACES use.

The purpose of the Core data collection is to support the 2007 reauthorization of the Head Start program (P.L. 110–134), which calls for periodic assessments of Head Start's quality and effectiveness. As additional information collection activities are fully developed, in a manner consistent with the description provided in the 60-day notice (79 FR 11445) and prior to use, we will submit these materials for a 30-day public comment period under the Paperwork Reduction Act.

Respondents: Parents of Head Start children, Head Start teachers and Head Start staff.

ANNUAL BURDEN ESTIMATES—CURRENT INFORMATION COLLECTION REQUEST

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hour per response	Estimated annual burden hours
Classroom sampling form from Head Start staff	360	120	1	0.17	20
Head Start spring parent supplement survey	2,400	800	1	0.08	64
Head Start core teacher survey	720	240	1	0.50	120
Head Start core program director survey	180	60	1	0.50	30
Head Start core center director survey	360	120	1	0.42	50
Head Start parent qualitative interview (Family Engagement)	360	120	1	1.00	120
Head Start staff qualitative interview (FSS Engagement)	180	60	1	1.00	60
Head Start staff (FSS) roster form	60	20	1	0.17	3
Head Start parent engagement interview consent form	360	120	1	0.17	20
Head Start staff engagement interview consent form	180	60	1	0.17	10
Early care and education providers survey for Plus study (5E-Early Ed Pilot)	480	160	1	0.33	53
Early care and education providers survey for Plus study (FPTRQ)	240	80	1	0.08	6
Total					556

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Naomi Goldstein,

Director, Office of Planning, Research and Evaluation; Administration for Children and Families.

[FR Doc. 2014–28776 Filed 12–8–14; 8:45 am]

BILLING CODE 4184–22–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0987]

Agency Information Collection Activities; Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Data on Tobacco Products and Communications; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document entitled ''Agency Information Collection Activities; Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Data on Tobacco Products and Communications'' that appeared in the **Federal Register** of August 1, 2014. The document announced the generic clearance for the collection of qualitative data on tobacco products and communications. The document was published with the incorrect docket number. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In FR Doc. 2014–18195, appearing on page 44779 in the **Federal Register** of August 1, 2014 (79 FR 44779), FDA is making the following correction:

1. On page 44779, in the second column, in the Docket No. heading, ''FDA–2014–N–0005'' is corrected to read ''FDA–2014–N–0987.''

Dated: December 3, 2014.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2014–28714 Filed 12–8–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–1275]

General Clinical Pharmacology Considerations for Pediatric Studies for Drugs and Biological Products; 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 ''General Clinical Pharmacology Considerations for Pediatric Studies for Drugs and Biological Products.'' The draft guidance is intended to assist those sponsors of new drug applications (NDAs), biologics license applications (BLAs) for therapeutic biologics, and supplements to such applications who are planning to conduct clinical studies in pediatric populations. Effectiveness, safety, or dose finding studies in pediatric patients involve gathering clinical pharmacology information, such as information regarding a product's pharmacokinetics and pharmacodynamics pertaining to dose selection and individualization. This draft guidance addresses general clinical pharmacology considerations for conducting studies so that the dosing and safety information for drugs and biologic products can be sufficiently characterized, leading to well-designed trials to evaluate effectiveness.

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 February 9, 2015.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993. Send one self-addressed adhesive label to assist those offices in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Gilbert J. Burckart, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 3184, Silver Spring, MD 20993–0002, 301–796–2065.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''General Clinical Pharmacology Considerations for Pediatric Studies for Drugs and Biological Products.'' During the past two decades, FDA has worked to address the problem of inadequate pediatric testing and inadequate pediatric use information in drug and biological product labeling. The Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) addressed the need for improved information about drug use in the pediatric population (codified at 21 U.S.C. 355a) by establishing incentives for conducting pediatric studies on drugs while exclusivity or patent protection exists. Congress subsequently passed the Best Pharmaceuticals for Children Act (BPCA) in 2002 and the Pediatric Research Equity Act (PREA) in 2003. Both BPCA and PREA were reauthorized in 2007 and were made permanent under Title V of the Food and Drug Administration Safety and Innovation Act of 2012 (Public Law 112–144).

Under BPCA, sponsors of certain applications and supplements filed under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) (the FD&C Act) can obtain an additional 6 months of exclusivity if, in accordance with the requirements of the statute, the sponsor submits information responding to a written request from the Secretary relating to the use of a drug in the pediatric population.

Under PREA, sponsors of certain applications and supplements filed under section 505 of the FD&C Act or section 351 of the Public Health Service Act are required to submit pediatric assessments, unless they receive an applicable waiver or deferral of this requirement. If applicable, sponsors must submit a request for a deferral or waiver as part of an initial pediatric study plan.

This draft guidance focuses on the clinical pharmacology information (*e.g.,* exposure-response, pharmacokinetics, and pharmacodynamics) needed to

support findings of effectiveness and safety and helps identify appropriate doses in pediatric populations. The draft guidance also describes the use of quantitative approaches (*i.e.,* pharmacometrics) to employ disease and exposure-response knowledge from relevant prior clinical studies to design and evaluate future pediatric studies. The draft guidance does not describe: (1) Standards for approval of drugs and biological products in the pediatric population, (2) criteria to allow a determination that the course of a disease and the effects of a drug or a biologic are the same in adults and pediatric populations, or (3) clinical pharmacology studies for vaccine therapy, blood products, or other products not regulated by the Center for Drug Evaluation and Research.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance represents the Agency's current thinking on the general clinical pharmacology considerations for pediatric studies for drugs and biological products. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This draft guidance includes information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520) (PRA). The collections of information referenced in this draft guidance that are related to the burden for the submission of investigational new drug applications are covered under 21 CFR part 312 and have been approved under OMB control number 0910–0014. The collections of information referenced in this draft guidance that are related to the burden for the submission of new drug applications are covered under 21 CFR part 314 and have been approved under OMB control number 0910–0001. The submission of prescription drug product labeling under 21 CFR 201.56 and 201.57 is approved under OMB control number 0910–0572.

In accordance with the PRA, prior to publication of any final guidance document, FDA intends to solicit public comment and obtain OMB approval for any information collections recommended in this guidance that are new or that would represent material modifications to those previously approved collections of information found in FDA regulations or guidances.

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* or *http://www.regulations.gov.*

Dated: December 2, 2014.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2014–28716 Filed 12–8–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–1492]

Two-Phased Chemistry, Manufacturing, and Controls Technical Sections; Draft Guidance for Industry; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period for a notice of availability of draft guidance for industry (GFI #227) entitled ''Two-Phased Chemistry, Manufacturing, and Controls Technical Sections'' that appeared in the **Federal Register** of October 20, 2014. In that notice, FDA made available for comment the draft guidance, which provides recommendations to sponsors submitting chemistry, manufacturing, and controls (CMC) data submissions. The Agency is taking this action in response to a request for an extension to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the draft guidance. Submit either electronic or written comments on the draft guidance by February 17, 2015.

ADDRESSES: Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Heather Longstaff, Center for Veterinary Medicine (HFV–145), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–0651, email: *heather.longstaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of October 20, 2014 (79 FR 62635) FDA published a notice announcing the availability of draft guidance for industry (GFI #227) entitled ''Two-Phased Chemistry, Manufacturing, and Controls (CMC) Technical Sections.'' It is intended to provide recommendations to industry regarding CMC data submitted to the Center for Veterinary Medicine to support approval of a new animal drug or abbreviated new animal drug. The notice invited comments on the draft guidance by December 19, 2014.

The Agency received a request for a 60-day extension of the comment period for the draft guidance. The request conveyed concern that the current 60-day comment period does not allow sufficient time to respond.

FDA has considered the request and is extending the comment period for the draft guidance for 60 days, until February 17, 2015. The Agency believes that a 60-day extension allows adequate time for interested persons to submit comments without significantly delaying further FDA action on this guidance document.

II. Request for 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.*

Dated: December 2, 2014.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2014–28713 Filed 12–8–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–1814]

Bacterial Detection Testing by Blood Collection Establishments and Transfusion Services To Enhance the Safety and Availability of Platelets for Transfusion; 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 document entitled ''Bacterial Detection Testing by Blood Collection Establishments and Transfusion Services to Enhance the Safety and Availability of Platelets for Transfusion'' dated December 2014. The draft guidance document provides blood collection establishments and transfusion services with recommendations for initial testing (primary testing) for bacterial contamination of platelets intended for transfusion, and provides additional considerations for blood collection establishments and transfusion services for subsequent retesting (secondary testing) of platelets prior to transfusion. The recommendations for primary testing of platelets and the additional considerations for secondary testing of platelets described in this guidance are expected to enhance the detection of bacteria in platelet products and thus enhance transfusion safety. The draft guidance, when finalized, is intended to supersede the recommendation in section VII.A.2, in regard to bacterial contamination testing in the document entitled ''Guidance for Industry and FDA Review Staff: Collection of Platelets by Automated Methods'' dated December 2007.

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 March 9, 2015. Submit either electronic or written comments on the collection of information by February 9, 2015.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–7800. See **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance and information collection 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: Jonathan McKnight, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled ''Bacterial Detection Testing by Blood Collection Establishments and Transfusion Services to Enhance the Safety and Availability of Platelets for Transfusion'' dated December 2014. The draft guidance document provides blood collection establishments and transfusion services with recommendations for primary testing for bacterial contamination of platelets intended for transfusion and additional considerations for blood collection establishments and transfusion services for secondary testing of platelets prior to transfusion. FDA also provides recommendations to licensed blood establishments for submitting Biologics License Application supplements to include bacterial testing of platelet components. Furthermore, the guidance informs transfusion services that are currently exempt from registration and blood product listing that if they choose to perform secondary testing of platelets to extend the dating period, should this option become available, they must register with FDA and list the blood products they manufacture.

The draft guidance addresses all platelet products, including platelets manufactured from Whole Blood (Whole Blood Derived (WBD) platelets), platelets collected by automated methods from a single donor (apheresis platelets), pooled platelets, and platelets stored in additive solutions. The recommendations for primary testing of platelets and the additional considerations for secondary testing of platelets described in this guidance are expected to enhance the detection of bacteria in platelet products and thus enhance transfusion safety. The draft guidance, when finalized, is intended to supersede the recommendation in section VII.A.2, in regard to bacterial contamination testing in the document entitled ''Guidance for Industry and FDA Review Staff: Collection of Platelets by Automated Methods'' dated December 2007.

Platelets are associated with a higher risk of sepsis and are related to more fatalities than any other transfusable blood component. The risk of bacterial contamination of platelets stands out as a leading risk of infection from blood transfusion. This risk has persisted despite numerous interventions including the introduction, in the last decade, of analytically sensitive culture-based bacterial detection methods, which are widely used to test platelets prior to their release from blood collection establishments to transfusion services.

The draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent FDA's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the 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 collections of information set forth in this document.

With respect to the following collections of information, FDA invites comments on these topics: (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 of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Bacterial Detection Testing by Blood Collection Establishments and Transfusion Services To Enhance the Safety and Availability of Platelets for Transfusion

We have identified the following recommendations in the draft guidance document as collections of information. In section V, the draft guidance recommends that blood collection establishments have in place measures to promptly alert the transfusion services in the event that a distributed platelet product is subsequently identified as positive for bacterial contamination. In section IX.A.2, the draft guidance recommends that following secondary testing, a tie-tag should be attached to the platelet products to relay the following information: Type of bacterial detection test performed (rapid or culture); date and time the bacterial detection test was performed; and, the results of the bacterial detection testing. The draft guidance also recommends that a single tie-tag may be attached to a pooled platelet product.

Description of Respondents: The third-party disclosure and one-time recordkeeping recommendations described in the draft guidance affect blood collection establishments and transfusion services that collect and manufacture platelet products for transfusion, including WBD platelets, platelets collected by automated methods from a single donor (apheresis platelets), pooled platelets, and platelets stored in additive solutions.

Burden Estimate: The Agency believes the information collection provision for licensed blood collection establishments in section V does not create a new burden for respondents and is part of usual and customary business practice. Blood collection establishments currently have in place standard operating procedures for notifying consignees (transfusion services) if a distributed platelet product has subsequently tested positive for bacterial contamination.

In section IX.A.2, the draft guidance recommends that following secondary testing, a tie-tag should be attached to the platelet products to relay certain information related to the bacterial detection test. FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Labeling	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Under section IX.A.2, a tie-tag to the platelet product relaying specific information following secondary testing should be attached	150	1,250	187,500	.05	9,375

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Table 1 of this document provides an estimate of the annual third-party disclosure burden for the information to be submitted in accordance with the draft guidance. Based on FDA data and information submitted by industry, FDA believes that there are approximately 2 million platelet transfusions per year and that 75 percent or 1.5 million transfusions occur at large volume transfusion services. FDA also believes that on average, the large volume transfusion services perform about 5,000 platelet transfusions annually. Furthermore, FDA approximates that 150 transfusion services, most of which will be large volume transfusion services, may elect to perform secondary testing. We expect that secondary testing will be used primarily for the extension of dating up to 7 days at large volume transfusion services. However, while each of the 150 transfusion services may issue, on average, 5,000 platelets a year, secondary testing will be performed on only a portion of these platelets. Based on FDA experience, we estimate that secondary testing will be performed on approximately 25 percent or 1,250 platelets to permit transfusion beyond day 5. Thus, the total estimated annual burden of 9,375 hours for transfusion services to implement the recommendation in Table 1 is based on FDA's experience and industry information.

TABLE 2—ESTIMATED ONE-TIME RECORDKEEPING BURDEN [1]

Creation of SOPs	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Under section IX.A.2, a tie-tag to the platelet product relaying specific information following secondary testing should be attached.	150	1	150	16	2,400

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Table 2 of this document provides a one-time recordkeeping burden estimate for the information to be submitted in accordance with the draft guidance. As described in the proceeding paragraphs, based on FDA's experience and industry information, FDA anticipates that 150 respondents, mainly from large volume transfusion services, will implement the recommendations set forth in section IX.A.2. Thus, based on FDA data and industry recordkeeping information, FDA estimates that the total estimated one-time recordkeeping burden is 2,400 hours.

This draft guidance also refers to previously approved collections of information found in FDA regulations. The collections of information in 21 CFR 601.12 and 610.60 have been approved under OMB control number 0910–0338; the collections of information in 21 CFR 606.65, 606.100, 606.120, 606.121, 606.122, and 606.140 have been approved under OMB control number 0910–0116; and the collections of information in 21 CFR 607.3, 607.7 and 607.65 have been approved under OMB control number 0910–0052.

III. Comments

The draft guidance is being distributed for comment purposes only and is not intended for implementation at this time. 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 draft guidance at either *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: December 4, 2014.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2014–28809 Filed 12–8–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–2083]

Draft Guidance for Industry on Drug Supply Chain Security Act Implementation: Annual Reporting by Prescription Drug Wholesale Distributors and Third-Party Logistics Providers; 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 ''Drug Supply Chain Security Act Implementation: Annual Reporting by Prescription Drug Wholesale Distributors and Third-Party Logistics Providers.'' This draft guidance addresses new provisions in the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Drug Supply Chain Security Act (DSCSA). The draft guidance describes FDA's expectations for prescription drug wholesale distributors (wholesale distributors) and third-party logistics providers (3PLs) about reporting to FDA under the DSCSA.

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 February 9, 2015. Submit either electronic or written comments concerning the collection of information proposed in the draft guidance by February 9, 2015.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, 4147, Silver Spring, MD 20993; or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Suzanne Barone, Office of Compliance, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–3130, *wdd3plrequirements@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Drug Supply Chain Security Act Implementation: Annual Reporting by Prescription Drug Wholesale Distributors and Third-Party Logistics Providers.'' This guidance is being issued to facilitate implementation of new reporting provisions under the DSCSA. On November 27, 2013, the DSCSA (Title II of Pub. L. 113–54) was signed into law. The DSCSA outlines new requirements for the licensing of prescription drug wholesale distributors and 3PLs.

Section 204 of the DSCSA amends section 503(e) of the FD&C Act (21 U.S.C. 353(e)) and outlines requirements for reporting by wholesale distributors. Section 503(e)(2)(A) of the FD&C Act (as amended) requires wholesale distributors to report annually, beginning on January 1, 2015. Information to be reported includes State licensure information and contact information for each facility. Wholesale distributors are also to report to FDA any significant disciplinary actions taken by the State or Federal Government, such as revocation or suspension of a license. Section 204 of the DSCSA also amends section 503(e)(2)(B) of the FD&C Act and requires FDA to make information about wholesale distributors' licensure available to the public on FDA's Web site. Updates to the public information are to be made on a schedule to be determined by FDA.

Section 205 of the DSCSA adds section 584 to the FD&C Act. Section 584 sets forth requirements for licensure and reporting by 3PLs. Under section 584 of the FD&C Act (as amended) (21 U.S.C. 360eee–3), 3PLs are required to report annually to FDA, beginning on November 27, 2014 (1 year after the date of enactment of the DSCSA). Third-party logistic providers are required to report State licensure information, name and address for each facility, and all trade names under which each facility conducts business.

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 about information that should be submitted to FDA, the timing of the submissions, a preferred format for the submissions, and a preferred method for reporting to FDA by wholesale distributors and 3PLs. 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

The draft guidance contains information collection provisions that are subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The title, description, and respondent description of the information collection are given under this section with an estimate of the reporting burdens. Included in the estimate is the time for reviewing instructions, searching existing data sources, and completing and reviewing the collection of information annually.

We invite comments on these topics: (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 of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Drug Supply Chain Security Act Implementation: Annual Reporting by Prescription Drug Wholesale Distributors and Third-Party Logistics Providers.

Description: On November 27, 2013, the DSCSA was signed into law. Section 503(e)(2) of the FD&C Act requires licensed wholesale distributors to report annually, beginning January 1, 2015. Information to be reported includes each State by which the wholesale distributor is licensed and the appropriate identification number of each license; and the name, address, and contact information of each facility at which, and all trade names under which, the wholesale distributor conducts business. Wholesale distributors are also required to report any significant disciplinary actions, such as revocation or suspension of a license. In addition, FDA is requesting the voluntary submission of a unique facility identifier, the expiration date of each State license, and documents associated with the disciplinary action, such as consent decree, final State Board ruling, etc.

The DSCSA also outlines reporting requirements for 3PLs. Under section 584 of the FD&C Act (as amended), 3PLs are required to report to FDA annually, beginning 1 year after the enactment of the DSCSA (November 27, 2014), the State by which a facility is licensed and the appropriate identification number and the name, address, and all trade names under which the facility conducts business. Because certain additional information will be useful to FDA in its enforcement of the Act, FDA is also requesting that 3PLs voluntarily provide the same information as wholesale distributors. The ultimate goal is for the public database to serve as a single repository of licensing and facility information for wholesale drug distributors and 3PLs conducting business in the United States.

A. Estimates of Reporters

The exact number of wholesale distributors required to report to FDA is unknown because the license status information for each wholesale distributor facility is currently maintained by each State. The DSCSA excludes several categories of businesses from the definition of wholesale distribution that may have been licensed by States as wholesale distributors before the DSCSA was enacted. FDA estimates that about 5,000 wholesale distributor facilities will report to FDA. This number is based on estimates of active wholesale facilities that distribute pharmaceuticals which include drugs, proprietaries, and sundries according to Dun & Bradstreet. This number may be an overestimation since this category may contain distributors that do not distribute prescription drugs.

The exact number of prescription drug 3PLs in the United States is also unknown because prior to the enactment of DSCSA, most states licensed 3PLs as wholesale distributors with the exception of Florida.[1] The International Warehouse Logistics Association (IWLA) has stated that the best estimate of the number of 3PLs involved with prescription drugs is indicated by the number licensed by Florida.[2] Therefore, FDA is using the number of 3PLs licensed by Florida as an estimate of the number of 3PLs in the United States. The Florida Drugs, Devices, and Cosmetics Licensee Files database (on July 16, 2014) contains 136 warehouses licensed as 3PLs, located in 28 different states. The location of each facility was verified by license number.

B. Initial Report

FDA estimates that the time and effort for wholesale distributors and 3PLs to make the initial report to FDA will be greater than reporting for subsequent reports made thereafter because of the amount of information submitted will include all State licensure information. Subsequent reports submitted to FDA will only include information that needs to be updated or added.

Each wholesale distributor must report the following information for each facility:

- Name, address, and contact information (including email address and telephone number),
- each State license and license identifying number,
- all trade names that the facility conducts business as (dba), and
- significant disciplinary actions.

In addition, FDA is requesting that wholesale distributors report the following information:

- Expiration dates for each State license,
- unique facility identifier (D–U–N–S number), and
- documents associated with the disciplinary action, such as a consent decree, final State Board ruling, etc.

3PLs should submit the same information as wholesale distributors, including significant disciplinary actions. Some of this information is required under the DSCSA to be submitted by 3PLs including name, address, State license, and State license identifying number; the other categories are voluntary for 3PLs.

The information listed above is readily available to the facilities, including the unique facility identifier. FDA currently prefers D–U–N–S number as the unique facility identification for the location of each facility. For a facility that has not been assigned a number, a number may be obtained for no cost directly from Dun & Bradstreet (*http://www.dnb.com*). Each facility may have differing

[1] Title XXXIII chapter 499 Florida statues (*http://www.flsenate.gov/laws/statutes/2011/0499.01*)

[2] ''Third-Party Logistics Providers Licensure Requirements'' Pat O'Connor, IWLA, presented at DQSA: Meeting Supply Responsibilities, Food and Drug Law Institute, February 20, 2014, Washington, DC.

numbers of State license information to input and may or may not have any significant disciplinary actions for each State. FDA is providing a Web portal for the efficient entry and submission of this information. Companies using this portal will not have to convert the information to report into an extensible markup language (XML) file in the Structured Product Label (SPL) format and submit it separately through the FDA gateway. No special computer program or expertise is required if the Web portal is used. We estimate that it will take wholesale distributors and 3PLs on average about 0.5 hours per facility to collect and input this information for the initial reporting, for a total burden for the first year of 2,568 hours. Refer to table 1.

C. Subsequent Annual Reports

FDA will maintain the information submitted previously for each facility's initial report. This information will be readily accessible through the FDA-supplied Web portal. This eliminates the need for re-entry of all of the information each year. We estimate that it will take 0.25 hours each subsequent year to review and update information such as, but not limited to, a license expiration date following renewal or a resolution of a disciplinary action. The total annual burden for wholesale distributors and 3PLs is 1,284 hours (table 2).

D. Significant Disciplinary Action Reports

Wholesale distributors are required and 3PLs are requested to report significant disciplinary actions. The number of distributors and 3PLs that will have significant disciplinary action taken against them is unknown. Disciplinary actions are currently handled by the individual States' regulatory authorities. FDA does not believe that the number of significant disciplinary actions that would limit the ability of a wholesale distributor or 3PL to warehouse and/or distribute prescription drugs would be greater than 1 percent of the total number of facilities that report on an annual basis. This would be equivalent to approximately 50 wholesale distributors and 2 3PLs. Significant disciplinary action information requested should be readily available to each wholesale distributor and 3PL involved in the action. FDA estimates that it will take 0.5 hours for the wholesale distributor or 3PL to access the system, input information, and upload documents (if available) using the Web portal. FDA estimates that the total annual burden of reporting significant disciplinary action is 26 hours (table 3).

E. Other Voluntary Reports

FDA is also requesting that a wholesale distributor or 3PL notify FDA within 30 days if a facility goes out of business or voluntarily withdraws a State or Federal license. FDA estimates that this reporting type will occur infrequently; involving five wholesale distributor facilities and one 3PL facility per year. We estimate that it will take 0.25 hours to update the company or license status. FDA estimates that the total annual burden of reporting these voluntary reports is 1.5 hours (table 4).

Description of Respondents: Respondents are prescription drug wholesale distributors and third-party logistics providers and might include small businesses in these categories.

TABLE 1—INITIAL REPORT BURDEN [1] [2]

Initial reporting to FDA	Number of respondents	Number of responses per respondent	Total initial responses	Average burden per response	Total hours
Wholesale Distributors	5,000	1	5,000	0.5 hour (30 minutes).	2,500
3PLs	136	1	136	0.5 hour (30 minutes).	68
Total					2568

[1] Any fraction is rounded up to a whole number.
[2] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—SUBSEQUENT REPORTS BURDEN [1]

Annual reporting to FDA	Number of respondents	Number of responses per respondent	Total responses	Average burden per response	Total hours
Wholesale distributors	5,000	1	5,000	0.25 hour (15 minutes).	1,250
3PLs	136	1	136	0.25 hour (15 minutes).	34
Total					1,284

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—SIGNIFICANT DISCIPLINARY ACTION REPORT BURDEN [1]

Significant disciplinary actions	Number of respondents	Number of responses per respondent	Total responses	Average burden per response	Total hours
Wholesale distributors	50	1	50	0.5 hour (30 minutes).	25
3PLs	2	1	2	0.5 hour (30 minutes).	1

TABLE 3—SIGNIFICANT DISCIPLINARY ACTION REPORT BURDEN [1]—Continued

Significant disciplinary actions	Number of respondents	Number of responses per respondent	Total responses	Average burden per response	Total hours
Total					26

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 4—OTHER VOLUNTARY REPORTS BURDEN [1]

Other voluntary reports	Number of respondents	Number of responses per respondent	Total responses	Average burden per response	Total hours
Wholesale distributors	5	1	5	0.25 hour (15 minutes).	1.25
3PLs	1	1	1	0.25 hour (15 minutes).	0.25
Total					1.50

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

F. Capital Costs

There are no capital costs associated with this collection and reporting of information if the FDA-provided Web portal is used for reporting.

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,* or *http://www.regulations.gov.*

Dated: December 3, 2014.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2014–28711 Filed 12–8–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0001]

Endocrinologic and Metabolic Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Endocrinologic and Metabolic Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on January 12, 2015, from 8 a.m. to 5 p.m.

Location: College Park Marriott Hotel and Conference Center, Potomac Ballroom, 3501 University Blvd. East, Hyattsville, MD 20783. The conference center's telephone number is 301–985–7300.

Contact Person: Stephanie L. Begansky, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, email: *EMDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss the safety and efficacy of new drug application (NDA) 022517, proposed trade name NOCDURNA (established name: desmopressin), orally disintegrating sublingual tablets submitted by Ferring Pharmaceuticals, Inc. The proposed indication is treatment of nocturia due to nocturnal polyuria in adults who awaken two or more times each night to void.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before December 26, 2014.

Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before December 17, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by December 18, 2014.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Stephanie L. Begansky (see Contact Person) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: December 2, 2014.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2014–28702 Filed 12–8–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director Notice of Charter Renewal

In accordance with Title 41 of the U.S. Code of Federal Regulations, Section 102–3.65(a), notice is hereby given that the Charter for the Board of Regents of the National Library of Medicine (BOR) was renewed for an additional two-year period on November 20, 2014.

It is determined that the BOR is in the public interest in connection with the performance of duties imposed on the Department of Health and Human Services by law, and that these duties can best be performed through the advice and counsel of this group.

Inquires may be directed to Jennifer S. Spaeth, Director, Office of Federal Advisory Committee Policy, Office of the Director, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, Maryland 20892 (Mail Code 4875), Telephone (301) 496–2123, or *spaethj@od.nih.gov.*

Dated: December 3, 2014.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–28750 Filed 12–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

SUPPLEMENTARY INFORMATION: Technology descriptions follow.

Vaccine for Protection Against *Shigella sonnei* Disease

Description of Technology: Shigellosis is a global human health problem. Transmission usually occurs by contaminated food and water or through person-to-person contact. The bacterium is highly infectious by the oral route, and ingestion of as few as 10 organisms can cause an infection in volunteers. An estimated 200 million people worldwide suffer from shigellosis, with more than 650,000 associated deaths annually. A recent CDC estimate indicates the occurrence of over 440,000 annual shigellosis cases in the United States alone, approximately eighty percent (80%) of which are caused by *Shigella sonnei. Shigella sonnei* is more active in developed countries. *Shigella* infections are typically treated with a course of antibiotics. However, due to the emergence of multidrug resistant *Shigella* strains, a safe and effective vaccine is highly desirable. No vaccines against *Shigella* infection currently exist. Immunity to *Shigellae* is mediated largely by immune responses directed against the serotype specific O-polysaccharide. Claimed in the invention are compositions and methods for inducing an immunoprotective response against *S. sonnei.* Specifically, an attenuated bacteria capable of expressing an *S. sonnei* antigen comprised of the *S. sonnei* form I O-polysaccharide expressed from the *S. sonnei* rfb/rfc gene cluster is claimed. The inventors have shown that the claimed vaccine compositions showed one hundred percent (100%) protection against parenteral challenge with virulent *S. sonnei* in mice.

Potential Commercial Applications:

- Shigella/Typhoid vaccine for travelers, military
- Shigella/Typhoid vaccine for developing countries
- Shigella/Typhoid diagnostics

Competitive Advantages:

- Low cost of production
- Temperature stable formulation
- Safety/efficacy of Ty21a established in humans

Development Stage: In vivo data available (animal)

Inventors: Dennis J. Kopecko (FDA), De Qi Xu (NIDCR), John O. Cisar (NICHD)

Publication: Kopecko DJ, et al. Molecular cloning and characterization of genes for Shigella sonnei form I O polysaccharide: proposed biosynthetic pathway and stable expression in a live salmonella vaccine vector. Infect Immun. 2002 Aug;70(8):4414–23. [PMID: 12117952]

Intellectual Property: HHS Reference No. E–210–2001/0 –

- US Patent No. 7,541,043 issued 02 Jun 2009
- US Patent No. 8,071,084 issued 06 Dec 2011
- US Patent No. 8,337,832 issued 25 Dec 2012
- US Patent Application No. 13/686,299 filed 27 Nov 2012

Licensing Contact: Peter A. Soukas; 301–435–4646; *soukasp@mail/nih.gov*

Live Oral *Shigella dysenteriae* Vaccine

Description of Technology: This application claims a *Salmonella* typhi Ty21a construct comprising a *Shigella dysenteriae* O-specific polysaccharide (O-Ps) inserted into the *Salmonella* typhi Ty21a chromosome, where heterologous *Shigella dysenteriae* serotype 1 O-antigen is stably expressed together with homologous *Salmonella typhi* O-antigen. The constructs of this invention elicit immune protection against virulent *Shigella dysenteriae* challenge, as well as *Salmonella* typhi challenge. Also claimed in this application are methods of making the constructs of this invention and methods for inducing an immune response.

Shigella cause millions of cases of dysentery every year, which result in about seven hundred thousand deaths worldwide. *Shigella dysenteriae* serotype 1, one of about forty serotypes of *Shigella,* causes a more severe disease with a much higher mortality rate than other serotypes. There are no licensed vaccines available for protection against *Shigella.* The fact that many isolates exhibit multiple antibiotic resistance complicates the management of dysentery infections.

Potential Commercial Applications:

- One component of a multivalent anti-shigellosis vaccine under development.
- Shigella vaccines, therapeutics and diagnostics.

Competitive Advantages:

- Vector is well-characterized.
- Simple manufacturing process.
- Potential low-cost vaccine.
- Oral vaccine—avoids need for needles.
- Temperature-stable formulation allows for vaccine distribution without refrigeration.

Development Stage:

- In vitro data available
- In vivo data available (animal)

Inventors: Dennis J. Kopecko and De Qi Xu (FDA/CBER)

Publication: Xu DQ, et al. Core-linked LPS expression of Shigella dysenteriae serotype 1 O-antigen in live Salmonella typhi vaccine vector Ty21a: Preclinical evidence of immunogenicity and protection. Vaccine. 2007 Aug 14;25(33):6167–75. [PMID 17629369]

Intellectual Property: HHS Reference No. E–214–2004/0 -

- US Patent No. 8,071,113 issued 06 Dec 2011
- US Patent No. 8,337,831 issued 25 Dec 2012
- US Patent No. 8,790,635 issued 29 Jul 2014
- US Patent Application No. 14/145,104 filed 31 Dec 2013 (allowed)
- Various international patent applications pending

Licensing Contact: Peter A. Soukas; 301–435–4646; *soukasp@mail.nih.gov*

Oral Shigellosis Vaccine

Description of Technology: This application claims a *Salmonella* typhi Ty21a construct comprising a *Shigella sonnei* O-antigen biosynthetic gene region inserted into the *Salmonella* typhi Ty21a chromosome, where heterologous *Shigella sonnei* form 1 O-antigen is stably expressed together with homologous *Salmonella* typhi O-antigen. The constructs of this invention elicit immune protection against virulent *Shigella sonnei* challenge, as well as *Salmonella* Typhi challenge. Also claimed in this application are methods of recombineering a large antigenic gene region into a bacterial chromosome.

Bacillary dysentery and enteric fevers continue to be important causes of morbidity in both developed and developing nations. *Shigella* cause greater than one hundred and fifty million cases of dysentery and enteric fever occurs in greater than twenty-seven million people annually. Currently, there is no licensed vaccine to prevent the occurrence of *shigellosis.* Increasing multiple resistance in *Shigella* commonly thwarts local therapies.

Potential Commercial Applications:

- One component of a multivalent Shigellosis vaccine under development
- Research tool

Competitive Advantages:

- Low cost production
- Lower cost vaccine
- Oral vaccine—no needles required
- Temperature-stable manufacturing process—avoids need for refrigeration during vaccine distribution

Development Stage:

- In vitro data available
- In vivo data available (animal)

Inventors: Dennis J. Kopecko and Madushini N. Dharmasena (FDA/CBER)

Publication: Dharmasena MN, et al. Stable expression of Shigella sonnei form I O-polysaccharide genes recombineered into the chromosome of live Salmonella oral vaccine vector Ty21a. Int J Med Microbiol. 2013 Apr;303(3):105–13. [PMID 23474241]

Intellectual Property: HHS Reference No. E–168–2012/0 -

- US Provisional Application No. 61/701,939 filed 17 Sep 2012
- PCT Application No. PCT/US2013/059980 filed 16 Sep 2013, which published as WO 2014/043637 on 20 Mar 2014

Licensing Contact: Peter A. Soukas; 301–435–4646; *soukasp@mail.nih.gov*

Acid-Resistant, Attenuated Microbial Vector for Improved Oral Delivery of Multiple Targeted Antigens

Description of Technology: Ty21a, the licensed oral live, attenuated bacterial vaccine for *Salmonella* typhi (the causative agent of typhoid fever), has been engineered to stably express a variety of target LPS (lipopolysaccharides) and protein antigens to protect against shigellosis, anthrax, and plague. Ty21a induces mucosal, humoral, and cellular immunity and can be utilized as a multivalent vaccine vector that is inexpensive to produce. *Salmonella* species encode inducible acid tolerance, but this genus does not survive well below pH 4. *Shigella* and enterohemorrhagic *E. coli* isolates have more effective acid resistance systems than Salmonella and can survive an extreme acid challenge of pH 1–2 (the acidity of the human stomach when full).

This application claims an engineered Ty21a vector that can survive a very low pH for two to three hours (*i.e.,* normal transit time through a full stomach), allowing for a final delivery format for Ty21a as a rapidly dissolvable wafer, instead of the large bullet-size enteric-coated capsule, which small children cannot swallow. This formulation enhances the ability of the immunogenic composition and/or vaccine to stimulate immune responses sublingually and throughout the intestinal tract.

Potential Commercial Applications:

- Shigella vaccines
- Biodefense vaccines
- Diagnostics

Competitive Advantages:

- Ease of manufacture
- Inexpensive to manufacture
- Ease of administration
- Known live attenuated bacterial vector

Development Stage:

- In vitro data available
- In vivo data available (animal)

Inventors: Madushini N. Dharmasena and Dennis J. Kopecko (FDA/CBER)

Intellectual Property: HHS Reference No. E–535–2013/0 -

- US Provisional Application No. 61/862,815 filed 06 Aug 2013
- PCT Application No. PCT/US2014/049933 filed 06 Aug 2014

Licensing Contact: Peter A. Soukas; 301–435–4646; *soukasp@mail.nih.gov*

Attenuated Salmonella as a Delivery System for siRNA-Based Tumor Therapy

Description of Technology: This technology comprises live, attenuated *Salmonella* strains as a delivery system for small interfering double-stranded RNA (siRNA)-based tumor therapy. The inventors' data provide the first convincing evidence that *Salmonella* can be used for delivering plasmid-based siRNAs into tumors growing in vivo. Claimed in the related patent application are methods of inhibiting the growth or reducing the volume of solid cancer tumors using the si-RNA constructs directed against genes that promote tumor survival and cancer cell growth. The Stat3-siRNAs carried by an attenuated *S. typhimurium* described in the application exhibit tumor suppressive effects not only on the growth of the primary tumor but also on the development of metastases, suggesting that an appropriate attenuated *S. typhimurium* combined with the RNA interference (RNAi) approach may offer a clinically feasible method for cancer therapy.

Potential Commercial Applications:

- Development of live attenuated bacterial cancer vaccines, cancer therapeutics and diagnostics.
- Developing/developed world vaccine.

Competitive Advantages:

- Low cost of production
- Vaccine vector safety/efficacy in humans established

Development Status: In vivo data available (animal)

Inventors: Dennis J. Kopecko (FDA), De Qi Xu (FDA), Ling Zhang (Jilin University), Xuejian Zhao (Jilin University), Jiadi Hu (University of Maryland)

Publications:

1. Zhang L, et al. Intratumoral delivery and suppression of prostate tumor growth by attenuated Salmonella enterica serovar typhimurium carrying plasmid-based small interfering RNAs. Cancer Res. 2007 Jun 15;67(12):5859–64. [PMID 17575154]
2. Zhang L, et al. Effects of plasmid-based Stat3-specific short hairpin RNA and GRIM–19 on PC–3M tumor cell growth. Clin Cancer Res. 2008 Jan 15;14(2):559–68. [PMID 18223232]

Intellectual Property: HHS Reference No. E–278–2007/0 -

- PCT Application No. PCT/US2007/074272 filed 27 Jul 2007, which published as WO 2008/091375 on 31 Jul 2008
- U.S. Patent Application No. 12/374,916 filed 23 Jan 2009
- International Application No. 200610017045.5 filed in China 27 Jul 2006

Licensing Contact: Peter A. Soukas; 301–435–4616; *soukasp@mail.nih.gov*

DNA Promoters and Anthrax Vaccines

Description of Technology: Currently, the only licensed vaccine against anthrax in the United States is AVA BioThrax®, which, although efficacious, suffers from several limitations. This vaccine requires six injectable doses over 18 months to stimulate protective immunity, requires a cold chain for storage, and in many cases has been associated with adverse effects.

This application claims a modified *B. anthracis* protective antigen (PA) gene for optimal expression and stability, linked it to an inducible promoter for maximal expression in the host, and fused to the secretion signal of the *Escherichia coli* alpha-hemolysin protein (HlyA) on a low-copy-number plasmid. This plasmid was introduced into the licensed typhoid vaccine strain, *Salmonella enterica* serovar Typhi strain Ty21a, and was found to be genetically stable. Immunization of mice with three vaccine doses elicited a strong PA-specific serum immunoglobulin G response with a geometric mean titer of 30,000 (range, 5,800 to 157,000) and lethal-toxin-neutralizing titers greater than 16,000. Vaccinated mice demonstrated 100% protection against a lethal intranasal challenge with aerosolized spores of *B. anthracis* 7702.

Potential Commercial Applications: Anthrax vaccines, therapeutics and diagnostics.

Competitive Advantages:

- Vector is well-characterized.
- Simple manufacturing process.
- Potential low-cost vaccine.
- Oral vaccine—avoids needles and can be administered rapidly during emergencies.
- Temperature-stable manufacturing allows for vaccine distribution without refrigeration.

Development Stage:

- In vitro data available
- In vivo data available (animal)

Inventors: Dennis J. Kopecko, Siba Bhattacharyya, Milan Blake (all of FDA/CBER)

Publication: Osorio M, et al. Anthrax protective antigen delivered by Salmonella enterica serovar Typhi Ty21a protects mice from a lethal anthrax spore challenge. Infect Immun. 2009 Apr;77(4):1475–82. [PMID 19179420]

Intellectual Property: HHS Reference No. E–344–2003/1 -

- U.S. Patent No. 7,758,855 issued 20 Jul 2010
- U.S. Patent No. 8,247,225 issued 21 Aug 2012
- U.S. Patent No. 8,709,813 issued 29 Apr 2014
- U.S. Patent Application No. 14/185,353 filed 20 Feb 2014
- Various international patents issued

Licensing Contact: Peter A. Soukas; 301–435–4646; *soukasp@mail.nih.gov*

Typhoid-Plague Bivalent Vaccine

Description of Technology: *Yersinia pestis* (*Y. pestis*) bacteria is the causative agent of plague, typically transmitted from animals to humans by the bite of an infected flea. *Y. pestis* infection of the lungs leads to pneumonic plague, which is highly contagious and generally fatal. *Y. pestis* is a potential bioterrorist threat agent for which no vaccine yet exists.

This invention claims the generation and development of a candidate oral vaccine against plague. The vaccine consists of a synthetic gene construct that expresses a *Y. pestis* F1–V fusion antigen linked to a secretion signal, resulting in the production of large amounts of the F1–V antigen. The F1–V synthetic gene fusion is housed within Ty21a, an attenuated typhoid fever strain that is licensed for human use as a live oral bacterial vaccine. Ty21a serves as a carrier to deliver the F1–V fusion antigens of the plague bacteria; the combined F1–V fusion in the Ty21a carrier has been shown to stimulate a robust immune response in mice. The possibility of combining the oral plague vaccine of this invention with FDA's candidate oral anthrax vaccine exists and would result in an easy-to-administer oral delivery system to streamline administration of the vaccine to large numbers of recipients in emergency situations.

Potential Commercial Applications: Plague vaccines, therapeutics and diagnostics.

Competitive Advantages:

- Vector is well-characterized.
- Simple manufacturing process.
- Potential low-cost vaccine.

Development Stage:

- In vitro data available
- In vivo data available (animal)

Inventors: Dennis J. Kopecko, Manuel A. Osorio, Monica R. Foote (all of FDA/CBER)

Intellectual Property: HHS Reference No. E–105–2011/0 -

- U.S. Provisional Application No. 61/650,676 filed 23 May 2012

• PCT Application No. PCT/US2013/042240 filed 22 May 2013, which published as WO 2013/177291 on 28 Nov 2013

Related Technologies: HHS Reference No. E–344–2003/1-

• U.S. Patent No. 7,758,855 issued 20 Jul 2010

• U.S. Patent No. 8,247,225 issued 21 Aug 2012

• U.S. Patent No. 8,709,813 issued 29 Apr 2014

• U.S. Patent Application No. 14/185,353 filed 20 Feb 2014

• Various international patents issued

Licensing Contact: Peter A. Soukas; 301–435–4616; *soukasp@mail.nih.gov*

Dated: December 3, 2014.

Richard U. Rodriguez,

Acting Director, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2014–28748 Filed 12–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: AIDS and AIDS Related Research.

Date: December 15, 2014.

Time: 10:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jose H Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1137, *guerriej@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: December 15, 2014.

Time: 2:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary Clare Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165, *walkermc@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics in HIV/AIDS Behavioral Research.

Date: December 18, 2014.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mark P Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Pathologies in the Nervous System.

Date: December 18, 2014.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Peter B Guthrie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 3, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–28752 Filed 12–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed 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: Center for Scientific Review Special Emphasis Panel; Special Topic: Small Business Innovative Immunology Research.

Date: December 18, 2014.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Andrea Keane-Myers, BS, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, Bethesda, MD 20892, 301–435–1221, *andrea.keane-myers@nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 3, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–28747 Filed 12–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 Neurological Disorders and Stroke Special Emphasis Panel; Parkinson's Disease Biomarker Program.

Date: December 17, 2014.

Time: 2:30 p.m. to 5:00 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: Shanta Rajaram, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–435–6033, *rajarams@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: December 3, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–28753 Filed 12–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR Panel: Cancer Health Disparities/Diversity in Basic Cancer Research.

Date: December 8–9, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Rolf Jakobi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7806, Bethesda, MD 20892, 301–495–1718, *jakobir@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: AIDS and AIDS Related Research.

Date: December 9, 2014.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR Panel: Multidisciplinary Studies of HIV and Viral Hepatitis Co-Infection.

Date: December 10, 2014.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Shiv A. Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: AIDS and AIDS Related Applications.

Date: December 11, 2014.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Mary Clare Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165, *walkermc@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 3, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–28751 Filed 12–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Start-Up Exclusive Evaluation Option License Agreement: A3 Adenosine Receptor (A3AR) Agonists as an Orally-Administered Analgesic for Treatment of Chronic Neuropathic Pain

AGENCY: National Institutes of Health, HHS

ACTION: Notice

SUMMARY: This is notice, in accordance with 35 U.S.C. 209 and 37 CFR part 404, that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of a Start-Up Exclusive Evaluation Option License Agreement to BioIntervene, Inc., a company having a place of business in Saint Louis, Missouri to practice the inventions embodied in the following patent applications and patents:

1. U.S. Patent 8,735,407, issued May 27, 2014, titled ''Purine Derivatives As A3 Adenosine Receptor-Selective Agonists'' [HHS Ref. No. E–140–2008/0–US–06];

2. European Patent Application 09728154.7, filed March 24, 2009, titled ''Purine Derivatives As A3 Adenosine Receptor-Selective Agonists'' [HHS Ref. No. E–140–2008/0–EP–05];

3. Canadian Patent Application 2720037, filed March 24, 2009, titled ''Purine Derivatives As A3 Adenosine Receptor-Selective Agonists'' [HHS Ref. No. E–140–2008/0–CA–04];

4. Australian Patent 2009231978, issued February 20, 2014, titled ''Purine Derivatives As A3 Adenosine Receptor-Selective Agonists'' [HHS Ref. No. E–140–2008/0–AU–03];

5. U.S. Patent Application 13/371,081, filed February 10, 2012, titled ''A3 Adenosine Receptor Agonists And Antagonists'' [HHS Ref. No. E–140–2008/1–US–01];

6. U.S. Provisional Application 61/909,742, filed November 27, 2013, titled ''A3 Adenosine Receptor Agonists'' [HHS Ref. No. E–742–2013/0–US–01]; and

7. U.S. Provisional Application 62/033,723, filed August 6, 2014, titled ''A3 Adenosine Receptor Agonists'' [HHS Ref. No. E–210–2014/0–US–01].

The patent rights in these inventions either have been assigned to the Government of the United States of America, or have been granted exclusive rights to the Government of the United States of America. The territory of the prospective Start-up Exclusive Evaluation Option License Agreement may be worldwide, and the field of use may be limited to: ''The use of an A3 Adenosine Receptor (A3AR) agonist as an orally-administered analgesic, either as monotherapy or as an add-on analgesic, for treatment of chronic neuropathic pain conditions''.

Upon the expiration or termination of the Start-up Exclusive Evaluation Option License Agreement, BioIntervene will have the exclusive right to execute a Start-up Exclusive Patent License Agreement which will supersede and replace the Start-up Exclusive Evaluation Option License Agreement, with no greater field of use and territory than granted in the Start-up Exclusive Evaluation Option License Agreement.

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before December 24, 2014 will be considered.

ADDRESSES: Requests for copies of the patents, patent applications, inquiries, comments, and other materials relating to the contemplated Start-Up Exclusive Evaluation Option License Agreement should be directed to: Betty B. Tong, Ph.D., Senior Licensing and Patenting Manager, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 594–6565; Facsimile: (301) 402–0220; Email: *tongb@mail.nih.gov.* A signed confidentiality nondisclosure agreement will be required to receive copies of any patent applications that have not been published or issued by the United States Patent and Trademark Office or the World Intellectual Property Organization.

SUPPLEMENTARY INFORMATION: The subject inventions describe selective A3 Adenosine Receptor (A3AR) agonists, and their *in vivo* activity reducing or preventing development of chronic neuropathic pain in an animal model. The A3AR subtype was linked with helping protect the heart from ischemia, controlling inflammation, and regulating cell proliferation. The compounds claimed are consistently highly selective and have smaller molecular weight, thus can offer greater oral bioavailability. Hence, the subject inventions may provide a new treatment for chronic neuropathic pain.

The prospective Start-up Exclusive Evaluation Option License Agreement and a subsequent Start-up Exclusive Patent License Agreement may be granted unless the NIH receives written evidence and argument, within fifteen (15) days from the date of this published notice, that establishes that the grant of the contemplated Start-up Exclusive Evaluation Option License Agreement would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license in the prospective field of use that are filed in response to this notice will be treated as objections to the grant of the contemplated Start-Up Exclusive Evaluation Option License Agreement. Comments and objections submitted in response to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: December 3, 2014.

Richard U. Rodriguez,

Acting Director, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2014–28749 Filed 12–8–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0030]

Agency Information Collection Activities: Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act, Form I–612; Revision of a Currently Approved

ACTION: 30-Day Notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on September 10, 2014, at 79 FR 53720, allowing for a 60-day public comment period. USCIS did receive 1 comment in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until January 8, 2015. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806. All submissions received must include the agency name and the OMB Control Number 1615–0030.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION:

Comments:

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–612; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This information collection is necessary and may be submitted only by an alien who believes that compliance with foreign residence requirements would impose exceptional hardship on his or her spouse or child who is a citizen of the United States, or a lawful permanent resident; or that returning to the country of his or her nationality or last permanent residence would subject him or her to persecution on account of race, religion, or political opinion. Certain aliens admitted to the United States as exchange visitors are subject to the foreign residence requirements of section 212(e) of the Immigration and Nationality Act (the Act). Section 212(e) of the Act also provides for a waiver of the foreign residence requirements in certain instances.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–612 is 1,300 and the estimated hour burden per response is .333 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 433 hours.

If you need a copy of the information collection instrument with supplementary documents, or need additional information, please visit *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2134; Telephone 202–272–8377.

Dated: December 3, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–28781 Filed 12–8–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0063]

Agency Information Collection Activities: National Interest Waivers, Supplemental Evidence to I–140 and I–485, No Agency Form Number; Extension, Without Change, of a Currently Approved Collection

ACTION: 30-day Notice.

* * * * *

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on August 8, 2014, at 79 FR 46447, allowing for a 60-day public comment period. USCIS did not receive any comments in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until January 8, 2015. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806. All submissions received must include the agency name and the OMB Control Number 1615–0063.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION:

Comments

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* National Interest Waivers, Supplemental Evidence to I–140 and I–485.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* No Agency Form Number; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The supplemental documentation will be used by the U.S. Citizenship and Immigration Services to determine eligibility for national interest waiver requests for physicians and to finalize the request for adjustment to lawful permanent resident status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection is 8,000 and the estimated hour burden per response is 1 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 16,000 hours.

If you need a copy of the information collection instrument with supplementary documents, or need additional information, please visit *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2134; Telephone 202–272–8377.

Dated: December 3, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–28782 Filed 12–8–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0022]

Agency Information Collection Activities: Request To Enforce Affidavit of Financial Support and Intent To Petition for Custody for Public Law 97–359 Amerasian, Form I–363; Extension, Without Change, of a Currently Approved Collection

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on August 6, 2014, at 79 FR 45828, allowing for a 60-day public comment period. USCIS did receive 1 comment in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until January 8, 2015. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806. All submissions received must include the agency name and the OMB Control Number 1615–0022.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION:

Comments:

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Request to Enforce Affidavit of Financial Support and Intent to Petition for Custody for Public Law 97–359 Amerasian.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–363; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This form will be used to determine whether the Affidavit of Financial Support and Intent to Petition for Legal Custody for Public Law 97–359 Amerasian, Form I–361 (OMB Control Number 1615–0020), executed by the beneficiary's sponsor requires enforcement.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 50 respondents with an estimated hour burden per response of .5 hour.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden for this collection is 25 hours.

If you need a copy of the information collection instrument with supplementary documents, or need additional information, please visit *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2134; Telephone 202–272–8377.

Dated: December 3, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–28779 Filed 12–8–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0057]

Agency Information Collection Activities: Application of Certificate of Citizenship, Form N–600; Extension, Without Change, of a Currently Approved Collection

ACTION: 30-Day Notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for

review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on August 6, 2014, at 79 FR 45832, allowing for a 60-day public comment period. USCIS did not receive any comments in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until January 8, 2015. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* Comments may also be submitted via fax at (202) 395–5806. All submissions received must include the agency name and the OMB Control Number 1615–0057.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION:

Comments:

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application of Certificate of Citizenship.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N–600; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. USCIS uses the information on Form N–600 to make a determination that the citizenship eligibility requirements and conditions are met by the applicant so that a certificate of citizenship can be generated.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection N–600 is 57,000 and the estimated hour burden per response is 1.6 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 91,200 hours.

If you need a copy of the information collection instrument with supplementary documents, or need additional information, please visit *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2134; Telephone 202–272–8377.

Dated: December 3, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–28785 Filed 12–8–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0087]

Agency Information Collection Activities: Application for Citizenship and Issuance of Certificate Under Section 322, Form N–600K; Extension, Without Change, of a Currently Approved Collection

ACTION: 60-Day Notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until February 9, 2015.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0087 in the subject box, the agency name and Docket ID USCIS–2007–0019. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *www.regulations.gov* under e-Docket ID number USCIS–2007–0019;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

SUPPLEMENTARY INFORMATION:

Comments

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider

limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Citizenship and Issuance of Certificate under Section 322.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N–600K; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This form provides an organized framework for establishing the authenticity of an applicant's eligibility and is essential for providing prompt, consistent and correct processing of such applications for citizenship under section 322 of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection N–600K is 3,242 and the estimated hour burden per response is 2 hours and 5 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 6,753 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $397,145.

If you need a copy of the information collection instrument with instructions, or additional information, please visit the Federal eRulemaking Portal site at: *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

Dated: December 3, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–28780 Filed 12–8–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0111]

Agency Information Collection Activities: Arrival and Departure Record (Forms I–94 and I–94W) and Electronic System for Travel Authorization

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; extension and revision of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security (DHS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: CBP Form I–94 (Arrival/Departure Record), CBP Form I–94W (Nonimmigrant Visa Waiver Arrival/Departure), and the Electronic System for Travel Authorization (ESTA). CBP is proposing that this information collection be extended with a change to the burden hours and a revision 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 February 9, 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 (Public Law 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs, and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Arrival and Departure Record, Nonimmigrant Visa Waiver Arrival/Departure, and Electronic System for Travel Authorization (ESTA).

OMB Number: 1651–0111.

Form Numbers: I–94 and I–94W.

Abstract:

Background

CBP Forms I–94 (Arrival/Departure Record) and I–94W (Nonimmigrant Visa Waiver Arrival/Departure Record) are used to document a traveler's admission into the United States. These forms are filled out by aliens and are used to collect information on citizenship, residency, and contact information. The data elements collected on these forms enable the DHS to perform its mission related to the screening of alien visitors for potential risks to national security, and the determination of admissibility to the United States. The Electronic System for Travel Authorization (ESTA) applies to aliens traveling to the United States under the Visa Waiver Program (VWP) and requires that VWP travelers provide information electronically to CBP before embarking on travel to the United States. Travelers who are entering under the VWP in the air or sea environment, and who have a travel authorization obtained through ESTA, are not required to complete the paper Form I–94W.

Pursuant to an interim final rule published on March 27, 2013 in the **Federal Register** (78 FR 18457) related to Form I–94, CBP has partially automated the Form I–94 process. CBP now gathers data previously collected on the paper Form I–94 from existing automated sources in lieu of requiring passengers arriving by air or sea to submit a paper I–94 upon arrival. Passengers can access and print their electronic I–94 via the Web site at *www.cbp.gov/I94.*

ESTA can be accessed at *http://www.cbp.gov/xp/cgov/travel/id_visa/esta/*. Samples of CBP Forms I–94 and I–94W can be viewed at: *http://www.cbp.gov/document/forms/form-i-94-arrivaldeparture-record* and http://www.cbp.gov/document/forms/form-i-94w-visa-waiver-arrivaldeparture-record.

Recent and Proposed Changes

In response to the increasing concerns regarding national security, DHS used the emergency Paperwork Reduction Act process to strengthen the security of the VWP by adding data elements to ESTA and to Form I–94W. DHS determined that the addition of these new data elements improves the Department's ability to screen prospective VWP travelers while more accurately and effectively identifying those who pose a security risk to the United States and facilitates adjudication of ESTA applications.

The following data elements are either new elements that were approved in the emergency PRA submission or data elements that were collected previously that were changed from ''optional'' to ''mandatory'' on the ESTA application:

1	Other Names or Aliases	Mandatory.
2	Other Country of Citizenship	Mandatory.
3	If yes, passport number on additional citizenship passport	Optional
4	Home Address	Mandatory.
5	Parents	Mandatory.
6	Current or Previous Job Title	Optional
7	Current or Previous Employer Name	Mandatory.
8	Current or Previous Employer Address	Mandatory.
9	Current or Previous Employer Telephone number	Optional
10	Primary Email	Mandatory—was optional.
11	Primary Telephone Number	Mandatory—was optional.
12	U.S. Point of Contact Name	Mandatory.
13	U.S. Point of Contact Address	Mandatory.
14	U.S. Point of Contact Email	Mandatory.
15	U.S. Point of Contact Phone	Mandatory.
16	City of Birth	Mandatory.
17	National Identification Number	Mandatory.
18	Emergency Point of Contact Information Name	Mandatory.
19	Emergency Point of Contact Information Email	Mandatory.
20	Emergency Point of Contact Information Phone	Mandatory.
22	Do you have a current or previous employer?	Mandatory.
21	Is your travel to the U.S. occurring in transit to another country?	Mandatory.

For the following ''mandatory'' fields ESTA applicants are permitted to enter ''unknown,'' if they do not have or know the information, without impeding the submission of their ESTA application: City of Birth, Parents, National Identification Number, Emergency Contact Information, U.S. Point of Contact information, and Employer Address.

Pursuant to 42 U.S.C. 264(b) and Executive Order 13295, as amended on July 31, 2014, CBP proposes to revise the question on quarantinable communicable diseases as follows:

Currently Approved Question

Do you have a physical or mental disorder; or are you a drug abuser or addict; or currently have any of the following diseases:

- Chancroid
- Gonorrhea
- Granuloma inguinale
- Leprosy, infectious
- Lymphogranuloma venereum
- Syphilis, infectious
- Active Tuberculosis

Proposed New Question

Do you have a physical or mental disorder; or are you a drug abuser or addict; or do you currently have any of the following diseases (communicable diseases are specified pursuant to section 361(b) of the Public Health Service Act):

- Cholera
- Diphtheria
- Tuberculosis, infectious
- Plague
- Smallpox
- Yellow Fever
- Viral Hemorrhagic Fevers, including Ebola, Lassa, Marburg, Crimean-Congo
- Severe acute respiratory illnesses capable of transmission to other persons and likely to cause mortality.

Current Actions: This submission is being made to extend the expiration date with a change to the burden hours based on updated estimates of the numbers of respondents. Specifically, the number of respondents for the I–94 Web site was decreased by 1,188,899 from 5,047,681 to 3,858,782; the number of respondents for the ESTA burden was increased by 870,000 from 22,090,000 to 22,960,000; and the number of respondents paying the ESTA fee was increased by 707,000 from 18,183,000 to 18,890,000.

There is a change to the questions on ESTA and on Form I–94W as described in the Abstract section of this document. There are no changes to the information collected on Form I–94, or the I–94 Web site.

Type of Review: Extension (with change).

Affected Public: Individuals, Carriers, and the Travel and Tourism Industry.

Form I–94 (Arrival and Departure Record):

Estimated Number of Respondents: 4,387,550.

Estimated Time per Response: 8 minutes.

Estimated Burden Hours: 583,544.

Estimated Annual Cost to Public: $26,325,300.

I–94 Web site:

Estimated Number of Respondents: 3,858,782.

Estimated Time per Response: 4 minutes.

Estimated Annual Burden Hours: 254,679.

Form I–94W (Nonimmigrant Visa Waiver Arrival/Departure):

Estimated Number of Respondents: 941,291.

Estimated Time per Response: 13 minutes.

Estimated Annual Burden Hours: 204,260.

Estimated Annual Cost to the Public: $5,647,746.

Electronic System for Travel Authorization (ESTA):

Estimated Number of Respondents: 22,960,000.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 7,645,680.

Estimated Annual Cost to the Public: $264,460,000.

Dated: December 3, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–28775 Filed 12–8–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0105]

Agency Information Collection Activities: Application To Use the Automated Commercial Environment (ACE)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security

ACTION: 60-Day notice and request for comments; extension and revision 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: Application to Use the Automated Commercial Environment (ACE). CBP is proposing that this information collection be extended with a change to the burden hours resulting from the addition of a new application for exporters to establish an ACE Portal account. There are no proposed changes to the existing ACE Portal application for imported merchandise. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before February 9, 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 (Public Law 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: Application to Use the Automated Commercial Environment (ACE).

OMB Number: 1651–0105.

Abstract: The Automated Commercial Environment (ACE) is a trade processing system that will eventually replace the Automated Commercial System (ACS), the current import system for U.S. Customs and Border Protection (CBP) operations. ACE is authorized by Executive Order 13659 which mandates implementation of a Single Window for trade. *See* 79 FR 10655 (February 25, 2014). ACE supports government agencies and the trade community with border-related missions with respect to moving goods across the border efficiently and securely. Once ACE is fully implemented, all related CBP trade functions and the trade community will be supported from a single common user interface.

Currently, ACE is used for imported merchandise by brokers, carriers, sureties, service providers, facility operators, foreign trade zone operators, cart men and lighter men. In order to establish an ACE Portal account, participants submit information such as their name, their employer identification number (EIN) or social security number, and if applicable, a statement certifying their capability to connect to the Internet. This information is submitted through the ACE Secure Data Portal which is accessible at: *http://www.cbp.gov/trade/automated*.

CBP is proposing to add export functionality to the system which will allow participation from the exporter community. Trade members wishing to establish an exporter account will need to submit the following data elements:

1. Account Type
   a. ACE Portal Account User ID (if applicable)
   b. USPPI (yes/no)
   c. Authorized Agent (yes/no)
   d. Freight Forwarder (yes/no)
   FMC License No (if applicable)
2. Company Information
   a. EIN
   b. DUNS
   c. Company Name
   d. Company Address
3. ACE Export Account Owner Information
   a. Name
   b. Date of Birth
   c. Telephone Number
   d. Fax Number
   e. Email
   f. Account Owner address if different from Company Address

4. Filing Notification Point of Contact
   a. Name
   b. Phone Number
   c. Email

Current Actions: CBP is proposing that this information collection be extended with a change to the burden hours resulting from the addition of a new application for exporters to establish an ACE Portal account. There are no proposed changes to the existing ACE Portal application for imported merchandise.

Type of Review: Extension (with change).

Affected Public: Businesses.

Application to ACE (Import)

Estimated Number of Respondents: 21,000.

Estimated Number of Total Annual Responses: 21,000.

Estimated Time per Response: .33 hours.

Estimated Total Annual Burden Hours: 6,930.

Application to ACE (Export)

Estimated Number of Respondents: 9,000.

Estimated Number of Total Annual Responses: 9,000.

Estimated Time per Response: .066 hours.

Estimated Total Annual Burden Hours: 594.

Dated: December 3, 2014.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2014–28778 Filed 12–8–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Change in Policy on the Publication of Customs Broker License and Permit Cancellations

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General Notice.

SUMMARY: This document announces U.S. Customs and Border Protection's (CBP's) plan to discontinue publication in the **Federal Register** of the cancellation of individual and corporate customs broker licenses and permits under section 111.51 of title 19 of the Code of Federal Regulations. A current list of active customs brokers is maintained on CBP's Web site: *www.cbp.gov.*

FOR FURTHER INFORMATION CONTACT: Maranda Sorrells, U.S. Customs and Border Protection, Office of International Trade, Commercial Targeting and Enforcement, at 202–863–6218 or *brokermanagement@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION: Customs broker license and permit cancellations fall under § 111.51 of title 19 of the Code of Federal Regulations (19 CFR 111.51) and are voluntarily requested by the customs broker in the event that the broker no longer wants to or cannot conduct customs business. Requests for cancellation of a license or permit are directed to the Port Director of the port through which the license was issued. The Port Director forwards the broker's written request for cancellation of a license or permit to the Broker Management Branch in the Office of International Trade, requesting that it be canceled. Most often, CBP receives the license cancellation request because the customs broker has retired or the business has dissolved. CBP receives permit cancellation requests when a customs broker has ceased operations in a particular district or has determined that a certain permit is no longer necessary for their business operations. Historically, CBP has published notice in the **Federal Register** when a customs broker's license or permit has been cancelled. Publication in the **Federal Register** is not required by statute or regulation, but rather has been provided by CBP as courtesy notice to the public. See section 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1641), and section 111.51 of title 19 of the Code of Federal Regulations (19 CFR 111.51).

Given the ease of access to current information available online and with consideration for the most efficient use of CBP customs broker management resources, CBP will no longer publish notice of customs broker license or permit cancellations pursuant to 19 CFR 111.51 in the **Federal Register**. Alternatively, CBP will maintain an active customs brokers list at *www.cbp.gov* as a resource for the public to verify active brokers. When a customs broker submits a license or permit cancellation request to the Port Director of the port through which the license was issued, the request is forwarded to the Broker Management Branch in the Office of International Trade at CBP. The Office of International Trade will then acknowledge the receipt of the cancellation request and provide the customs broker with an appropriate CBP point of contact. The confirmation letter will also be copied to the port through which the customs broker's license was issued.

While CBP will no longer publish specific notice in the **Federal Register** reporting customs broker licenses and permits that have been cancelled under 19 CFR 111.51, CBP will continue to publish **Federal Register** notices for customs broker licenses that have been suspended or revoked pursuant to 19 CFR 111.30, 111.45 and 111.74. CBP maintains an active customs brokers list at *www.cbp.gov* to provide notice to the public of all active customs broker licenses.

Dated: December 4, 2014.

Brenda Smith,

Assistant Commissioner, Office of International Trade.

[FR Doc. 2014–28858 Filed 12–8–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX15 RN00EAA0100]

Agency Information Collection Activities: Request for Comments

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of extension of a currently approved information collection, (1028–0100).

SUMMARY: We (the U.S. Geological Survey) will ask Office of Management and Budget (OMB) the information collection request (ICR) described below. The extension includes no changes to forms or instructions. To comply with the Paperwork Reduction Act of 1995 (PRA) and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this ICR. This collection is scheduled to expire on December 31, 2014.

DATES: To ensure that your comments on this ICR are considered, we must receive them on or before January 8, 2015.

ADDRESSES: Please submit written comments on this information collection directly to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, via email: (*OIRA_SUBMISSION@omb.eop.gov*); or by fax (202) 395–5806; and identify your submission with 'OMB Control Number 1028–0100 Did you see it? Report a

Landslide'. Please also forward a copy of your comments and suggestions on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive MS 807, Reston, VA 20192 (mail); (703) 648–7195 (fax); or *gs-info_collections@usgs.gov* (email). Please reference 'OMB Information Collection 1028–0100: Did you see it? Report a Landslide' in all correspondence.

FOR FURTHER INFORMATION CONTACT: Rex Baum, Geologic Hazards Science Center, U.S. Geological Survey, Box 25046, Mail Stop 966, Denver, CO 80225 (mail); 303–273–8610 (phone); or *baum@usgs.gov* (email). You may also find information about this ICR at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The objective of this collection is to build better inventories of landslides through citizen participation. This project will make it possible for the public to report their observations of landslides on a USGS-hosted Web site. The information gathered through the on-line database will be used to classify the landslides and damage, as well as provide information to scientists about the location, time, speed, and size of the landslides. The USGS Landslide Hazards Program has developed an interactive Web site for public reporting of landslides.

II. Data

OMB Control Number: 1028–0100.

Form Number: http://landslides.usgs.gov/dysi/form.php.

Title: Did you see it? Report a Landslide.

Type of Request: Extension of a currently approved information collection.

Respondent Obligation: None. Participation is voluntary.

Frequency of Collection: On occasion, after a landslide.

Description of Respondents: General Public.

Estimated Total Number of Annual Responses: 2000.

Estimated Time per Response: We estimate that it will take 5 minutes per person to report landslide location, time, damage and description using the online form.

Estimated Annual Burden Hours: 167 hours.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: There are no ''non-hour cost'' burdens associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. Until the OMB approves a collection of information, you are not obliged to respond.

Comments: On August 26, 2014, we published a **Federal Register** notice (79 FR 50939) announcing that we would submit this ICR to OMB for approval and soliciting comments. The comment period closed on October 27, 2014. We received no comments.

III. Request for Comments

We again invite comments concerning this ICR as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) how to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment, including your personally identifiable information, may be made publicly available at any time. While you can ask the OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Peter Lyttle,

Coordinator, National Cooperative Geologic Mapping Program.

[FR Doc. 2014–28754 Filed 12–8–14; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A2100DD.AADD001000. A0E501010.999900]

Renewal of Agency Information Collection for the Bureau of Indian Education Adult Education Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Education (BIE) is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information for the Bureau of Indian Education Adult Education Program authorized by OMB Control Number 1076–0120. This information collection expires February 28, 2015.

DATES: Submit comments on or before February 9, 2015.

ADDRESSES: You may submit comments on the information collection to Ms. Juanita Mendoza, Program Analyst, Bureau of Indian Education, U.S. Department of the Interior, 1951 Constitution Avenue NW., MS 312, Washington, DC 20240; or email to: *Juanita.Mendoza@bie.edu.*

FOR FURTHER INFORMATION CONTACT: Ms. Juanita Mendoza, telephone: (202) 208–3559.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Bureau of Indian Education (BIE) is seeking renewal of the approval for the information collection conducted under 25 CFR part 46 to manage program resources and for fiscal accountability and appropriate direct services documentation. Approval for this collection expires on February 28, 2015. This information includes an annual report form. No changes are being made to the approved burden hours and forms for this information collection.

II. Request for Comments

The BIE requests your comments on this collection concerning: (a) The necessity of this information collection 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 (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. 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.

III. Data

OMB Control Number: 1076–0120.

Title: Bureau of Indian Education Adult Education Program Annual Report Form.

Brief Description of Collection: Submission of this information allows BIE to manage program resources, for fiscal accountability and appropriate direct services documentation, and to prioritize programs. The information helps manage the resources available to provide education opportunities for adult Indians and Alaska Natives to complete high school graduation requirements and gain new skills and knowledge for self-enhancement. Response is required to obtain a benefit.

Type of Review: Extension without change of currently approved collection.

Respondents: Individuals (Tribal Adult Education Program Administrators).

Number of Respondents: 70 per year, on average.

Total Number of Responses: 70 per year, on average.

Frequency of Response: Once per year.

Estimated Time per Response: 4 hours.

Estimated Total Annual Hour Burden: 280 hours.

Estimated Total Annual Non-Hour Dollar Cost: $200.

Dated: December 3, 2014.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2014–28787 Filed 12–8–14; 8:45 am]

BILLING CODE 4310–6W–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOF00000 L16600000.PN0000]

Notice of Rio Grande Natural Area Commission Meeting Reschedule

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting reschedule.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), notice is hereby given that the U.S. Department of the Interior, Bureau of Land Management (BLM) Rio Grande Natural Area Commission meeting scheduled for December 12, 2014, has been rescheduled to take place on January 22, 2015. Notice of the original meeting appeared in the **Federal Register** on November 07, 2014.

DATES: The canceled meeting was scheduled for December 12, 2014, from 10 a.m. to 3:30 p.m. The rescheduled meeting will take place on January 22, 2015, from 10 a.m. to 3:30 p.m.

ADDRESSES: Rio Grande Water Conservation District Offices, 10900 E. U.S. Highway 160, Alamosa, CO 81101.

FOR FURTHER INFORMATION CONTACT: Kyle Sullivan, Public Affairs Specialist, Royal Gorge Field Office, 3028 E Main Street, Cañon City, CO. Phone: (719)-269–8553. Email: *ksullivan@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Rio Grande Natural Area Commission was established in the Rio Grande Natural Area Act (16 U.S.C. 460rrr–2). The nine-member commission advises the Secretary of the Interior, through the BLM, concerning the preparation and implementation of a management plan for non-Federal land in the Rio Grande Natural Area, as directed by law. Planned agenda topics for the meeting include finalizing the draft management plan, conducting public outreach for the plan and discussing property boundaries with the Rio Grande Natural Area. The public may offer oral comments at 10:15 a.m. or written statements, which may be submitted for the commission's consideration. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Summary minutes for the meeting will be maintained in the San Luis Valley Field Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting. Meeting minutes and agendas are also available at: *www.blm.gov/co/st/en/fo/slvfo.html*.

Ruth Welch,

BLM Colorado State Director.

[FR Doc. 2014–28797 Filed 12–8–14; 8:45 am]

BILLING CODE 4310–JB–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–919]

Certain Archery Products and Related Marketing Materials; Issuance of a Limited Exclusion Order Against the Respondent Found in Default; Termination of the Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a limited exclusion order against certain archery products and related marketing materials of Ningbo Topoint Outdoor Sports Co., Ltd. (''Ningbo Topoint''). The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 16, 2014, based on a complaint filed by Bear Archery, Inc. and SOP Services, Inc. (''Complainants''), 79 FR 34356. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain archery

products and related marketing materials by reason of infringement of certain claims of U.S. Patent No. RE38,096 (''the '096 patent''); U.S. Patent No. 6,978,775 (''the '775 patent''); U.S. Trademark Registration No. 2,501,255 (''the '255 mark''); and U.S. Trademark Registration No. 3,312,392 (''the '392 mark''). *Id.* The complaint further alleges the existence of a domestic industry. *Id.* The Commission's notice of investigation named Ningbo Topoint as the only respondent, and indicated that the Office of Unfair Import Investigations is participating in this investigation. *Id.*

On September 2, 2014, the ALJ ordered Ningbo Topoint to show cause why it should not be found in default. *See* Order No. 10. No response to Order No. 10 was filed. On September 16, 2014, the ALJ issued an initial determination finding Ningbo Topoint in default under Commission Rule 210.16(a)(1) (19 CFR 210.16(a)(1)). *See* Order No. 11. On October 16, 2014, the Commission determined not to review the initial determination.

The Commission requested briefing from the parties and the public on the issues of remedy, the public interest, and bonding. The Commission received responsive submissions from Complainants and the Commission Investigative Attorney (''IA'') on October 30, 2014, and a reply submission from the IA on November 6, 2014. The submissions agreed that the appropriate remedy is the entry of a limited exclusion order against Ningbo Topoint, that the public interest factors do not weigh against granting such a limited exclusion order, and that bonding should be set at 100 percent of the entered value of the infringing products.

The Commission finds that the statutory requirements of section 337(g)(1) (19 U.S.C. 1337(g)(1)) and Commission Rule 210.16(a)(1) (19 CFR 210.16(a)(1)) are met with respect to Ningbo Topoint. Accordingly, pursuant to section 337(g)(1) (19 U.S.C. 1337(g)(1)) and Commission Rule 210.16(c) (19 CFR 210.16(c)), the Commission presumes the facts alleged in the complaint to be true and finds that Ningbo Topoint is in violation of section 337.

The Commission has determined that the appropriate form of relief in this investigation is a limited exclusion order prohibiting the unlicensed entry of archery products and related marketing materials that are manufactured abroad by or on behalf of, or imported by or on behalf of, Ningbo Topoint that infringe one or more of claims 1–3, 6–12, and 15–38 of the '096 patent and claims 1–3, 16–22, 24–26, 29, 31, and 32 of the '775 patent, or infringe the '255 or '392 marks. The Commission has further determined that the public interest factors enumerated in section 337(g)(1) (19 U.S.C. 1337(g)(1)) do not preclude the issuance of the limited exclusion order. Finally, the Commission has determined that the bond for importation during the period of Presidential review shall be in the amount of 100 percent of the entered value of the imported subject articles of Ningbo Topoint. The Commission's order was delivered to the President and the United States Trade Representative on the day of its issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Dated: December 3, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–28765 Filed 12–8–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–509 and 731–TA–1244 (Final)]

1,1,1,2-Tetrafluoroethane From China

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to sections 705(b) and 735(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) and (19 U.S.C. 1673d(b)) (''the Act''), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports of 1,1,1,2-Tetrafluoroethane from China, provided for in subheading 2903.39.20 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'') and subsidized by the government of China.[2]

[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] Commissioners Irving A. Williamson and Rhonda K. Schmidtlein dissenting.

Background

The Commission instituted these investigations effective October 22, 2013, following receipt of a petition filed with the Commission and Commerce by Mexichem Fluor Inc., St. Gabriel, LA. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of 1,1,1,2-Tetrafluoroethane from China were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 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** on June 24, 2014 (79 FR 35795). The hearing was held in Washington, DC on October 15, 2014, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on December 3, 2014. The views of the Commission are contained in USITC Publication 4503 (December 2014), entitled *1,1,1,2-Tetrafluoroethane from China: Investigation Nos. 701–TA–509 and 731–TA–1244 (Final).*

By order of the Commission.

Issued: December 4, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–28790 Filed 12–8–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0045]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension With Change, of a Previously Approved Collection FD–1000 Customer Satisfaction Assessment

AGENCY: Bureau of Investigation, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), FBI Laboratory, Federal Bureau of Investigation, 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 of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until February 9, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Steven W. Perry, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (phone: 202–307–0777).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* FBI Laboratory Customer Satisfaction Assessment

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is FD–1000. The applicable component within the Department of Justice is the Federal Bureau of Investigation, Laboratory Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* This information collection is an assessment of the FBI Laboratory services by law enforcement agencies (federal, state, and local) that submit evidence for examination. The information collected is used by FBI Laboratory management to evaluate the quality of the forensic services provided to law enforcement. Additionally, the FBI Laboratory is accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) under the ASCLD/LAB-*International* Accreditation Program. A requirement for maintaining accreditation is for the FBI Laboratory to seek feedback, both positive and negative, from its customers. This feedback is evaluated to improve the services of the FBI Laboratory. The information gathered in the FD–1000 will meet this requirement.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 3000 respondents will complete the assessment with an estimated range of burden for respondents to be 5 minutes for completion.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 250 hours. It is estimated that respondents will take 5 minutes to complete the assessment. The burden hours for collecting respondent data sum to 250 hours (3000 respondents × 5 minutes = 250 hours).

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: December 4, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–28784 Filed 12–8–14; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *ABB Inc.* v. *United States,* Civil Action No. 3:13-cv-01265–CSH, was lodged with the United States District Court for the District of Connecticut on December 1, 2014.

This proposed Consent Decree concerns a complaint filed by ABB Inc. against the United States, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–75, in connection with alleged releases of or threatened releases of hazardous substances at a facility located at 2000 Day Hill Road, in Windsor, Connecticut, owned by Combustion Engineering. The proposed Consent Decree resolves these allegations, as well as potential claims by the United States Army Corps of Engineers that could have been brought against ABB if the matter had not settled. The proposed Consent Decree provides for the United States to pay ABB $31,044,520 as soon as reasonably practicable after the Effective Date of the Consent Decree. It also provides for ABB to pay the United States $3,148,322 within seventy five (75) days after the Effective Date of the Consent Decree.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Kate Bowers, Trial Attorney, United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044 and refer to *ABB Inc.* v. *United States,* DJ #90–11–6–19963.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Connecticut, 450 Main Street, Hartford, CT 06103. In addition, the proposed Consent Decree may be examined electronically at *http://www.justice.gov/enrd/Consent_Decrees.html.*

Cherie L. Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2014–28735 Filed 12–8–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Advisory Council on Employee Welfare and Pension Benefit Plans: Notice of Charter Renewal

In accordance with section 512(a)(1) of the Employee Retirement Income Security Act of 1974 (ERISA) and the provisions of the Federal Advisory Committee Act and its implementing regulations issued by the General Services Administration (GSA), the

charter for the Advisory Council on Employee Welfare and Pension Benefit Plans is renewed.

The Advisory Council on Employee Welfare and Pension Benefit Plans shall advise the Secretary of Labor on technical aspects of the provisions of ERISA and shall provide reports and/or recommendations each year on its findings to the Secretary of Labor. The Council shall be composed of fifteen members appointed by the Secretary. Not more than eight members of the Council shall be of the same political party. Three of the members shall be representatives of employee organizations (at least one of whom shall be a representative of any organization members of which are participants in a multiemployer plan); three of the members shall be representatives of employers (at least one of whom shall be a representative of employers maintaining or contributing to multiemployer plans); three members shall be representatives appointed from the general public (one of whom shall be a person representing those receiving benefits from a pension plan); and there shall be one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, investment management, and accounting.

The Advisory Council will report to the Secretary of Labor. It will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act, and its charter will be filed under the Act. For further information, contact Larry I. Good, Executive Secretary, Advisory Council on Employee Welfare and Pension Benefit Plans, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, telephone (202) 693–8668.

Signed at Washington, DC this 3rd day of December, 2014.

Phyllis C. Borzi,

Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. 2014–28728 Filed 12–8–14; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act; Native American Employment and Training Council, Meeting

AGENCY: Employment and Training Administration, U. S. Department of Labor.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10 (a)(2) of the Federal Advisory Committee Act (FACA) (Public Law 92–463), as amended, and Section 166 (h)(4) of the Workforce Investment Act (WIA) [29 U.S.C. 2911(h)(4)], notice is hereby given of the next meeting of the Native American Employment and Training Council (Council), as constituted under WIA. Despite our efforts to get this meeting notice published at least fifteen days before the first day of the meeting, we were unable to do so. The meeting notice was published in the **Federal Register** on December 5, 2014, and information about this meeting has been disseminated through the Employment and Training Administration's Web site and list serves.

DATES: The meeting will begin at 9:00 a.m. (Eastern Standard Time) on Wednesday, December 17, 2014, and continue until 5:00 p.m., that day. The meeting will reconvene at 9:00 a.m. on Thursday, December 18, 2014, and adjourn at 5:00 p.m., that day. The period from 3:30 p.m. to 5:30 p.m., on December 17, 2014, will be reserved for participation and comment by members of the public.

ADDRESSES: The meeting will be held at the Bureau of Labor Statistics, Postal Square Building, 2 Massachusetts Ave. NE., Washington DC 20212 in the conference center, Rooms 7 and 8.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Members of the public not present may submit a written statement on or before December 10, 2014, to be included in the record of the meeting. Statements are to be submitted to Ms. Athena R. Brown, Designated Federal Officer (DFO), U.S. Department of Labor, 200 Constitution Avenue NW., Room S–4209, Washington, DC 20210. Persons who need special accommodations should contact Mr. Craig Lewis at (202) 693–3384, at least two business days before the meeting. The formal agenda will focus on the following topics: (1) U.S. Department of Labor, Employment and Training Administration Update and the Workforce Innovation and Opportunity Act of 2014; (2) Training and Technical Assistance; (3) Council and Workgroup Updates and Recommendations; (4) New Business and Next Steps; and (5) Public Comment.

FOR FURTHER INFORMATION CONTACT: Ms. Athena R. Brown, DFO, Division of Indian and Native American Programs, Employment and Training Administration, U.S. Department of Labor, Room S–4209, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number (202) 693–3737 (VOICE) (this is not a toll-free number).

Portia Wu,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2014–28925 Filed 12–5–14; 4:15 pm]

BILLING CODE 4501–FR–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antartic 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 23, 2014 the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on December 3, 2014 to:

Dr. Ari Friedlaender Permit No. 2015–011

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–28794 Filed 12–8–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–027 and 52–028; NRC–2008–0441]

Virgil C. Summer Nuclear Station, Units 2 and 3; South Carolina Electric & Gas Company; Turbine Building Battery Room and Electrical Changes

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and issuing License Amendment No. 19

to Combined Licenses (COL), NPF–93 and NPF–94. The COLs were issued to South Carolina Electric & Gas Company (SCE&G), and South Carolina Public Service Authority (the licensee), for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS), Units 2 and 3 located in Fairfield County, South Carolina. The amendment consists of changes to (1) increase Non Class 1E dc and uninterruptible power supply (UPS) System (EDS) total equipment capacity, component ratings, and protective device sizing to support increased load demand, (2) relocate equipment and moving Turbine Building (TB) first bay EDS Battery Room and Charger Room. The floor elevation increases from elevation 148′–0″ to elevation 148′–10″ to accommodate associated equipment cabling with this activity, and (3) remove the Class 1E Class 1E dc and UPS System (IDS) Battery Back-up tie to the Non-Class 1E EDS Battery. The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

DATES: December 9, 2014.

ADDRESSES: Please refer to Docket ID NRC–2008–0441 when contacting the NRC about the availability of information regarding this document. You may obtain information related to this document, which the NRC possesses and is publicly-available, using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0441. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the 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 document (if that document is available in ADAMS) is provided the first time that a document is referenced. The request for the amendment and exemption was submitted by the letter dated October 2, 2013 (ADAMS Accession No. ML13283A166). The licensee supplemented this request by letter dated February 28, 2014 (ADAMS Accession No. ML14059A226).
- 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: Denise McGovern, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0681; email: *Denise.Mcgovern@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, Appendix D, Section III.B, ''Design Certification Rule for the AP1000 Design, Scope, and Contents and issuing License Amendment No. 19 to COLs, NPF–93 and NPF–94, to the licensee. The exemption is required by Paragraph B.6.c of Section VIII, ''Processes for Changes and Departures,'' Appendix D to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought changes to the Updated Final Safety Analysis Report (UFSAR) Tier 1 and Appendix C to the COL.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and 52.63(b)(1). The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML14260A017.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VCSNS Units 2 and 3 (COLs NPF–93 and NPF–94). These documents can be found in ADAMS under Accession Nos. ML14260A012 and ML14260A014, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–93 and NPF–94 are available in ADAMS under Accession Nos. ML14260A007 and ML14260A008, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VCSNS, Units 2 and 3. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated October 2, 2013 and supplemented by the letter dated February 28, 2014, South Carolina Electric & Gas Company (licensee) requested from the Nuclear Regulatory Commission (Commission) an exemption from the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, Appendix D, Section III.B, ''Design Certification Rule for the AP1000 Design, Scope, and Contents,'' as part of license amendment request (LAR) 13–14, ''Turbine Building Battery Room and Electrical Changes.''

For the reasons set forth in Section 3.1 of the NRC staff Safety Evaluation, which can be found in ADAMS under Accession No. ML14260A017, the Commission finds that:

A. the exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption to the provisions of 10 CFR part 52, Appendix D, Section III.B, to allow deviations from the certified Design Control Document (DCD) Tier 1 Tables 2.6.2–1, 2.6.2–2, 2.6.3–1, and 2.6.3–4 and Figure 2.6.2–1, as described in the licensee's request dated October 2, 2013 and supplemented by letter dated February 28, 2014. This exemption is related to, and necessary for the granting of License Amendment No. 19, which is being issued concurrently with this exemption.

3. As explained in Section 5 of the NRC staff Safety Evaluation (ADAMS Accession Number ML14260A017), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of October 24, 2014.

III. License Amendment Request

The request for the amendment and exemption was submitted by the letter dated October 2, 2013. The licensee supplemented this request by letter dated February 28, 2014. The proposed license amendment request revises Tables 2.6.2–1, 2.6.2–2, 2.6.3–1, and 2.6.3–4 and Figure 2.6.2–1 of Appendix C of the Facility Combined License of Appendix C to the COLs.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on November 26, 2013 (78 FR 70589). No comments were received during the 60-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on October 2, 2013, and supplemented by letter dated February 28, 2014. The exemption and amendment were issued on October 24, 2014 as part of a combined package to the licensee (ADAMS Accession No. ML14260A004).

Dated at Rockville, Maryland, this 2nd day of December 2014.

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Senior Project Manager, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2014–28867 Filed 12–8–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0260]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from November 13, 2014 to November 26, 2014. The last biweekly notice was published on November 25, 2014.

DATES: Comments must be filed by January 8, 2015. A request for a hearing must be filed by February 9, 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–2014–0260. 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: Mable Henderson, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–3760, email: *mable.henderson@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0260 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–2014–0260.
- 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–2014–0260 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 that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS.

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 submissions into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission'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. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. 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 period provided that its final determination is that 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.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission'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, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. 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/*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall 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 petition should 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 petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to 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.

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.

B. 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.

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).

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Entergy Nuclear Vermont Yankee, LLC., and Entergy Nuclear Operations, Inc., Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: June 12, 2014. A publicly-available version is in ADAMS under Accession No. ML14168A302.

Description of amendment request: The proposed amendment would revise the site emergency plan (SEP) and Emergency Action Level (EAL) scheme to reflect the reduced scope of offsite and onsite emergency planning and the significantly reduced spectrum of credible accidents that can occur for the permanently defueled condition.

Basis for proposed no significant hazards consideration determination: 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 proposed changes to the emergency plan and EAL scheme do not impact the function of plant structures, systems, or components (SSCs). The proposed changes do not affect accident initiators or precursors, nor does it alter design assumptions. The proposed changes do not prevent the ability of the on-shift staff and emergency response organization (ERO) to perform their intended functions to mitigate the consequences of any accident or event that will be credible in the permanently defueled condition.

The probability of occurrence of previously evaluated accidents is not increased, since most previously analyzed accidents can no longer occur and the probability of the few remaining credible accidents are unaffected by the proposed amendment.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

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 changes reduce the scope of the emergency plan and EAL scheme commensurate with the hazards associated with a permanently shutdown and defueled facility. The proposed changes do not involve installation of new equipment or modification of existing equipment, so that no new equipment failure modes are introduced. Also, the proposed changes do not result in a change to the way that the equipment or facility is operated so that no new or different kinds of accident initiators are created.

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.

Margin of safety is associated with confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed changes are associated with the emergency plan and EAL scheme and do not impact operation of the plant or its response to transients or accidents. The change does not affect the Technical Specifications. The proposed changes do not involve a change in the method of plant operation, and no accident analyses will be affected by the proposed changes. Safety analysis acceptance criteria are not affected by the proposed changes. The revised SEP will continue to provide the necessary response staff with the proposed changes.

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 amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Jeanne Cho, Assistant General Counsel, Entergy Nuclear Operations, Inc., 400 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: Douglas A. Broaddus.

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3 (WF3), St. Charles Parish, Louisiana

Date of amendment request: August 28, 2014. A publicly-available version is in ADAMS under Accession No. ML14241A305.

Description of amendment request: The amendment would revise the 10-year frequency of the Type A or Integrated Leak Rate Test (ILRT) that is required by Technical Specification (TS) 6.15, ''Containment Leakage Rate Testing Program,'' to be extended to 15 years on a permanent basis.

Basis for proposed no significant hazards consideration determination: 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 change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment involves changes to the WF3 Containment Leakage Rate Testing Program. The proposed amendment does not involve a physical change to the plant or a change in the manner in which the plant is operated or controlled. The primary reactor building function is to provide an essentially leak tight barrier against the uncontrolled release of radioactivity to the environment for postulated accidents. As such, the reactor building itself and the testing requirements to periodically demonstrate the integrity of the reactor building exist to ensure the plant's ability to mitigate the consequences of an accident, and do not involve any accident precursors or initiators. Therefore, the probability of occurrence of an accident previously evaluated is not significantly increased by the proposed amendment.

The integrity of the reactor building is subject to two (2) types of failure mechanisms which can be categorized as (1) activity based and (2) time based. Activity based failure mechanisms are defined as degradation due to system and/or component modifications or maintenance. Local leak rate test requirements and administrative controls such as configuration management and procedural requirements for system restoration ensure that the reactor building containment integrity is not degraded by plant modifications or maintenance activities. The design and construction requirements of the reactor building itself combined with the reactor building inspections performed in accordance with ASME [American Society for Mechanical Engineers *Boiler and Pressure Vessel Code*], Section XI, the Maintenance Rule and regulatory commitments serve to provide a high degree of assurance that the containment will not degrade in a manner that is detectable only by a Type A test. Based on the above, the proposed amendment does not involve a significant increase in the consequences of an accident previously evaluate.

The proposed amendment adopts the NRC-accepted guidelines of [Nuclear Energy Institute (NEI) 94–01, Revision 2–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J,'' October 2008 (ADAMS Accession No. ML100620847)] for development of the WF3 performance-based testing program. Implementation of these guidelines continues to provide adequate assurance that during design basis accidents, the primary containment and its components will limit leakage rates to less than values assumed in the plant safety analyses. The potential consequences of extending the ILRT interval to fifteen (15) years have been evaluated by analyzing the resulting changes in risk. The increase in risk in terms of person-rem per year within fifty (50) miles resulting from design basis accidents was estimated to be acceptably small and determined to be within the guidelines published in RG [Regulatory Guide] 1.174. Additionally, the proposed change maintains defense-in-depth by preserving a reasonable balance among prevention of core damage, prevention of containment failure, and consequence mitigation. WF3 has determined that the increase in Conditional Containment Failure Probability due to the proposed change would be very small. Therefore, it is

concluded that the proposed amendment does not significantly increase the consequences of an accident previously evaluated.

Based on the above discussion, it is concluded that the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment adopts the NRC-accepted guidelines of NEI 94–01, Revision 2–A, for the development of the WF3 performance-based leakage testing program, and establishes a fifteen (15) year interval for the performance of the reactor building ILRT. The reactor building and the testing requirements to periodically demonstrate the integrity of the reactor building exist to ensure the plant's ability to mitigate the consequences of an accident, and do not involve any accident precursors or initiators. The proposed change does not involve a physical change to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the manner in which the plant is operated or controlled.

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 change involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment adopts the NRC-accepted guidelines of NEI 94–01, Revision 2–A, for the development of the WF3 performance-based leakage testing program, and establishes a fifteen (15) year interval for the performance of the containment ILRT. This amendment does not alter the manner in which safety limits, limiting safety system set points, or limiting conditions for operation are determined. The specific requirements and conditions of the Reactor Building Leakage Rate Testing Program, as defined in the TS, ensure that the degree of the reactor building structural integrity and leak-tightness that is considered in the plant's safety analysis is maintained. The overall reactor building leakage rate limit specified by the TS is maintained, and the Type A, Type B, and Type C containment leakage tests will be performed at the frequencies established in accordance with the NRC-accepted guidelines of NEI 94–01, Revision 2–A.

Containment inspections performed in accordance with other plant programs serve to provide a high degree of assurance that the containment will not degrade in a manner that is not detectable by an ILRT. A risk assessment using the current WF3 risk model concluded that extending the ILRT test interval from ten (10) years to fifteen (15) years results in a very small change to the WF3 risk profile.

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 amendment request involves no significant hazards consideration.

Attorney for licensee: Joseph A. Aluise, Associate General Council—Nuclear, Entergy Services, Inc., 639 Loyola Avenue, New Orleans, Louisiana 70113.

NRC Branch Chief: Douglas A. Broaddus.

Exelon Generation Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, (TMI–1) Dauphin County, Pennsylvania

Date of amendment request: October 30, 2014. A publicly-available version is in ADAMS under Accession No. ML14304A083.

Description of amendment request: The amendment would change the TMI–1 technical specifications (TSs). Specifically, the proposed amendment would modify the TS Table 3.1.6.1, ''Pressure Isolation Check Valves between the Primary Coolant System & LPIS [Low Pressure Injection System],'' maximum allowable leakage limits.

Basis for proposed no significant hazards consideration determination: 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, along with NRC edits in square brackets:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes will not alter the way any structure, system, or component (SSC) functions, and will not alter the manner in which the plant is operated. In addition, the proposed amendment will not impact the ability of any SSC to mitigate an accident as currently evaluated in the UFSAR [Updated Final Safety Analysis Report].

This proposed change deletes certain Reactor Coolant System Pressure Isolation Valve (RCS PIV) allowable leakage surveillance testing criteria in consideration of the safety significance and design capabilities of the plant and current industry testing and maintenance practices. The proposed change is consistent with Improved Standard Technical Specification (ITS) NUREG 1430, ['']Standard Technical Specifications, Babcock and Wilcox Plants,'' Revision 4, and current RCS PIV leak testing practices. The maximum allowable leakage rate of 5 gpm [gallons per minute] remains unchanged; only the leakage testing incremental testing acceptance criteria below the 5 gpm limit is being deleted. Since the testing frequency and maximum allowable leakage remains unchanged, the probability or consequence of an interfacing system loss-of-coolant accident (ISLOCA) is unaffected. There are no changes to the [American Society of Mechanical Engineers] ASME [Operation and Maintenance] OM Code leakage testing requirements and methods for this class of valves. Additionally, two typographical errors and one clerical error are being corrected which are administrative in nature.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

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 revision is not a result of changes to plant equipment, system design, or operating practices. The modified [limiting condition of operation] LCO requirement will allow some relaxation of the leak testing method acceptance criteria for the RCS PIVs, consistent with NUREG–1430. Since the functions of the associated systems will continue to perform without change, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated. Further, the proposed changes do not introduce any new failure modes. Additionally, two typographical errors and one clerical error are being corrected which are administrative in nature.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed revision to the RCS PIV leakage testing acceptance criteria will not result in changes to system design or setpoints that are intended to ensure timely identification of plant conditions that could be precursors to accidents or potential degradation of accident mitigation systems. Since testing frequency and maximum allowable leakage for the RCS PIVs remain unchanged, the margin associated with the identification of RCS PIV degradation is not significantly reduced. The confidence in the ability of the fission product barriers (fuel cladding, RCS boundary, containment) to limit the level of radiation dose to the public remains the same. Additionally, two typographical errors and one clerical error are being corrected which are administrative in nature.

Since the setpoints and design features that support the margin of safety are unchanged, and actions for inoperable systems continue to provide appropriate time limits and compensatory measures, the proposed changes will not significantly reduce the margin of safety.

Therefore, the proposed changes do 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 amendment request involves no significant hazards consideration.

Attorney for licensee: J. Bradley Fewell, Esquire, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Meena Khanna.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Units 1 and 2, San Luis Obispo County, California

Date of amendment request: November 25, 2013. A publicly-available version is in ADAMS under Accession No. ML13330A557.

Description of amendment request: The proposed amendments would revise the Technical Specifications (TSs) to permit the use of Risk-Informed Completion Times (CTs) in accordance with Technical Specification Task Force (TSTF) traveler, TSTF–505, Revision 1, ''Provide Risk-Informed Extended Completion Times—RITSTF [Risked-Informed TSTF] Initiative 4b.'' The proposed amendment would, in part, modify selected Required Actions to permit extending the CTs in accordance with a new TS-required risk-informed completion time (RICT) program. The availability of the model safety evaluation for TSTF–505 was published by the NRC staff in the **Federal Register** on March 15, 2012 (77 FR 15399,) for referencing in license amendment applications.

Basis for proposed no significant hazards consideration determination: 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 change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change permits the extension of CTs provided the associated risk is assessed and managed in accordance with the NRC[-]approved Risk Informed Completion Time (RICT) Program. The proposed change does not involve a significant increase in the probability of an accident previously evaluated because the change involves no change to the plant or its modes of operation. The proposed change does not increase the consequences of an accident [previously evaluated] because the design basis mitigation function of the affected systems is not changed and the consequences of an accident during the extended CT are no different from those during the existing CT.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility [of a] different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not change the design, configuration, or method of operation of the plant. The proposed change does not involve a physical alteration of the plant (no new or different kind of equipment will be installed).

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change permit[s] the extension of CTs provided risk is assessed and managed in accordance with the NRC[-]approved RICT Program. The proposed change implements a risk-informed configuration management program to assure that adequate margins of safety are maintained. Application of these new specifications and the configuration management program considers cumulative effects of multiple systems or components being out of service and does so more effectively than the current TS.

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 requested amendment involve no significant hazards consideration.

Attorney for licensee: Jennifer Post, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

NRC Branch Chief: Michael T. Markley.

South Carolina Electric and Gas Company Docket Nos.: 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: September 11, 2014. A publicly-available version is in ADAMS under Accession No. ML14254A371.

Description of amendment request: The proposed changes would revise the Combined Licenses by clarifying the position on design diversity, specifically human diversity, as related to the Component Interface Module (CIM) and Diverse Actuation System (DAS) design.

Basis for proposed no significant hazards consideration determination: 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 amendment proposes changes to licensing basis documents to clarify the position on the human diversity aspects of design diversity as related to the Component Interface Module (CIM) and Diverse Actuation System (DAS) design processes. A review confirmed that the clarified position on human diversity would not change the CIM or DAS design. The requested changes to information presented in the Tier 2* and Tier 2 supporting documentation clarify the level of human diversity applied. The change continues to comply with the regulatory guidance in NUREG/CR–6303 regarding credible defenses against a postulated Common Cause Failure (CCF) of the Plant Monitoring and Safety System. The proposed change does not affect the plant itself. The change does not affect prevention and mitigation of abnormal events, *e.g.,* accidents, anticipated operational occurrences, earthquakes, floods and turbine missiles, or their safety or design analyses. No safety-related structure, system, or component (SSC) or function is adversely affected. The change does not involve nor interface with any SSC accident initiator or initiating sequence of events, and thus, the probabilities of the accidents evaluated in the Updated Final Safety Analysis Report (UFSAR) are not affected. This activity will not allow for a new fission product release path, nor will it result in a new fission product barrier failure mode, nor create a new sequence of events that would result in significant fuel cladding failures. Because the proposed changes do not change any safety-related SSC or function credited in the mitigation of an accident, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

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 changes clarify the position on human diversity and show that the CIM/DAS diversity meets the regulatory guidance in NUREG/CR–6303. The clarified descriptions do not affect the plant itself. Therefore, the proposed changes do not affect any safety-related equipment itself, nor do they affect equipment whose failure could initiate an accident or a failure of a fission product barrier. No analysis is adversely affected by the proposed changes. No system or design function or equipment qualification would be adversely affected by the proposed changes. Furthermore, the proposed changes do not result in a new failure mode, malfunction, or sequence of events that could affect safety or safety-related equipment.

Therefore, the proposed amendment does not create the possibility of a new or different

kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes to information presented in referenced licensing basis documents clarify the position regarding human diversity and do not affect the plant itself. The proposed changes do not adversely affect the design, construction, or operation of any plant SSCs, including any equipment whose failure could initiate an accident or a failure of a fission product barrier. No analysis is adversely affected by the proposed changes. Furthermore, no system function, design function, or equipment qualification will be adversely affected by the changes.

Therefore, the proposed amendment 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 amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC 20004–2514.

NRC Branch Chief: Lawrence J. Burkhart.

South Carolina Electric and Gas Company Docket Nos.: 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: October 23, 2014. A publicly-available version is in ADAMS under Accession No. ML14296A758.

Description of amendment request: The proposed changes would revise the Combined Licenses (COLs) changing the description and scope of the Initial Test Program. Because, this proposed change requires a departure from Tier 1 information in the Westinghouse Advanced Passive 1000 Design Control Document (DCD), the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1).

Basis for proposed no significant hazards consideration determination: 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 proposed amendment is related to the conduct of the Initial Test Program. The proposed changes are made in compliance with the applicable regulatory guides, are only related to the general aspects of how the program is executed and do not change any technical content for preoperational or startup tests. No changes are made to any design aspect of the plant.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

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 is related to the conduct of the Initial Test Program. The proposed changes are made in compliance with the applicable regulatory guides, are only related to the general aspects of how the program is executed and do not change any technical content for preoperational or startup tests. These changes do not affect the design or analyzed operation of any system.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment is related to the conduct of the Initial Test Program. The proposed changes are made in compliance with the applicable regulatory guides, are only related to the general aspects of how the program is executed and do not change any technical content for preoperational or startup tests. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, thus no margin of safety is reduced.

Therefore, the proposed amendment 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 amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC 20004–2514.

NRC Branch Chief: Lawrence J. Burkhart.

Southern Nuclear Operating Company, Inc. Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Units 3 and 4, Burke County, Georgia

Date of amendment request: October 16, 2014. A publicly-available version is in ADAMS under Accession No. ML14290A139.

Description of amendment request: The proposed change would amend Combined License Nos. NPF–91 and NPF–92 for the VEGP, Units 3 and 4. The requested amendment proposes changes to revise the VEGP Updated Final Safety Analysis Report (UFSAR), involving Tier 1 and associated Tier 2 departures to add or delete piping line numbers of existing piping lines, or updating the functional capability classification of existing process flow lines.

Because this proposed change requires a departure from Tier 1 information in the Westinghouse Advanced Passive 1000 design control document (DCD), the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1).

Basis for proposed no significant hazards consideration determination: 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 COL Appendix C Tables and corresponding plant-specific Tier 1 Tables proposed changes involve updating piping line name/number or functional capability requirements. These changes do not affect any system design function. Adding or updating information for existing ASME Section III piping does not involve (*i.e.,* cannot affect) any accident initiating event or component failure, thus, the probabilities of the accidents previously evaluated are not affected. The maximum allowable leakage rate specified in the Technical Specifications is unchanged and radiological material release source terms are not affected, thus, the radiological releases in the accident analyses are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The COL Appendix C Tables and corresponding plant-specific Tier 1 Tables proposed changes to update piping line name/number or functional capability requirements do not adversely affect the design or quality of any structure, system, or component. Adding or updating ASME Section III piping line information for existing process piping lines to a licensing table does not create a new fault or sequence of events that could result in a radioactive material release.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The COL Appendix C Tables and corresponding plant-specific Tier 1 Tables proposed changes involve updating piping line name/number or functional capability requirements information for new/existing process piping lines. Adding or updating the ASME Section III piping line name/number or functional capability requirements in the tables would not affect any radioactive material barrier. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, thus, no margin of safety is reduced.

Therefore, the proposed amendment 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 amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Lawrence J. Burkhart.

III. Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit 1, Washington County, Nebraska

Date of amendment request: November 7, 2014. A publicly-available version is in ADAMS under Accession No. ML14311A158.

Brief description of amendment request: The proposed amendment revises 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.

*Date of publication of individual notice in **Federal Register:*** November 17, 2014 (79 FR 68487).

Expiration date of individual notice: December 17, 2014 (public comments); January 17, 2015 (hearing requests).

IV. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit 1, Pope County, Arkansas

Date of amendment request: January 28, 2013, as supplemented by letter dated August 28, 2013.

Brief description of amendment: The amendment revised Technical Specification (TS) requirements related to direct current (DC) electrical systems as specified in TS Limiting Condition for Operation (LCO) 3.8.4, ''DC Sources—Operating,'' LCO 3.8.5, ''DC Sources—Shutdown,'' and LCO 3.8.6, ''Battery Parameters.'' A new ''Battery Monitoring and Maintenance Program'' is now required under TS Section 5.5, ''Administrative Controls—Programs and Manuals.'' These changes are consistent with the NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF–500, Revision 2, ''DC Electrical Rewrite—Update to TSTF–360.'' The availability of this TS improvement was announced in the **Federal Register** on September 1, 2011 (76 FR 54510).

Date of issuance: November 24, 2014.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 250. A publicly-available version is in ADAMS under Accession No. ML14254A133; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–51: Amendment revised the Technical Specifications/license.

*Date of initial notice in **Federal Register:*** April 30, 2013 (78 FR 25313). The supplemental letter dated August 28, 2013, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 24, 2014.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–373, LaSalle County Station (LSCS), Unit 1, LaSalle County, Illinois

Date of amendment request: December 20, 2013, as supplemented by letters dated February 26, 2014, September 11, 2014 (2 letters), and October 14, 2014.

Brief description of amendment: The amendment revised the LSCS, Unit 1, pressure and temperature curves, Figures 3.4.11–1 through 3.4.11–3, in Technical Specification 3.4.11, ''RCS [Reactor Coolant System] Pressure and Temperature (P/T) Limits.''

Date of issuance: November 25, 2014.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 210. A publicly-available version is in ADAMS under Accession No. ML14288A151; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–11: Amendment revised the Facility Operating License and Technical Specifications.

*Date of initial notice in **Federal Register:*** August 5, 2014 (79 FR 45490). The supplemental letters dated September 11, 2014 (2 letters) and October 14, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 25, 2014.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan

Date of amendment request: November 6, 2013, supplemented by letters dated June 13, 2014, and August 15, 2014.

Brief description of amendments: The amendments revised the Technical Specification 3.6.13, Divider Barrier Integrity, Surveillance Requirement 3.6.13.5 for the divider barrier seal inspection for the Donald C. Cook Nuclear Plant, Units 1 and 2.

Date of issuance: November 20, 2014.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: 324 for Unit 1 and 307 for Unit 2.

Renewed Facility Operating License Nos. DPR–58 and DPR–74: The amendments revise the Facility Operating Licenses and Technical Specifications.

*Date of initial notice in **Federal Register:*** February 19, 2014 (79 FR 9496). The supplemental letters dated June 13, 2014, and August 15, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 20, 2014.

No significant hazards consideration comments received: No.

Northern States Power Company—Minnesota, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: March 11, 2013, as supplemented by letter dated July 3, 2014.

Brief description of amendment: The amendment changes the reactor steam dome pressure value specified in technical specification (TS) 2.1.1, ''Reactor Core SLs [Safety Limits],'' from 785 pounds per square inch gauge (psig) to 686 psig. This change resolves a 10 CFR part 21, ''Reporting of Defects and Noncompliance,'' condition concerning a potential to momentarily violate the safety limit specified in TS 2.1.1.1 during a pressure regulator failure maximum demand (open) transient.

Date of issuance: November 25, 2014.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment No.: 185. A publicly-available version is in ADAMS under Accession No. ML14281A318; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–22: This amendment revises the Renewed Facility Operating License and the Technical Specifications.

*Date of initial notice in **Federal Register:*** June 11, 2013 (78 FR 35064). The supplemental letter dated July 3, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register.**

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 25, 2014.

No significant hazards consideration comments received: No.

Northern States Power Company—Minnesota, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of amendment request: May 23, 2013, as supplemented by letter dated March 25, June 26, and October 20, 2014.

Brief description of amendment: The amendments revised Technical Specification (TS) 5.6.5, ''Core Operating Limits Report (COLR),'' to reference and allow use of Westinghouse report WCAP–16045–P–A, ''Qualification of the Two-Dimensional Transport Code PARAGON'' and WCAP–16045–P–A, Addendum 1–A, ''Qualification of the NEXUS Nuclear Data Methodology,'' to determine core operating limits.

Date of issuance: November 19, 2014.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: Unit 1–211; Unit 2–199. A publicly-available version is in ADAMS under Accession No. ML14296A666; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–42, and DPR–60: These amendments revised the Renewed Facility Operating License and the Technical Specifications.

*Date of initial notice in **Federal Register:*** August 20, 2013 (78 FR 51229). The supplements dated March 25, June 26, and October 20, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register.**

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 19, 2014.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Units 3 and 4, Burke County, Georgia

Date of amendment request: July 2, 2013, and revised by letters dated February 14, and June 20, 2014, and supplemented by letters dated August 28 and October 14, 2014.

Brief description of amendment: The amendment revises the design of connections between reinforced concrete and steel plate concrete composite construction included in the VEGP, Units 3 and 4 updated Final Safety Analysis Report (UFSAR) and changes to the Technical Report, ''APP–GW–GLR–602, AP1000 Shield Building Design Details for Select Wall and RC/SC Connections,'' (prepared by Westinghouse Electric Company and reviewed by the NRC as part of the design certification rule). This Technical Report is incorporated by reference in the VEGP, Units 3 and 4 UFSAR.

Date of issuance: November 21, 2014.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 26. A publicly-available version is in ADAMS under Accession No. ML14322A275; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Combined Licenses No. NPF–91 and NPF–92: Amendment revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register:*** September 3, 2013 (78 FR 54287).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 21, 2014.

No significant hazards consideration comments received: No.

Facility Combined Licenses No. NPF–91 and NPF–92: Amendment revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register:*** September 3, 2013 (78 FR 54287).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 21, 2014.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 1st day of December 2014.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–28704 Filed 12–8–14; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2015–13 and CP2015–16; Order No. 2269]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail Contract 102 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 10, 2014.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 102 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2015–13 and CP2015–16 to consider the Request pertaining to the proposed Priority Mail Contract 102 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than December 10, 2014. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Kenneth R. Moeller to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2015–13 and CP2015–16 to consider the matters raised in each docket.
2. Pursuant to 39 U.S.C. 505, Kenneth R. Moeller is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).
3. Comments are due no later than December 10, 2014.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2014–28744 Filed 12–8–14; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* December 9, 2014.

[1] Request of the United States Postal Service to Add Priority Mail Contract 102 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, December 2, 2014 (Request).

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 2, 2014, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 102 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2015–13, CP2015–16.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2014–28737 Filed 12–8–14; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* December 9, 2014.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 2, 2014, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Express Contract 21 to Competitive Product List.* Documents are available at *www.prc.gov*, Docket Nos. MC2015–14, CP2015–17.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2014–28740 Filed 12–8–14; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, December 11, 2014 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Litigation matter; and

Other matters relating to enforcement proceedings.

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: December 4, 2014.

Brent J. Fields,

Secretary.

[FR Doc. 2014–28872 Filed 12–5–14; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73726; File No. SR–OCC–2014–809]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of an Advance Notice Concerning the Implementation of a Committed Master Repurchase Agreement Program as Part of OCC's Overall Liquidity Plan

December 3, 2014.

Pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act'') [1] and Rule 19b–4(n)(1)(i) under the Securities Exchange Act of 1934 [2] notice is hereby given that on November 4, 2014, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the advance notice as described in Items I and II below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the advance notice from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Advance Notice

This advance notice is filed by OCC in connection with a proposed change to its operations in the form of implementing a committed master repurchase agreement program, as part of OCC's overall liquidity plan.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Advance Notice

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the advance notice and discussed any comments it received on the advance notice. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A) and (B) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement on Comments on the Advance Notice Received From Members, Participants or Others

Written comments on the advance notice were not and are not intended to be solicited with respect to the advance notice and none have been received.

(B) Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing and Settlement Supervision Act

Description of Change

This advance notice is being filed in connection with a proposed change to OCC's operations through which OCC would implement a committed master repurchase agreement program, as discussed below, to access an additional committed source of liquidity to meet its settlement obligations.

Background

OCC has been working with a lending agent and an interested institutional investor to develop a program that would allow OCC to access an additional committed source of liquidity that does not increase the concentration of OCC's counterparty exposure, given existing affiliations between a number of commercial banking institutions and OCC's clearing members. The program would take the form of OCC's implementing a committed master repurchase agreement and related

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

confirmations (together, the ''Master Repurchase Agreement'') with one or more non-bank, non-clearing member institutional investors and their agents.[3]

OCC would conduct a due diligence review with respect to each counterparty before entering into a master repurchase arrangement with it. Because the appropriate due diligence activities and financial criteria will vary for each type of counterparty and for each individual counterparty, OCC would determine on a case-by-case basis the specific due diligence criteria it would implement. However, as the principal purpose of these activities would be to obtain assurance that each counterparty has the financial ability to satisfy its obligations under the program, the review would encompass an assessment of the counterparty's financial statements (including external auditor reports thereon) and, as applicable, ratings and/or investment reports. As part of the due diligence process, OCC would identify key criteria relative to monitoring the financial stability of the counterparty on a going forward basis.

Although the Master Repurchase Agreement would be based on the standard form of master repurchase agreement[4] so that it will be more familiar to potential institutional investors, OCC would require the Master Repurchase Agreement to contain certain additional provisions tailored to ensure a reduction in concentration risk, certainty of funding, and operational effectiveness, as described in more detail below. OCC believes that these provisions are necessary and appropriate to integrate the program into its operations and in order to promote safety and soundness consistent with OCC's systemic responsibilities. The terms and conditions applicable to the Master Repurchase Agreement are set forth in the Summary of Indicative Terms attached to this filing as Exhibit 3.

The program would be part of OCC's overall liquidity plan, which is meant to provide OCC with access to a diverse set of sources for liquidity, which includes committed credit facilities, securities lending and securities repurchase arrangements, and clearing member funding requirements that, under certain conditions, allow OCC to obtain funds from clearing members.[5]

The Proposed Program: Standard Repurchase Agreement Terms

The Master Repurchase Agreement would generally be structured like a typical repurchase arrangement, in order to help OCC attract interest from potential institutional investors willing to be a counterparty to OCC. Under the Master Repurchase Agreement, the buyer (*i.e.*, the institutional investor) would purchase from OCC from time to time United States government securities (''Eligible Securities'').[6] OCC, as the seller, would transfer Eligible Securities to the buyer in exchange for a payment by the buyer to OCC in immediately available funds (the ''Purchase Price''). The buyer would simultaneously agree to transfer the purchased securities back to OCC at a specified later date or on OCC's demand (the ''Repurchase Date'') against the transfer of funds by OCC to the buyer in an amount equal to the outstanding Purchase Price plus the accrued and unpaid price differential (together, the ''Repurchase Price''), which is the interest component of the Repurchase Price.

At all times while a transaction is outstanding, OCC would be required to maintain a specified amount of securities or cash margin with the buyer.[7] The market value of the securities supporting each transaction would be determined daily, typically based on a price obtained from a generally recognized pricing source. If the market value of the purchased securities is determined to have fallen below OCC's required margin, OCC would be required to transfer to the buyer sufficient cash or additional securities reasonably acceptable to the buyer so that OCC's margin requirement is satisfied.[8] If the market value of the purchased securities is determined to have risen to above OCC's required margin, OCC would be permitted to require the return of excess purchased securities from the buyer.

As in a typical master repurchase agreement, an event of default would occur with respect to the buyer if the buyer failed to purchase securities on a Purchase Date, failed to transfer purchased securities on any applicable Repurchase Date, or failed to transfer any interest, dividends or distributions on purchased securities to OCC within a specified period after receiving notice of such failure. An event of default would occur with respect to OCC if OCC failed to transfer purchased securities on a Purchase Date or failed to repurchase purchased securities on an applicable Repurchase Date. The Master Repurchase Agreement would also provide for standard events of default for either party, including a party's failure to maintain required margin or an insolvency event with respect to the party.

Upon the occurrence of an event of default, the non-defaulting party, at its option, would have the right to accelerate the Repurchase Date of all outstanding transactions between the defaulting party and the non-defaulting party, among other rights. For example, if OCC were the defaulting party with respect to a transaction and the buyer chose to terminate the transaction, OCC would be required to immediately transfer the Repurchase Price to the buyer. If the buyer were the defaulting party with respect to a transaction and OCC chose to terminate the transaction, the buyer would be required to deliver all purchased securities to OCC. If OCC or the buyer did not timely perform, the non-defaulting party would be permitted to buy or sell, or deem itself to have bought or sold, securities as needed to be made whole and the defaulting party would be required to pay the costs related to any covering transactions. Additionally, if OCC was required to obtain replacement securities as a result of an event of default, the buyer would be required to pay the excess of the price paid by OCC to obtain replacement securities over the Repurchase Price.

[3] The agents for the institutional investors would be responsible for handling administrative aspects of the program on behalf of the investors.

[4] The standard form master repurchase agreement is published by the Securities Industry and Financial Markets Association (''SIFMA'') and is commonly used in the repurchase market by institutional investors.

[5] *See, e.g.*, Securities Exchange Act Release No. 72752 (August 4, 2014), 79 FR 46490 (August 8, 2014) (SR–OCC–2014–17), Securities Exchange Act Release No. 71549 (February 12, 2014), 79 FR 03574 (February 19, 2014) (SR–OCC–2014–801) and Securities Exchange Act Release No. 73257 (September 30, 2014), 79 FR 23698 (October 3, 2014) (SR–OCC–2014–806).

[6] OCC would use U.S. government securities that are included in clearing fund contributions by clearing members and margin deposits of any clearing member that has been suspended by OCC for the repurchase arrangements. Article VIII, Section 5(e) of OCC's By-Laws and OCC Rule 1104(b) authorize OCC to obtain funds from third parties through securities repurchases using these sources. The officers who may exercise this authority include the Executive Chairman and the President.

[7] OCC expects that it would be required to maintain margin equal to 102% of the Repurchase Price, which is a standard rate for arrangements involving U.S. government securities.

[8] OCC expects that it would use clearing fund securities and securities posted as margin by defaulting clearing members, as more fully discussed in footnote 7.

The Proposed Program: Customized Features To Promote a Reduction in Concentration Risk, Certainty of Funding and Operational Effectiveness

In addition to the master repurchase agreement, OCC would enter into an individualized master confirmation with each buyer and its agent which would set forth certain terms and conditions applicable to all transactions entered into under the Master Repurchase Agreement by that buyer. As discussed above, these required terms and conditions would be designed to promote OCC's goals of reduced concentration risk, certainty of funding and operational effectiveness. The terms of the master confirmations under each Master Repurchase Agreement may vary from one another, because a separate master confirmation will be negotiated for a given buyer at the time that buyer becomes a party to the Master Repurchase Agreement. Because the arrangements between OCC and the individual buyers have not been fully negotiated, OCC has identified the following as key standards that would need to be incorporated into each repurchase arrangement entered into under the program.[9]

Counterparties

OCC would only enter into repurchase arrangements with institutional investors, such as pension funds or insurance companies, that are not OCC clearing members or banks affiliated with any OCC clearing member. This requirement would allow OCC to access stable, reliable sources of funding, without increasing the concentration of its exposure to counterparties that are affiliated banks, broker/dealers and futures commission merchants. This reduction in concentration risk is a key advantage of this proposed program.

Commitment To Fund and Funding Accounts

OCC would seek funding commitments from one or more potential counterparties that would equal $1 billion in the aggregate,[10] with each commitment extending for 364 days or more. Each counterparty would be obligated to enter into transactions under the Master Repurchase Agreement up to its committed amount so long as no default had occurred and OCC transferred sufficient Eligible Securities. Each counterparty would be obligated to enter into transactions even if OCC had experienced a material adverse change, such as the failure of a clearing member. This commitment to provide funding would be a key departure from ordinary repurchase arrangements and a key requirement for OCC. Each commitment would be supported by an agreement by the counterparty to maintain cash and investments acceptable to OCC that must be readily converted into cash in a designated account into which OCC had visibility. The creation of a funding account is important because it would provide OCC with two key protections. First, it would help OCC ensure that the committed funds would be available each day, as discussed below. Second, it would facilitate prompt funding by counterparties that are not commercial banks and therefore are not in the business of daily funding.

Funding Mechanics

Funding mechanics would be targeted so that OCC would receive the Purchase Price in immediately available funds within 60 minutes of its request for funds and delivery of Eligible Securities and, if needed, prior to OCC's regular daily settlement time.[11] These targeted funding mechanics would allow OCC to receive needed liquidity in time to satisfy settlement obligations, even in the event of a default by a clearing member or a market disruption. The funding mechanism may be, for example, delivery versus payment/receive versus payment[12] or another method acceptable to OCC that both satisfies the objectives of the master repurchase agreement program and presents limited operational risks.

No Rehypothecation

Under the terms of each master confirmation, the buyer would not be permitted to grant any third party an interest in purchased securities, the custody account at the custodian in which purchased securities are held or any cash held in OCC's account. This requirement is important for two reasons. First, because the buyer would be prohibited from rehypothecating purchased securities, the purchased securities should never leave the account and there should be no third-party claims against the purchased securities. Second, the prohibition on rehypothecation would also reduce the risk that a third party could interfere with the buyer's transfer of the purchased securities on the Repurchase Date. Further, the custodian would agree to provide OCC with daily information about each buyer's account. This visibility would allow OCC to act quickly in the event a buyer violates any requirements.

Early Termination Rights

Under the Master Repurchase Agreement, OCC would have the ability to terminate any transaction upon written notice to the buyer, but a buyer would only be able to terminate a transaction upon the occurrence of an event of default with respect to OCC, as further described below. A notice of termination by OCC would specify a new Repurchase Date prior to the originally agreed upon Repurchase Date. Upon the early termination of a transaction, the buyer would be required to return all purchased securities to OCC and OCC would be required to pay the Repurchase Price. This optional early termination right is important to OCC because OCC's liquidity needs may change unexpectedly over time and as a result OCC may not want to keep a transaction outstanding as long as originally planned.

Substitution

Under the Master Repurchase Agreement, OCC would have the ability to substitute any Eligible Securities for purchased securities in its discretion by a specified time, so long as the Eligible Securities satisfy any applicable criteria contained in the Master Repurchase Agreement and the transfer of the Eligible Securities would not create a margin deficit, as described above.[13] This substitution right is important to OCC because it must be able to manage requests of clearing members to return excess or substitute Eligible Securities in accordance with established operational procedures.

Events of Default

Beyond the standard events of default for a failure to purchase or transfer securities on the applicable Purchase

[9] OCC expects that the Master Repurchase Agreement will also include other, more routine, provisions such as the method for giving notices and basic due authorization representations by the parties.

[10] The $1 billion in commitments could be spread across multiple counterparties, but $1billion represents the proposed aggregate size of the program.

[11] This would include OCC's regular daily settlement time and any extended settlement time implemented by OCC in an emergency situation under Rule 505.

[12] Delivery versus payment/receive versus payment is a method of settlement under which payment for securities must be made prior to or simultaneously with delivery of the securities.

[13] In addition to its substitution rights, OCC could cause the return of purchased securities by exercising its optional early termination rights under the Master Repurchase Agreement. If OCC were to terminate part or all of a transaction, the buyer would be required to return purchased securities to OCC against payment of the corresponding Repurchase Price.

Date or Repurchase Date, as described above, OCC would require that the Master Repurchase Agreement not contain any additional events of default that would restrict OCC's access to funding and that it contain an additional default remedy. Most importantly, OCC would require that it would not be an event of default if OCC suffers a ''material adverse change''.[14] This provision is important because it provides OCC with certainty of funding, even in difficult market conditions.

Upon the occurrence of an event of default, in addition to the non-defaulting party's right to accelerate the Repurchase Date of all outstanding transactions or to buy or sell securities as needed to be made whole, the non-defaulting party may elect to take the actions specified in the ''mini close-out'' provision of the Master Repurchase Agreement, rather than declaring an event of default. For example, if the buyer fails to transfer purchased securities on the applicable Repurchase Date, rather than declaring an event of default, OCC may (1) if OCC has already paid the Repurchase Price, require the buyer to repay the Repurchase Price, (2) if there is a margin excess, require the buyer to pay cash or delivered purchased securities in an amount equal to the margin excess, or (3) declare that the applicable transaction, and only that transaction, will be immediately terminated, and apply default remedies under the Master Repurchase Agreement to only that transaction. Therefore, if the buyer fails to deliver purchased securities on any Repurchase Date, OCC would have remedies that allow it to mitigate risk with respect to a particular transaction, without declaring an event of default with respect to all transactions under the Master Repurchase Agreement.

Anticipated Effect on and Management of Risk

OCC believes that the overall impact of the program on the risks presented by OCC would be to reduce settlement risk associated with OCC's operations as a clearing agency. The program would reduce settlement risk by providing an additional source of liquidity, from diversified funding sources that decrease OCC's concentration of risk, with funding certainty and operational efficiency. The resulting reduction in OCC settlement risk would lead to a corresponding reduction in systemic risk and would have a positive impact on the safety and soundness of the clearing system by enabling OCC to have continuous access to funds to settle its obligations to its clearing members. OCC's consistent ability to timely settle its obligations is a key part of OCC's role as a clearing agency and allows OCC to mitigate counterparty risk within the market. In order to sufficiently perform this key role in promoting market stability, it is critical that OCC continuously has access to funds to settle its obligations.

The Master Repurchase Agreement, like any liquidity source, would involve certain risks, but OCC would structure the program to mitigate those risks. Most of these risks are standard in any master repurchase agreement. For example, a buyer could fail to deliver, or delay in delivering, purchased securities to OCC by the applicable Repurchase Date. OCC will address this risk by seeking a security interest from the buyer in that portion of the purchased securities representing the excess of the market value over the Repurchase Price, or by obtaining other comfort from the buyer that the purchased securities will be timely returned. Further, the purchased securities generally will not be ''on-the-run'' securities, *i.e* the most recently issued Treasury securities. The demand in the marketplace for Treasury securities, for uses other than collateral, is much greater for on-the-run Treasury securities, and therefore, OCC believes buyers will have little incentive to retain the securities transferred by OCC.

The mechanics under the Master Repurchase Agreement would be structured so that OCC could avoid losses by paying the Repurchase Price. For example, OCC will have optional early termination rights in each master confirmation, under which OCC would be able to accelerate the Repurchase Date of any transaction by providing written notice to the buyer and paying the Repurchase Price. Through this mechanism, OCC can maintain the benefit of the Master Repurchase Agreement, while mitigating any risk associated with a particular transaction.

The Master Repurchase Agreement would be structured to avoid potential third-party risks, which are typical of repurchase arrangements. The prohibition on buyer rehypothecation and use of purchased securities, along with OCC's visibility into the buyer's custody account, would reduce the risk to OCC of a buyer default.

As with any repurchase arrangement, OCC is subject to the risk that it may have to terminate existing transactions and accelerate the applicable Repurchase Date with respect to a buyer due to changes in the financial health or performance of the buyer. Terminating transactions could negatively affect OCC's liquidity position. However, any negative effect is reduced by the fact that OCC maintains a number of different financing arrangements, and thus will have access to liquidity sources in the event the Master Repurchase Agreement is no longer a viable source.

Under the Master Repurchase Agreement, OCC would be obligated to transfer additional cash or securities as margin in the event the market value of any purchased securities decreases. OCC seeks to ensure it can meet any such obligation by monitoring the value of the purchased securities and maintaining adequate cash resources to make any required payments. Such payments are expected to be small in comparison to the total amount of cash received for each transfer of purchased securities.

Consistency With the Payment, Clearing and Settlement Supervision Act

OCC believes that the proposed change is consistent with Section 805(b)(1) of the Payment, Clearing and Settlement Supervision Act.[15] The objectives and principles of Section 805(b)(1) of the Payment, Clearing and Settlement Supervision Act specify the promotion of robust risk management, promotion of safety and soundness, reduction of systemic risks and support of the stability of the broader financial system.[16] OCC believes that the proposed change would promote these objectives because the program should provide OCC with an additional source of committed liquidity to meet its settlement obligations while at the same time being structured to mitigate certain operational risks, as described above, that arise in connection with this committed liquidity source.

Accelerated Commission Action Requested

OCC requests that the Commission notify OCC that it has no objection to the change no later than December 12, 2014, in order to allow OCC to implement the master repurchase agreement program beginning in mid-December. OCC requests Commission action to ensure that OCC can access this source of additional liquidity on a timely basis, given the importance of maintaining diverse funding sources in connection with OCC's risk management.

[14] When included in a contract, a ''material adverse change'' is typically defined as a change that would have a materially adverse effect on the business or financial condition of a company.

[15] 12 U.S.C. 5464(b)(1).

[16] *Id.*

III. Date of Effectiveness of the Advance Notice and Timing for Commission Action

The designated clearing agency may implement this change if it has not received an objection to the proposed change within 60 days of the later of (i) the date that the Commission receives the notice of proposed change, or (ii) the date the Commission receives any further information it requests for consideration of the notice. The designated clearing agency shall not implement this change if the Commission has an objection.

The Commission may, during the 60-day review period, extend the review period for an additional 60 days for proposed changes that raise novel or complex issues, subject to the Commission providing the designated clearing agency with prompt written notice of the extension. The designated clearing agency may implement a change in less than 60 days from the date of receipt of the notice of proposed change by the Commission, or the date the Commission receives any further information it requested, if the Commission notifies the designated clearing agency in writing that it does not object to the proposed change and authorizes the designated clearing agency to implement the change on an earlier date, subject to any conditions imposed by the Commission.

The designated clearing agency shall post notice on its Web site of proposed changes that are implemented.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. 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–OCC–2014–809 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2014–809. 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 advance notice that are filed with the Commission, and all written communications relating to the advance notice 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 the filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_14_809.pdf.*

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–OCC–2014–809 and should be submitted on or before December 30, 2014.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–28767 Filed 12–8–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73728; File No. SR–CME–2014–52]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to CME Rules 818, 8G01 and 8H01

December 3, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on November 24, 2014, Chicago Mercantile Exchange Inc. (''CME'') 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 CME. CME 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

CME is filing a proposed rule change that is limited to its business as a derivatives clearing organization (''DCO''). More specifically, the proposed rule change contains amendments to clarify that netting will occur separately for each of the proprietary accounts, futures customer accounts, and clearing swap customer accounts of each Clearing Member at the time of close-out.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CME included statements concerning the purpose and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CME has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

CME is registered as a DCO with the Commodity Futures Trading Commission (''CFTC'') and offers clearing services for many different futures and swaps products. The proposed rule changes that are the subject of this filing are limited to CME's business as a DCO offering clearing services for CFTC-regulated swaps products. More specifically, the proposed rule change would adopt amendments to CME Rule 818.C (Netting and Offset) and CME Rules 8G01 and 8H01 to clarify that netting will occur separately for each of the proprietary accounts, futures customer accounts, and clearing swap customer

[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).

accounts of each Clearing Member at the time of close-out.

CME Rule 818.C provides for the master netting agreement that applies in the event of a CME Bankruptcy Event (as defined in Rule 818) or default (as described in Rule 818). The proposed amendments clarify that netting will occur separately for each of the proprietary accounts, futures customer accounts, and clearing swap customer accounts of each Clearing Member at the time of close-out. The proposed amendments add sub-clauses to clarify that the relevant account classes will be closed out separately consistent with applicable CFTC Regulations and § 4d of the Commodity Exchange Act (''CEA''). Clearing Member's proprietary, futures customer, and cleared swaps customer account classes will be closed out separately from one another, and cleared swaps customers will be closed out on an individual customer basis. Further, the proposed amendments add a provision clarifying that in the event of a Bankruptcy Event that is preceded by (or occurs simultaneously with) a limited recourse event in Interest Rate Swaps (''IRS'') and Credit Default Swaps (''CDS''), the amount of any variation margin haircut that is applied as a result of the limited recourse Rules (CME Rule 8G802.B for IRS and CME Rule 8H802.B for CDS) will not be available for netting with losses from products subject to other financial safeguards under Rule 818.C.

CME is also amending Rules 8G01 and 8H01 to further clarify that Rule 818 (Close-Out Netting) will apply for all products in the event of a CME Bankruptcy Event or default and will not be superseded by the conflict of rules provisions of Rules 8G01 and 8H01, respectively.

The changes that are described in this filing are limited to CME's business as a DCO clearing products under the exclusive jurisdiction of the CFTC and CME has made a decision not to clear security-based swaps.[5] The changes will be effective on filing. CME notes that it has also certified the proposed rule changes that are the subject of this filing to its primary regulator, the CFTC, in a separate filing, CME Submission No. 14–477. The text of the CME proposed rule amendments is attached, with additions underlined and deletions in strikethrough.

CME believes the proposed rule changes are consistent with the requirements of the Exchange Act including Section 17A of the Exchange Act.[6] CME is proposing the amendments to clarify that netting will occur separately for each of the proprietary accounts, futures customer accounts, and clearing swap customer accounts of each Clearing Member at the time of close-out. These proposed amendments will solidify CME's legal netting procedures framework (which applies in the event of a CME insolvency) which should be seen to be in accordance with the objective of promoting the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest consistent with Section 17A(b)(3)(F) of the Exchange Act.[7]

Furthermore, the proposed changes are limited in their effect to products offered under CME's authority to act as a DCO. The products that are the subject of this filing are under the exclusive jurisdiction of the CFTC. As such, the proposed CME changes are limited to CME's activities as a DCO clearing swaps that are not security-based swaps, futures that are not security futures and forwards that are not security forwards. CME notes that the policies of the CFTC with respect to administering the Commodity Exchange Act are comparable to a number of the policies underlying the Exchange Act, such as promoting market transparency for over-the-counter derivatives markets, promoting the prompt and accurate clearance of transactions and protecting investors and the public interest.

Because the proposed changes are limited in their effect to products offered under CME's authority to act as a DCO, the proposed changes are properly classified as effecting a change in an existing service of CME that:

(a) Primarily affects the clearing operations of CME with respect to products that are not securities, including futures that are not security futures, swaps that are not security-based swaps or mixed swaps; and forwards that are not security forwards; and

(b) does not significantly affect any securities clearing operations of CME or any rights or obligations of CME with respect to securities clearing or persons using such securities-clearing service.

As such, the changes are therefore consistent with the requirements of Section 17A of the Exchange Act[8] and are properly filed under Section 19(b)(3)(A)[9] and Rule 19b–4(f)(4)(ii)[10] thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will have any impact, or impose any burden, on competition. The proposed amendments simply clarify and solidify CME's legal netting procedures framework. Further, the changes are limited to CME's derivatives clearing business and CME has made a decision not to clear security-based swaps and therefore would not impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.[11]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

CME has not solicited, and does not intend to solicit, comments regarding this proposed rule change. CME has not received any unsolicited written comments from interested parties.

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)[12] of the Act and Rule 19b–4(f)(4)(ii)[13] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[5] *See* Securities Exchange Act Release No. 34–73615 (Nov. 17, 2014), 79 FR 69545 (Nov. 21, 2014) (SR–CME–2014–49). Pursuant to a teleconference with CME's in-house counsel on December 1, 2014, staff in the Division of Trading and Markets has edited this sentence to clarify CME's intentions not to clear security-based swaps except for a very limited set of circumstances described in the above-referenced proposed rule change.

[6] 15 U.S.C. 78q–1.

[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).

[11] *See* supra note 5.

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(4)(ii).

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CME–2014–52 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CME–2014–52. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–CME–2014–52 and should be submitted on or before December 30, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

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[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73729; File No. SR–CME–2014–13]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Application of Excess Defaulting Clearing Member Assets in Crossover Default Scenarios and the Harmonization of Defaulted Base Clearing Member Collateral Definitions

December 3, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on November 26, 2014, Chicago Mercantile Exchange Inc. (''CME'') 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 CME. CME 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

CME is filing proposed rules changes that are limited to its business as a derivatives clearing organization. More specifically, the proposed rule changes would make amendments to CME Rules relating to the application of excess defaulting clearing member assets in crossover default scenarios and the harmonization of Defaulted Base Clearing Member Collateral definitions.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CME included statements concerning the purpose and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CME has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

CME is registered as a derivatives clearing organization with the Commodity Futures Trading Commission (''CFTC'') and operates a substantial business clearing futures and swaps contracts subject to the jurisdiction of the CFTC. CME is proposing new rules to specify the allocation of excess collateral of a defaulted clearing member to losses relating to products in other financial safeguards at CME pro rata based on the remaining loss in each of such product classes. Additionally, CME is proposing to amend CME Rule 802.A to harmonize the member collateral definition across the default rules. CME notes that it has also made a corresponding filing with the CFTC, in Submission No. 14–097R, regarding the proposed changes.

The proposed changes to CME Rules 802.D, 8G802.D and 8H802.D would specify the allocation of excess collateral of a defaulted clearing member for a particular financial safeguard package to losses relating to product classes subject to other financial safeguards at CME. CME employs three financial safeguard packages (*i.e.* waterfalls) for each of the following product classes: interest rate swap products (''IRS''); credit default swap products (''CDS''); and Base products (which are all products other than IRS and CDS). The default rules for each respective waterfall contain the ability, once the loss of the clearing member for that waterfall is entirely satisfied, to use excess house assets of the clearing member towards satisfying uncovered losses of such clearing member for products in other waterfalls. For example, if a member was clearing IRS and Base products and excess Base collateral remained after completely satisfying all losses for Base Products, the rules provide that such excess may be used towards any uncovered losses of that clearing member for IRS products.

CME rules are currently silent on the allocation mechanism of such excess funds to unresolved losses in other product classes where losses remain in both of the other product classes. The proposed new CME Rules 802.D.1, 8G802.D.1, and 8H802.D.1 would specify that any such excess is allocated to the other safeguard packages pro rata based on the remaining loss in each of such product classes.

Additionally, CME is proposing to amend CME Rule 802.A.2 to harmonize

[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 240.19b4(f)(4)(ii).

the clearing member house collateral definition across the default rules.

CME believes the proposed rule changes are consistent with the requirements of the Exchange Act including Section 17A.[5] The proposed changes for the allocation of excess funds comport with CFTC Regulation 39.16(c)(2)(iv) by adding clarifying language to specify the sequence in which excess house funds of the defaulting clearing member for a product class will be used to satisfy uncovered losses for other product classes. In addition, changes are proposed that would harmonize the defaulted clearing member definition and clarify the defaulted member's assets held by the clearing house that may be used to satisfy losses due to the clearing member's default. Because these changes clarify CME's existing default rules and procedures, they promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of CME or for which it is responsible, and, in general, to protect investors and the public interest in a way that is consistent with Section 17A(b)(3)(F) of the Exchange Act.[6]

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will have any impact, or impose any burden, on competition. The proposed changes simply specify the allocation of excess collateral of a defaulted clearing member to losses relating to products in other financial safeguards at CME pro rata based on the remaining loss in each of such product classes and, additionally, harmonize the member collateral definition across the default rules.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

CME has not solicited, and does not intend to solicit, comments regarding this proposed rule change. CME has not received any unsolicited written comments from interested parties.

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78q–1(b)(3)(F).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

CME Inc. has filed the proposed rule change pursuant to Section 19(b)(3)(A)[7] of the Act and paragraph (f)(4)(ii) of Rule 19b–4[8] thereunder.

CME asserts that this proposal constitutes a change in an existing service of CME that (a) primarily affects the clearing operations of CME with respect to products that are not securities, including futures that are not security futures, and swaps that are not security-based swaps or mixed swaps, and forwards that are not security forwards; and (b) does not significantly affect any securities clearing operations of CME or any rights or obligations of CME with respect to securities clearing or persons using such securities-clearing service, which renders the proposed change effective upon filing. CME believes that the proposal does not significantly affect any securities clearing operations of CME because CME recently filed a proposed rule change that clarified that CME has decided not to clear security-based swaps, except in a very limited set of circumstances.[9] The rule filing reflecting CME's decision not to clear security-based swaps removed any ambiguity concerning CME's ability or intent to perform the functions of a clearing agency with respect to security-based swaps. Therefore, this proposal will not have an effect on any securities clearing operations of CME.

At any time within 60 days of the filing of the proposed 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 Securities Exchange Act of 1934. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[10] of the Act to determine whether the proposed rule change should be approved or disapproved.

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(4)(ii).

[9] *See* Securities Exchange Act Release No. 34–73615 (Nov. 17, 2014), 79 FR 69545 (Nov. 21, 2014) (SR–CME–2014–49). The only exception is with regards to Restructuring European Single Name CDS Contracts created following the occurrence of a Restructuring Credit Event in respect of an iTraxx Component Transaction. The clearing of Restructuring European Single Name CDS Contracts will be a necessary byproduct after such time that CME begins clearing iTraxx Europe index CDS.

[10] 15 U.S.C. 78s(b)(2)(B).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CME–2014–13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CME–2014–13. 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, 100F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–CME–2014–13 and should be submitted on or before December 30, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–28770 Filed 12–8–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73727; File No. SR–CME–2014–15]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Aligning Performance Bond and Guaranty Fund Collateral Acceptance With CFTC Regulation 39.33 Requirements

December 3, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 26, 2014, Chicago Mercantile Exchange Inc. (''CME'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II and III, below, which items have been prepared primarily by CME. CME filed the proposal pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(4)(ii)[4] thereunder, so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CME is proposing to announce via advisory notice certain changes to its collateral acceptance practices. More specifically, CME is proposing to issue two advisories to clearing member firms announcing that it will narrow the range of acceptable collateral types for guaranty fund deposits to cash and U.S. Treasury Bills, Notes and Bonds with time to maturity of ten years or less.

II. Self-Regulatory Organizations Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CME included statements concerning the purpose and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CME has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

CME is registered as a derivatives clearing organization with the Commodity Futures Trading Commission (''CFTC'') and operates a substantial business clearing futures and swaps contracts subject to the jurisdiction of the CFTC. CME is proposing to announce via advisory notice certain changes to its collateral acceptance practices. More specifically, CME is narrowing the range of acceptable collateral types for guaranty fund deposits to cash and U.S. Treasury Bills, Notes and Bonds with time to maturity of ten years or less. The changes that are the subject of these filings are designed to better position the utilization of clearing members' guaranty fund deposits as qualifying liquidity resources under CFTC Regulation 39.33.

The removal of IEF2, U.S. Agencies, and U.S. Treasury STRIPs and securities with time to maturity exceeding ten years does not materially impact the nature or level of risks presented by CME as the post-haircut risk profile of guaranty fund collateral deposits will be unchanged. Further, the impact to CME and its clearing firms is minimal as fewer than 22% of guaranty fund assets currently on deposit will have to be substituted in order to conform to the amended eligibility criteria.

CME is also re-categorizing its eligible performance bond collateral types so that the assets in each category meet the definition of qualifying liquidity resources under CFTC Regulation 39.33. Category 1 will consist only of assets that independently meet the criteria of qualifying liquidity resources. Category 2 and Category 3 will consist of assets that are qualifying liquidity resources due to being supported by CME's credit facility. Amended Category 2 and Category 3 limits are designed to ensure such assets remain covered by CME's credit facility and thus continue to meet the definition of qualifying liquidity resources. The specifics are as follows: collateral accepted under the IEF2 program will be moved from Category 1 to Category 3 and will be qualifying liquidity resources backed by CME's credit facility; letters of credit and collateral accepted under the IEF5 program will be moved from Category 2 to Category 1 since cash and committed lines of credit are qualifying liquidity resources without being supported by CME's credit facility; TIPS will be moved from Category 3 to Category 2 and STRIPs will be moved from Category 1 to Category 2 to align the assets and limits of Category 2 with the terms of CME's credit facility; and the acceptance of stocks in Category 3 will be limited to $1 billion per clearing member in alignment with borrowing base limits in the CME credit facility. Additionally, CME is capping IEF2 acceptance at $5 billion rather than a percentage cap in order to mitigate the impact of re-categorization on its clearing membership. The re-categorization and limits do not materially impact the nature or level of risks presented by CME as the post-haircut risk profile of deposited performance bond collateral deposits will be unchanged and no performance bond currently on deposit would have to be substituted to align with limits upon the re-categorization.

A summary of the changes described in the Advisory Notices is set forth below:

GUARANTY FUND ACCEPTABLE COLLATERAL

Current	New
• Cash • U.S. Treasury Bills/Notes/Bonds/Strips • U.S. Agencies (*capped at 50% of total*)	• Cash • U.S. Treasury Bills/Notes/Bonds *

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78q–1(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(ii).

GUARANTY FUND ACCEPTABLE COLLATERAL—Continued

Current	New
• IEF2 (Money Market Mutual Funds)	

** Time to maturity not to exceed 10 years.*

PERFORMANCE BOND ACCEPTABLE COLLATERAL CATEGORIES AND LIMITS

Current		
Category 1	Category 2 *	Category 3 **
Cash U.S. Treasuries IEF2 (Money Market Mutual Funds)	U.S. Government Agencies Select MBS Letters of Credit IEF5 (Interest Bearing Cash)	TIPS (capped at $1bn per firm) Gold (capped at $500mm per firm) Stocks IEF4 (corporate bonds) Foreign Sovereign Debt (capped at $1bn per firm)

** Capped at 40% of core requirement per currency requirement per firm.*
*** Capped at 40% of core requirement per currency requirement per firm or $5 billion per firm, the lesser of the two.*

New		
Category 1	Category 2 *	Category 3 **
	Category 2 & 3 Capped at $7bn Per Firm	
Cash U.S. Treasuries IEF5 (Interest Bearing Cash) Letters of Credit *	U.S. Government Agencies Strips TIPS (capped at $1bn per firm) Select MBS	IEF2 † (Money Market Mutual Funds) Gold (capped at $500mm per firm) Stocks (capped at $1bn per firm) IEF4 (corporate bonds) Foreign Sovereign Debt (capped at $1bn per firm)

** Capped at 40% of core requirement per currency requirement per firm.*
** Capped at 40% of core requirement per currency requirement per firm.*
*** Capped at 40% of core requirement per currency requirement per firm or $5 billion per firm, the lesser of the two.*
† Not included in the 40% requirement.

Note: The changes described in this filing and above do not impact the current limitations on collateral acceptance that separately apply to CME's swap clearing offering, namely, that letters of credit are not acceptable collateral for all swaps, stocks are not eligible collateral for either IRS or CDS, and corporate bonds are not eligible collateral for CDS.

CME, a derivatives clearing organization, notes that it is implementing the proposed changes as part of an effort to discharge its regulatory obligations under the Commodity Exchange Act more effectively. CFTC Regulation 39.33(c)(1) requires a systemically important DCO (''SIDCO'') like CME to maintain eligible liquidity resources that, at a minimum, will enable it to meet its intraday, same-day and multiday obligations to perform settlements with a high degree of confidence under a wide range of stress scenarios, including a default by the clearing member creating the largest aggregate liquidity obligation in extreme but plausible market conditions. Further, CFTC Regulation 39.35 requires each SIDCO to adopt rules and procedures to address losses exceeding available financial resources. Finally, CFTC Regulation 39.13(g)(10) requires each derivatives clearing organization to limit the assets it accepts as initial margin to those that have minimal liquidity risk.

CME believes the proposed rule change is also entirely consistent with the requirements of the Exchange Act and the rules and regulations thereunder, including Section 17A of the Exchange Act.[5] Although the proposed changes to CME's current performance bond categorization and limits may impact the makeup of the collateral used by a CME clearing member to meet its margin requirements, the changes will have no impact on the level of margin collected. The proposed changes actually would increase the qualifying liquidity resources available to CME in the event of a clearing member default. In addition, narrowing the scope of acceptable guaranty fund collateral, in conjunction with other CME rules, is designed to facilitate the ready availability of guaranty fund deposits to meet CME's settlement obligations in the event of a clearing member default. The proposed changes to guaranty fund collateral eligibility, in conjunction with other CME rules, are also designed to address liquidity shortfall scenarios. CME believes all of these purposes are in accordance with the requirements of the Exchange Act and will strengthen CME's existing default rules and procedures and will therefore promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of CME or for which it is responsible, and, in general, to protect investors and the public interest in a way that is consistent with Section 17A(b)(3)(F) of the Exchange Act.[6]

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will have any impact, or impose any burden, on competition. The proposed changes involve a narrowing of the range of acceptable collateral types for guaranty

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78q–1(b)(3)(F).

fund deposits to cash and U.S. Treasury Bills, Notes and Bonds with time to maturity of ten years or less. These measures will strengthen CME's existing default rules and procedures.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

CME has not solicited, and does not intend to solicit, comments regarding this proposed rule change. CME has not received any unsolicited written comments from interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

CME Inc. has filed the proposed rule change pursuant to Section 19(b)(3)(A) [7] of the Act and Rule 19b–4(f)(4)(ii) [8] thereunder.

CME asserts that this proposal constitutes a change in an existing service of CME that (a) primarily affects the clearing operations of CME with respect to products that are not securities, including futures that are not security futures, and swaps that are not security-based swaps or mixed swaps, and forwards that are not security forwards; and (b) does not significantly affect any securities clearing operations of CME or any rights or obligations of CME with respect to securities clearing or persons using such securities-clearing service, which renders the proposed change effective upon filing. CME believes that the proposal does not significantly affect any securities clearing operations of CME because CME recently filed a proposed rule change that clarified that CME has decided not to clear security-based swaps, except in a very limited set of circumstances.[9] The rule filing reflecting CME's decision not to clear security-based swaps removed any ambiguity concerning CME's ability or intent to perform the functions of a clearing agency with respect to security-based swaps. Therefore, this proposal will have no effect on any securities clearing operations of CME.

At any time within 60 days of the filing of the proposed change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [10] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CME–2014–15 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CME–2014–15. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of CME and of CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–CME–2014–15 and should be submitted on or before December 30, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–28768 Filed 12–8–14; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(4)(ii).

[9] *See* Securities Exchange Act Release No. 34–73615 (Nov. 17, 2014), 79 FR 69545 (Nov. 21, 2014) (SR–CME–2014–49). The only exception is with regards to Restructuring European Single Name CDS Contracts created following the occurrence of a Restructuring Credit Event in respect of an iTraxx Component Transaction. The clearing of Restructuring European Single Name CDS Contracts will be a necessary byproduct after such time that CME begins clearing iTraxx Europe index CDS.

[10] 15 U.S.C. 78s(b)(2)(B).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73731; File No. SR–ICEEU–2014–20]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing of Proposed Rule Change Relating to CDS Pricing Policy

December 3, 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 November 24, 2014, ICE Clear Europe Limited (''ICE Clear Europe'' or ''Clearing House'') 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. 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 revise ICE Clear Europe's CDS End-of-Day Price Discovery Policy (the ''CDS Pricing Policy'') to incorporate enhancements to the price discovery process.

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.

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

1. Purpose

ICE Clear Europe proposes revising the CDS Pricing Policy to incorporate enhancements to its end-of-day price discovery process for CDS Contracts. The proposed revisions are described in detail as follows:

ICE Clear Europe currently uses a ''cross and lock'' algorithm as part of its price discovery process for CDS Contracts. Under this algorithm, bids and offers derived from Clearing Member submissions are matched by sorting them from highest to lowest and lowest to highest levels, respectively. This sorting process pairs the Clearing Member submitting the highest bid price with the Clearing Member submitting the lowest offer price, the Clearing Member submitting the second highest bid price with the Clearing Member submitting the second-lowest offer price, and so on. The algorithm then identifies crossed and/or locked pairs (or ''markets''). Crossed markets are the Clearing Member pairs generated by the sorting process for which the bid price of one Clearing Member is above the offer price of the matched Clearing Member. Locked markets are the Clearing Member pairs where the bid and the offer are equal. The mid-point of the bid and offer of the first non-crossed, non-locked matched market is the final end-of-day level (with additional steps taken to remove off-market submissions from influencing the final level). This process captures the market dynamics of trading; however, final pricing levels are ultimately determined by a single bid and a single offer, which results in the ability for one submission to influence the outcome.

ICE Clear Europe proposes enhancements to this methodology to improve the consistency of prices and reduce the sensitivity of the final end-of-day level to a single Clearing Member's submission. Under the new ''cross and lock'' methodology, the average of the mid-points of all non-crossed, non-locked matched markets for which the difference between the matched market bid and matched market offer is less than or equal to one bid-offer width is used as the final level (with additional steps taken to remove off-market submissions from influencing the final level). Under this approach, the end-of-day prices determined are less sensitive to outlying submissions.

An additional clarification is made to the calculation of a Clearing Member's open interest for purposes of the end-of-day price submission process to take into account the aggregate of both house and client positions carried by the Clearing Member. A correction is made in the policy to the minimum number of Clearing Members that need to have open interest in a particular instrument; this change conforms to current practice by the Clearing House.

The amendments also clarify that notional limits applicable to firm trades that may be assigned to Clearing Members as a result of the end-of-day price submission process will be established at risk sub-factor and sector levels. The revised policy also clarifies the sequencing of firm trades in relation to the determination of breaches of those limits, including to take into account the applicable risk sub-factor and to address sequencing within a particular instrument that is part of a particular risk sub-factor, if necessary.

The amendments also revise certain requirements applicable to the unwinding of firm trades entered into by Clearing Members. Although the existing policy does not require that firm trades be maintained for any particular period of time, it currently requires Clearing Members that elect to unwind a firm trade to do so at the then-current market price. There are practical difficulties with objectively determining whether an unwind transaction was executed at the then-current market price and therefore this requirement can be difficult to enforce. ICE Clear Europe proposes revising the policy to replace the requirement that unwind be executed at the then-current market price with the requirement that any unwind must be executed in a competitive manner. Further, ICE Clear Europe proposes adding the requirement that, upon request, Clearing Members be able to demonstrate to the Clearing House's reasonable satisfaction that such unwind transaction was executed in a competitive manner. ICE Clear Europe proposes adding a non-exclusive list of examples of how Clearing Members may be able to demonstrate competitive execution of unwind transactions. Specifically, such examples include: (i) Execution on an available trading venue; (ii) multiple dealer quotes received and execution of the unwind transaction at the best quoted price; or (iii) placement of the unwind transaction with an interdealer broker with price terms and instructions commensurate with a competitive execution.

In addition, the amendments make certain clarifications with respect to permissible reversing transactions with respect to firm trades, and the manner in which that Clearing House designates that actively traded benchmark instruments are not eligible for reversing transactions.

Certain other changes are made in the CDS Pricing Policy in order to conform to changes that have recently been made to the CDS Risk Policy.[3] Specifically, references to risk sub-factors, as that term is described in the CDS Risk Policy, have been added throughout the CDS Pricing Policy, as well as conforming changes to various references to risk factors. Various non-substantive drafting clarifications have also been made throughout the CDS Pricing Policy.

The proposed changes are solely to the CDS Pricing Policy. No changes are proposed to ICE Clear Europe's Clearing Rules or Procedures as a result of these enhancements.

2. Statutory Basis

ICE Clear Europe believes that the proposed changes are consistent with the requirements of Section 17A of the Act[4] and regulations thereunder applicable to it.[5] Section 17A(b)(3)(F) of the Act[6] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance 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 and the protection of investors and the public interest. The proposed rule change is principally designed to enhance the Clearing House's end-of-day price discovery process for CDS Contracts, and in particular to result in more consistent day-over-day end-of-day price levels, as well as to make various other improvements to the policy as discussed above.

The amendments regarding the unwind of firm trades are intended to make this aspect of the CDS Pricing Policy more readily enforceable, while maintaining the same or similar level of incentive for Clearing Members to provide accurate price submissions. ICE

[3] *See* Exchange Act Release No. 34–73156 (Sept. 19, 2014), 79 FR 57629 (Sept. 25, 2014) (SR–ICEEU–2014–13).

[4] 15 U.S.C. 78q–1.

[5] 17 CFR 240.17Ad–22.

[6] 15 U.S.C. 78q–1(b)(3)(F).

Clear Europe considers the proposed revision to further its goal in the existing policy of assuring that Clearing Members unwind firm trades on a competitive basis. If Clearing Members were permitted to unwind firm trades non-competitively at the original firm trade price, thereby alleviating the firm trade's impact to their portfolio, the incentive to provide accurate price submissions would be diminished. Given the significance of accurate submission to the end-of-day pricing process, ICE Clear Europe believes the proposed revision both clarifies and enhances its CDS Pricing Policy.

As such, the amendments will facilitate the prompt and accurate clearance and settlement of the CDS Contracts cleared by the Clearing House, and are therefore consistent with the requirements of 17A(b)(3)(F) of the Act and the rules thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed amendments would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purpose of the Act. The enhancements to the end-of-day price discovery process apply uniformly across all CDS Clearing Members. ICE Clear Europe does not anticipate that these enhancements will materially affect the cost of clearing or adversely affect the ability of Clearing Members or other market participants to continue to clear CDS Contracts. ICE Clear Europe also does not believe the enhancements will limit the availability of clearing in CDS products for Clearing Members or their customers or otherwise limit market participants' choices for selecting clearing services in CDS. Therefore, ICE Clear Europe does not believe the proposed rule change imposes any burden on competition that is not appropriate in furtherance of the purpose of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the amendments to the CDS Pricing Policy 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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change; or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ICEEU–2014–20 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ICEEU–2014–20. 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.*

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–2014–20 and should be submitted on or before December 30, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–28772 Filed 12–8–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73725; File No. SR–OCC–2014–19]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposed Rule Change To Permit the Executive Chairman, the President or a Delegate of Such Officer To Approve Requests by a Hedge Clearing Member To Become a Market Loan Clearing Member

December 3, 2014.

On October 24, 2014, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–OCC–2014–19 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on November 3, 2014.[3] The Commission did not receive any comments on the proposed rule change. This order approves the proposed rule change.

I. Description

The purpose of OCC's rule change is permit OCC's Executive Chairman, the President or their delegate to approve business expansion requests of Hedge Clearing Members [4] to become Market Loan Clearing Members.[5] Delegates of

[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 73449 (October 28, 2014), 79 FR 65277 (November 3, 2014) (SR–OCC–2014–19).

[4] *See* OCC By-Laws, Article 1.H(1). *See also,* OCC By-Laws, Article V, Section 1, Interpretation and Policy .07.

[5] *See* OCC By-Laws, Article 1.M(4). *See also,* OCC By-Laws, Article V, Section 1, Interpretation and Policy .07A.

the Executive Chairman and/or the President must be an officer of the rank of Senior Vice President or higher. Currently, OCC's By-Laws require that requests of a Hedge Clearing Member to become a Market Loan Clearing Member be processed through OCC's business expansion process, which involves review and approval by OCC's Risk Committee (''Committee''). As described below, this type of business expansion request is operational and administrative in nature and OCC does not believe review and approval of this type of business expansion request requires the Committee to assess the risk of such designation. Accordingly, OCC is amending its rules to permit the Executive Chairman, the President, or their delegate to approve business expansion requests of Hedge Clearing Members to become Market Loan Clearing Members without further review by the Committee, provided that any delegate be an officer of the rank of Senior Vice President or higher.

According to OCC, the Committee is responsible for reviewing and approving clearing member requests to clear a type or a kind of transaction for which it is not currently approved to clear through OCC (*i.e.,* a business expansion request).[6] The Committee has delegated the Executive Chairman, the Management Vice Chairman, the President, or their delegate with authority to review and approve business expansion requests in response to requests by clearing members for expedited review. Such approval is then subject to the Committee's review and ratification at its next regularly scheduled meeting. If a clearing member does not request expedited review of a business expansion request then such request will be reviewed by the Committee at a regularly scheduled meeting of the Committee, and not by the Executive Chairman, the Management Vice Chairman, the President, or their delegate.

In the case of a Hedge Clearing Member requesting a business expansion in order to be approved as Market Loan Clearing Member, the clearing member will have already been subject a robust risk review by the Committee concerning such clearing member's ability to participate in stock loan activity at OCC. Accordingly, the review of the Market Loan business expansion request by either the Committee and/or the Executive Chairman, the Management Vice Chairman, the President, or their delegate would be primarily operational in nature and involve ensuring that the clearing member: (1) Is a U.S. Clearing Member, (2) is a member of a Loan Market,[7] (3) is a participant of the Depository Trust Company and has executed certain agreements with the Depository Trust Company, and (4) executes applicable agreements with OCC.[8] The Committee and/or the Executive Chairman, the Management Vice Chairman, the President, or their delegate would also review the current financial risk profile of the clearing member in connection with the business expansion request in order to verify that the clearing member continues to meet OCC's financial requirements. OCC believes that a second risk review by the Committee would be duplicative because the Committee has already analyzed and approved the clearing member's ability to participate in stock loan activity at OCC. In addition, OCC does not believe that review and approval of this type of business expansion request is an appropriate use of the Committee's time given other, more substantive, issues the Committee must consider. Therefore, OCC is amending Article V, Section 1, Interpretation and Policy .03 of its By-Laws to provide the Executive Chairman, the President, or their delegate with the authority to approve the business expansion requests of Hedge Clearing Members to become Market Loan Clearing Members without further review by the Committee, provided that any delegate be an officer of the rank of Senior Vice President or higher. According to OCC, it will implement appropriate procedures to ensure that Hedge Clearing Members meet the requirements to become Market Loan Clearing Members and participate and the Market Loan Program.

II. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act[9] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.

The Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act,[10] which requires the rules of a registered clearing agency to, among other things, remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transitions. OCC's rule is consistent with Section 17A(b)(3)(F) of the Act[11] because by providing the Executive Chairman, the President or their delegate, provided the delegate is a Senior Vice President or higher, the authority to review and approve the business expansion requests of Hedge Clearing Members that would like to become Market Loan Clearing Members without further review by the Committee, the Committee can have more time to focus on more substantive matters. As discussed above, the Committee will have already analyzed and approved the clearing member's ability to meet OCC's financial requirements when it approved the clearing member as a Hedge Clearing Member. This business expansion review and approval process can be accomplished by OCC's Executive Chairman, the President, or their delegate, provided that the delegate is an officer of the rank of Senior Vice President or higher, because it is primarily administrative in nature and includes a verification that the clearing member still meets OCC's financial requirements. By giving the Committee more time to focus on more substantive matters, this rule is consistent with removing impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transitions.[12]

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[13] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (SR–OCC–2014–19) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–28766 Filed 12–8–14; 8:45 am]

BILLING CODE 8011–01–P

[6] *See* OCC By-Laws, Article V, Section 1, Interpretation and Policy .03(e).

[7] *See* OCC By-Laws, Article 1.L(5).

[8] *See,* OCC By-Laws, Article V, Section 1, Interpretation and Policy .07A.

[9] 15 U.S.C. 78s(b)(2)(C).

[10] 15 U.S.C. 78q–1(b)(3)(F).

[11] *Id.*

[12] *See id.*

[13] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78s(b)(2).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73730; File No. SR–NYSEArca–2014–56]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Withdrawal of Proposed Rule Change Relating To Listing and Trading of Shares of the PIMCO Income Exchange-Traded Fund Under NYSE Arca Equities Rule 8.600

December 3, 2014.

On May 1, 2014, NYSE Arca, Inc. filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the PIMCO Income Exchange-Traded Fund under NYSE Arca Equities Rule 8.600. The proposed rule change was published for comment in the **Federal Register** on May 21, 2014.[3] On June 24, 2014, the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[4] On August 19, 2014, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act [5] to determine whether to approve or disapprove the proposed rule change.[6] On November 14, 2014, the Commission issued a notice of designation of longer period for Commission action on proceedings to determine whether to approve or disapprove the proposed rule change.[7] The Commission received no comments on the proposed rule change. On December 2, 2014, the Exchange withdrew the proposed rule change (SR–NYSEArca–2014–56).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–28771 Filed 12–8–14; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 72170 (May 15, 2014), 79 FR 29231.

[4] *See* Securities Exchange Act Release No. 72458, 79 FR 36849 (Jun. 30, 2014). The Commission determined that it was appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission designated August 19, 2014 as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

[5] 15 U.S.C. 78s(b)(2)(B).

[6] *See* Securities Exchange Act Release No. 72867, 79 FR 50720 (Aug. 25, 2014). Specifically, the Commission instituted proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act, which requires, among other things, that the rules of a national securities exchange be ''designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade,'' and ''to protect investors and the public interest.'' *See id.*

[7] *See* Securities Exchange Act Release No. 73598, 79 FR 69172 (Nov. 20, 2014).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–73732; File No. SR–NASDAQ–2014–114]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Common Ownership

December 3, 2014.

Pursuant to Section 19(b)(1) of the Securities Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 20, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by NASDAQ. 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

NASDAQ proposes to modify the definition of Common Ownership [3] in Chapter XV, entitled ''Options Pricing,'' at Section 2 governing pricing for NASDAQ members using the NASDAQ Options Market (''NOM''), NASDAQ's facility for executing and routing standardized equity and index options. Specifically, the Exchange proposes to extend the application of Common Ownership to all Chapter XV, Section 2 pricing which requires a certain volume threshold or percentage of volume to obtain certain options pricing.

While the changes proposed herein are effective upon filing, the Exchange has designated that the amendments be operative on December 1, 2014.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaq.cchwallstreet.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ proposes to modify Chapter XV, entitled ''Options Pricing,'' at Section 2 governing the rebates and fees assessed for option orders entered into NOM. The Exchange proposes to extend the application of Common Ownership to all Chapter XV, Section 2 pricing which requires a certain volume threshold or percentage of volume to obtain certain options pricing. Today, NOM Participants are permitted to aggregate affiliate activity to obtain certain pricing as specified in Chapter XV, Section 2, provided the NOM Participants are affiliated because they are under 75% common ownership or control with each other (''Common Ownership''). Today, the Exchange offers NOM Participants under Common Ownership the ability to obtain certain Customer [4] and Professional [5] Penny

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Common Ownership'' shall mean Participants under 75% common ownership or control. *See* NOM Rules at Chapter XV.

[4] The term ''Customer'' applies to any transaction that is identified by a Participant for clearing in the Customer range at The Options Clearing Corporation which is not for the account of broker or dealer or for the account of a ''Professional'' (as that term is defined in Chapter I, Section 1(a)(48)).

[5] The term ''Professional'' means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s) pursuant to Chapter I, Section 1(a)(48). All Professional orders shall be appropriately marked by Participants.

Pilot Options[6] Rebates to Add Liquidity in Tiers 5, 6, 7 and 8.[7]

The Exchange proposes to extend Common Ownership to apply to all pricing in Chapter XV, Section 2, which would include all Customer and Professional Penny Pilot Options Rebate to Add Liquidity Tiers (1 through 8) as well as NOM Market Maker[8] Penny Pilot Options Rebate to Add Liquidity Tiers (1 through 6). It would also include any other future pricing in Chapter XV, Section 2 that specifies a certain volume threshold or volume percentage to obtain certain pricing (fees or rebates). The Exchange believes that permitting NOM Participants to aggregate pricing with affiliated NOM Participants for all pricing that requires a certain volume threshold or volume percentage will enable NOM Participants to obtain higher rebates.

The Exchange proposes to amend the rule text of Chapter XV by adding the following sentence to the defined term, Common Ownership: ''Common Ownership shall apply to all pricing in Chapter XV, Section 2 for which a volume threshold or volume percentage is required to obtain the pricing.'' The Exchange proposes to remove all other references to Common Ownership currently within the rule text of Chapter XV, Section 2(1).

2. Statutory Basis

NASDAQ believes that the proposed rule changes are consistent with the provisions of Section 6 of the Act,[9] in general, and with Section 6(b)(4) of the Act,[10] in particular, in that they provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls as described in detail below.

The Exchange believes the rule change avoids disparate treatment of members that have divided their various business activities between separate corporate entities as compared to members that operate those business activities within a single corporate entity. By way of example, subject to appropriate information barriers, many firms that are members of the Exchange operate both a market making desk and a public customer business within the same corporate entity. In contrast, other members may be part of a corporate structure that separates those business lines into different corporate affiliates, either for business, compliance or historical reasons, and those affiliates are not also considered wholly owned affiliates. Those corporate affiliates, in turn, are required to maintain separate memberships with the Exchange. Absent the proposed change, such corporate affiliates that cannot be considered wholly owned but are under common control would not receive the same treatment as members who are considered wholly owned affiliates. Accordingly, the Exchange believes that its proposed policy is fair and equitable, and not unreasonably discriminatory in permitting both wholly owned and common control. In addition to ensuring fair and equal treatment of its members, the Exchange does not want to create incentives for its members to restructure their business operations or compliance functions simply due to the Exchange's pricing structure.

Today the Exchange offers rebates to NOM Participants under Common Ownership by permitting these members to aggregate volume as between affiliated NOM Participants. The Exchange would continue to permit NOM Participants to aggregate volume as they do today for the Customer and Professional Penny Pilot Options Rebate to Add Liquidity Tiers 5, through 8, but would also permit members to aggregate volume with respect to Customer and Professional Penny Pilot Options Rebate to Add Liquidity Tiers 1 through 4 and all NOM Market Maker Penny Pilot Options Rebate to Add Liquidity Tiers. The Exchange believes it is reasonable to permit aggregation for all volume threshold and volume percentage pricing in Chapter XV, Section 2 and not limit such aggregation to certain Tiers as it will provide NOM Participants a greater opportunity to earn rebates. The Exchange also believes that it is equitable and not unfairly discriminatory to permit aggregation for all volume threshold and volume percentage pricing in Chapter XV, Section 2 because it is offering all NOM Participants the opportunity to aggregate volume.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange offers NOM Participants the opportunity to aggregate affiliated volume today and this proposal would provide additional opportunities to aggregate volume to obtain rebates. The Exchange does not believe this proposal creates an undue burden on competition as all NOM Participants have the ability to aggregate in this manner today.

The Exchange believes the differing outcomes, rebates and fees created by the Exchange's proposed pricing incentives contribute to the overall health of the market place to the benefit of all Participants that willingly choose to transact options on NOM. For the reasons specified herein, the Exchange does not believe this proposal creates an undue burden on competition. The Exchange operates in a highly competitive market comprised of twelve U.S. options exchanges in which many sophisticated and knowledgeable market participants can readily and do send order flow to competing exchanges if they deem fee levels or rebate incentives at a particular exchange to be excessive or inadequate. These market forces support the Exchange's belief that the proposed rebate structure and Tiers

[6] The Penny Pilot was established in March 2008 and in October 2009 was expanded and extended through December 31, 2014. *See* Securities Exchange Act Release Nos. 57579 (March 28, 2008), 73 FR 18587 (April 4, 2008) (SR–NASDAQ–2008–026) (notice of filing and immediate effectiveness establishing Penny Pilot); 60874 (October 23, 2009), 74 FR 56682 (November 2, 2009) (SR–NASDAQ–2009–091) (notice of filing and immediate effectiveness expanding and extending Penny Pilot); 60965 (November 9, 2009), 74 FR 59292 (November 17, 2009) (SR–NASDAQ–2009–097) (notice of filing and immediate effectiveness adding seventy-five classes to Penny Pilot); 61455 (February 1, 2010), 75 FR 6239 (February 8, 2010) (SR–NASDAQ–2010–013) (notice of filing and immediate effectiveness adding seventy-five classes to Penny Pilot); 62029 (May 4, 2010), 75 FR 25895 (May 10, 2010) (SR–NASDAQ–2010–053) (notice of filing and immediate effectiveness adding seventy-five classes to Penny Pilot); 65969 (December 15, 2011), 76 FR 79268 (December 21, 2011) (SR–NASDAQ–2011–169) (notice of filing and immediate effectiveness extension and replacement of Penny Pilot); 67325 (June 29, 2012), 77 FR 40127 (July 6, 2012) (SR–NASDAQ–2012–075) (notice of filing and immediate effectiveness and extension and replacement of Penny Pilot through December 31, 2012); 68519 (December 21, 2012), 78 FR 136 (January 2, 2013) (SR–NASDAQ–2012–143) (notice of filing and immediate effectiveness and extension and replacement of Penny Pilot through June 30, 2013); 69787 (June 18, 2013), 78 FR 37858 (June 24, 2013) (SR–NASDAQ–2013–082) (notice of filing and immediate effectiveness and extension and replacement of Penny Pilot through December 31, 2013); 71105 (December 17, 2013), 78 FR 77530 (December 23, 2013) (SR–NASDAQ–2013–154) (notice of filing and immediate effectiveness and extension and replacement of Penny Pilot through June 30, 2014); and 79 FR 31151 (May 23, 2014), 79 FR 31151 (May 30, 2014) (SR–NASDAQ–2014–056) ((notice of filing and immediate effectiveness and extension and replacement of Penny Pilot through December 31, 2014). *See also* NOM Rules, Chapter VI, Section 5.

[7] For purposes of Tiers 5, 6, 7 and 8, the Exchange will allow NOM Participants under Common Ownership to aggregate their volume to qualify for the rebate.

[8] The term ''NOM Market Maker'' means a Participant that has registered as a Market Maker on NOM pursuant to Chapter VII, Section 2, and must also remain in good standing pursuant to Chapter VII, Section 4. In order to receive NOM Market Maker pricing in all securities, the Participant must be registered as a NOM Market Maker in at least one security.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4).

proposed herein are competitive with rebates and Tiers in place on other exchanges. The Exchange believes that this competitive marketplace continues to impact the rebates present on the Exchange today and substantially influences the proposals set forth above.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[11] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2014–114 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2014–114. 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 the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2014–114, and should be submitted on or before December 30, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–28773 Filed 12–8–14; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

[12] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Disposal of Aeronautical Property at Concord Regional Airport, Concord, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for Public Comment.

SUMMARY: The Federal Aviation Administration is requesting public comment on a request by the City of Concord, North Carolina, owner of the Concord Regional Airport, to release for disposal a portion of airport property at the Concord Regional Airport. The request consists of approximately 2.455 acres for a new Right-Of-Way for the Poplar Tent Road, .59 acres of temporary construction easements and .088 acres of permanent utility easements. This release will be retroactive for a project that improved Poplar Tent Road by the North Carolina Department of Transportation (NCDOT) initiated on March 12, 2012. This action is taken under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before *January 8, 2015.*

ADDRESSES: Documents are available for review at the Concord Regional Airport, 9000 Aviation Blvd., Concord, NC 28027; and the FAA Memphis Airports District Office, 2600 Thousand Oaks Boulevard, Suite 2250, Memphis, TN 38118–2482. Written comments on the Sponsor's request must be delivered or mailed to: Mr. Phillip J. Braden, Manager, Memphis Airports District Office, 2600 Thousand Oaks Boulevard, Suite 2250, Memphis, TN 38118–2482.

In addition, a copy of any comments submitted to the FAA must be mailed or delivered to Mr. Rick Cloutier, Aviation Director, Concord Regional Airport Authority, 9000 Aviation Blvd., Concord, NC 28027.

FOR FURTHER INFORMATION CONTACT: Mr. Michael L. Thompson, Program Manager, Federal Aviation Administration, Memphis Airports District Office, 2600 Thousand Oaks Boulevard, Suite 2250, Memphis, TN 38118–2482. The application may be reviewed in person at this same location, by appointment.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the request to release property for disposal at Concord Regional Airport, Concord, NC 28027 under the provisions of AIR 21 (49 U.S.C. 47107(h)(2)).

On November 20, 2014, the FAA determined that the request to release property for non-aeronautical purposes at Concord Regional Airport meets the procedural requirements of the Federal Aviation Administration. The FAA may approve the request, in whole or in part, no later than *January 8, 2015.*

The following is a brief overview of the request:

The Concord Regional Airport is proposing the release of approximately 2.455 acres for new Right-Of-Way for the Poplar Tent Road, .59 acres of temporary construction easements and .088 acres of permanent utility easements, to allow improvements to Poplar Tent Road by the NCDOT. This property is located along the existing airport northern property line extending approximately 335 feet along the Poplar Tent Road.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

Issued in Memphis, TN, on December 3, 2014.

Phillip Braden,

Manager, Memphis Airports District Office.

[FR Doc. 2014–28822 Filed 12–8–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–141]

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 29, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0947 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: Jake Troutman, (202) 267–9521. 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on December 1, 2014.

James M. Crotty,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2014–0947.

Petitioner: SkyWard IO, Inc.

Section of 14 CFR Affected: parts 21, 49, 61, 67; §§ 45.23(b), 47.16, 91.9(b) and (c), 91.109, 91.111, 91.113, 91.115, 91.119, 91.121, 91.151, 91.155, 91.203(a) and (b), 91.215, 91.319, and 91.413.

Description of Relief Sought: The petitioner is requesting relief to commercially operate its small unmanned aircraft systems (sUAS) in order to pursue research and development of those sUAS and associated sUAS software within defined areas of operation.

[FR Doc. 2014–28732 Filed 12–8–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Austin-Bergstrom International Airport, Austin, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Request to Release Airport Property

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at the Austin-Bergstrom International Airport under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before (from 30 days of the posting of this **Federal Register** Notice).

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Edward Agnew, Manager, Federal Aviation Administration, Southwest Region, Airports Division, Texas Airports Development Office, ASW–650, Fort Worth, Texas 76193–0650.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to the Mr. Shane Harbinson, Engineering & Planning Manager, at the following address: Austin-Bergstrom International Airport, 3600 Presidential Boulevard, Austin, Texas 78719.

FOR FURTHER INFORMATION CONTACT: Mr. Marcelino Sanchez, Program Manager, Federal Aviation Administration, Texas Airports Development Office, ASW–650, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0650, Telephone: (817) 222–5652, email: *marcelino.sanchez@faa.gov*, fax: (817) 222–5989.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Austin-Bergstrom International Airport under the provisions of the AIR 21.

The following is a brief overview of the request:

The City of Austin requests the release of 0.60 acre tract (26,149 SF) of non-aeronautical airport property. In 1942, the City of Austin donated land to the United States government for a military installation (Bergstrom Air Force Base), with the stipulation that the land would revert back to the City of Austin when the government no longer needed it. The Air Force Base was officially closed on September 30, 1996. On July 27, 2001, the United States of America/Secretary of the Air Force conveyed 1989.252 acres back to the City of Austin as a result of the base closure. The 0.60 acre (26,149 SF) tract is a part of the larger 1989.252 acre tract. The property to be released will be sold to allow for highway improvements along State Highway 71.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents relevant to the application in person at the Austin-Bergstrom International Airport, telephone number (512) 530–5562.

Issued in Fort Worth, Texas, on November 26, 2014.

Edward Agnew,

Acting Manager, Airports Division.

[FR Doc. 2014–28796 Filed 12–8–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Public Transportation on Indian Reservations Program; Tribal Transit Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Funding Availability: Solicitation of Grant Applications for FY 2014 Tribal Transit Program Funds.

SUMMARY: The Federal Transit Administration (FTA) announces the availability of approximately $5 million in funding provided by the Public Transportation on Indian Reservations Program (Tribal Transit Program (TTP)), as authorized by 49 U.S.C. Section 5311(j), as amended by the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–41 (July 6, 2012). This notice is a national solicitation for project proposals and includes the selection criteria and program eligibility information for Fiscal Year 2014 projects. FTA may choose to fund the program for more or less than the announcement amount, including applying any FY 2015 appropriations or other funding toward projects proposed in response to the Notice of Funding Availability (NOFA).

This announcement is available on the FTA Web site at: *http://www.fta.dot.gov/grants/15926_3553.html.* Additionally, a synopsis of the funding opportunity will be posted in the FIND module of the government-wide electronic grants Web site at *http://www.grants.gov.*

FTA requires that all project proposals be submitted electronically through *http://www.GRANTS.GOV* by 11:59 p.m. EDT on February 18, 2015. Mail and fax submissions will not be accepted. A complete proposal submission will consist of at least two files: (1) The SF 424 Mandatory form (downloaded from GRANTS.GOV) and (2) the Tribal Transit supplemental form found on the FTA Web site at *http://www.fta.dot.gov/grants/15926_3553.html.* The Tribal Transit supplemental form provides guidance and a consistent format for applicants to respond to the criteria outlined in this NOFA. Once completed, the applicant must place the supplemental form in the attachments section of the SF–424 Mandatory form. Applicants must use the supplemental form designated for TTP and attach the form to their submission in GRANTS.GOV to complete the application process. A proposal submission may contain additional supporting documentation as attachments.

Within 24–48 hours after submitting an electronic application, the applicant should receive three email messages from GRANTS.GOV: (1) Confirmation of successful transmission to GRANTS.GOV; (2) confirmation of successful validation by GRANTS.GOV; and (3) confirmation of successful validation by FTA. If the applicant does not receive confirmations of successful validation and instead receives a notice of failed validation or incomplete materials, the applicant must address the reason for the failed validation or incomplete materials, as described in the notice, and resubmit the proposal before the submission deadline. If making a resubmission for any reason, the applicant must include all original attachments regardless of which attachments are updated and check the box on the supplemental form indicating this is a resubmission. Complete instructions on the application process can be found at *http://www.fta.dot.gov/grants/15926_3553.html.*

Important: FTA urges applicants to submit their project proposals at least 72 hours prior to the due date to allow time to receive the validation message and to correct any problems that may have caused a rejection notification. FTA will not accept submissions after the stated submission deadline. GRANTS.GOV scheduled maintenance and outage times are announced on the GRANTS.GOV Web site *http://www.GRANTS.GOV.* The deadline will not be extended due to scheduled maintenance or outages.

Applicants may submit one proposal for each project or one proposal containing multiple projects. Applicants submitting multiple projects in one proposal must be sure to clearly define each project by completing a supplemental form for each project. Additional supplemental forms must be added within the proposal by clicking the ''add project'' button in Section II of the supplemental form.

Information such as applicant name, Federal amount requested, description of areas served, and other information may be requested in varying degrees of detail on both the SF 424 form and supplemental form. Applicants must fill in all fields unless stated otherwise on the forms. Applicants should use both the ''Check Package for Errors'' and the ''Validate Form'' validation buttons on both forms to check all required fields on the forms, and ensure that the Federal and local amounts specified are consistent.

DATES: Complete proposals for the Tribal Transit Program announced in this Notice must be submitted by 11:59 p.m. EDT on February 18, 2015. All proposals must be submitted electronically through the GRANTS.GOV APPLY function. Any tribe intending to apply should initiate the process of registering on the GRANTS.GOV site immediately to ensure completion of registration before the submission deadline. Instructions for applying can be found on FTA's Web site at *http://www.fta.dot.gov/grants/15926_3553.html* and in the ''FIND'' module of GRANTS.GOV.

FOR FURTHER INFORMATION CONTACT: Contact the appropriate FTA Regional Office at *http://www.fta.dot.gov* for proposal-specific information and issues. For general program information, contact Élan Flippin, Office of Program Management, (202) 366–3800, email: *elan.flippin@dot.gov.* A TDD is available at 1–800–877–8339 (TDD/FIRS).

SUPPLEMENTARY INFORMATION:

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A. Overview

The Tribal Transit Program was established by section 3013 of SAFETEA–LU and modified under Section 20010 of MAP–21, Public Law 112–41 (July 6, 2012) and codified at 49 U.S.C. 5311(j). MAP–21 amended the Tribal Transit Program to consist of a $25 million formula allocation and a $5 million discretionary program. The program authorizes direct grants ''under such terms and conditions as may be established by the Secretary'' to Indian tribes for any purpose eligible under FTA's Rural Areas Formula Program, 49 U.S.C. 5311. Approximately $5 million is available for the Tribal Transit discretionary allocation in FY 2014 to projects selected pursuant to the process described in the following sections.

B. Program Purpose

The primary purpose of these competitively selected grants is to support planning, capital, and, in limited circumstances, operating assistance for tribal public transit services. Funds distributed to Indian tribes under the TTP should NOT replace or reduce funds that Indian tribes receive from States through FTA's Section 5311 program. Specific project eligibility under this competitive allocation is described in Section C–2 below. Priority consideration will be given to eligible projects that help to expand ladders of opportunity. Examples could include enhancing access to work, educational, and other training opportunities, and supporting partnerships that expand access to other governmental, health, medical, education, social, human service, and transportation providers to improve coordinated delivery of services.

C. Program Information

1. Eligible Applicants

Eligible applicants include federally recognized Indian tribes or Alaska Native villages, groups, or communities as identified by the U.S. Department of Interior (DOI), Bureau of Indian Affairs (BIA). As evidence of Federal recognition, an Indian tribe may submit a copy of the most up-to-date **Federal Register** Notice published by DOI, BIA: Entities Recognized and Eligible to Receive Service from the United States Bureau of Indian Affairs (79 FR 4748, January 29, 2014). To be an eligible recipient, an Indian tribe must have the requisite legal, financial and technical capabilities to receive and administer Federal funds under this program. Applicants must be registered in the System for Award Management (SAM) database (instructions for registration are located under Appendix C) and maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by FTA.

2. Eligible Projects

Eligible projects include public transportation planning, capital and operating projects, in limited circumstances. Public transportation includes regular, continuing shared-ride surface transportation services open to the public or open to a segment of the public defined by age, disability, or low income. FTA will award grants to eligible Indian tribes located in rural areas. Specific types of projects include: Capital projects for start-ups, replacement or expansion needs; operating assistance for start-ups; and planning projects up to $25,000. Indian tribes applying for capital replacement or expansion needs must demonstrate a sustainable source of operating funds for existing or expanded services. FY 2013 was considered a transition year for the discretionary program and Indian tribes who did not receive an FY 2013 formula apportionment or only received a Tier 3 allocation were allowed to apply for operating assistance under the discretionary program. This transition period gave tribes an opportunity to receive operating funds to run their transit systems and report Vehicle Revenue Miles (VRMs) to the National Transit Database (NTD) for inclusion in the FY14 formula program. In FY 2014, FTA will only consider operating assistance requests from tribes without existing transit service, or those tribes who received a TTP formula allocation of less than $20,000.

3. Cost Sharing or Matching

There is a 90 percent Federal share for projects selected under the TTP discretionary program, unless the Indian tribe can demonstrate a financial hardship in its application. FTA is interested in the Indian tribe's financial commitment to the proposed project, thus the proposal should include a description of the Indian tribe's financial commitment.

4. Proposal Content (All Applicants Must Completely Respond to Items in This Section To Be Considered for TTP Funding)

The following information MUST be included on the SF 424 and supplemental forms for all TTP funding proposals:

i. Proposal Information

a. Name of federally-recognized tribe and, if appropriate, the specific tribal agency submitting the application.

b. Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number if available. (Note: If selected, applicant will be required to provide DUNS number prior to grant award).

c. Contact information including: Contact name, title, address, fax and phone number, and email address if available.

d. Description of public transportation services including areas currently served by the tribe, if any.

e. Name of person(s) authorized to apply on behalf of the tribe (attach a signed transmittal letter) must accompany the proposal.

ii. Project Information

a. Project Description

Indicate the category for which funding is requested; *i.e.,* project type: Capital, operating or planning, and then indicate the project purpose; *i.e.,* start-up, expansion or replacement. Describe the proposed project and what it will accomplish (*e.g.,* number and type of vehicles, routes, service area, schedules, type of services, fixed route or demand responsive, safety aspects), route miles (if fixed route), ridership numbers expected (actual if an existing system, estimated if a new system), major origins and destinations, population served, and whether the tribe provides the service directly, contracts for services, and note vehicle maintenance plans.

b. Project Timeline

Include significant milestones such as date of contract for purchase of vehicle(s), actual or expected delivery date of vehicles; facility project phases (*e.g.* NEPA compliance, design, construction); or dates for completion of planning studies. If applying for operational funding for new services, indicate the period of time funds are used to operate the system (*e.g.* one year). This section should also include any needed timelines for tribal council project approvals, if applicable.

c. Budget

Provide a detailed budget for each proposed purpose noting the Federal amount requested and any additional funds that will be used. An Indian tribe use allow up to 15 percent of a grant award for capital projects for specific project-related planning and administration, and the indirect costs rate may not exceed ten percent (if necessary add as an attachment) of the total amount requested/awarded.

d. Technical, Legal, Financial Capacity

Indian tribes must be able to demonstrate adequate capacity in technical, legal and financial areas to be considered for funding. Every proposal MUST describe this capacity to implement the proposed project.

1. Technical Capacity: Provide examples of the Indian tribe's management of other Federal projects, including previously funded FTA projects and/or similar types of projects for which funding is being requested. Describe the resources the Indian tribe has to implement the proposed transit project.

2. Legal Capacity: Provide documentation or other evidence to show that the applicant is a federally

recognized Indian tribe and has an authorized representative to execute legal agreements with FTA on behalf of the Indian tribe. If applying for capital or operating funds, identify whether the Indian tribe has appropriate Federal or State operating authority.

3. Financial Capacity: Provide documentation or other evidence to show that the Indian tribe has adequate financial systems in place to receive and manage a Federal grant. Describe the Indian tribe's financial systems and controls. Describe other sources of funds the Indian tribe manages and describe the long-term financial capacity to maintain the proposed or existing transit services.

5. Evaluation Criteria for Operating and Capital Assistance Requests

Applications will be grouped into their respective category for review and rating purposes. Applicants must address criteria in Sections *i–v* for operating and capital requests. Applicants applying for planning grants must address evaluation criteria in Section *vi.*

i. Planning and Local/Regional Prioritization

In this section, the applicant should describe how the proposed project was developed and demonstrate that there is a sound basis for the project and that the applicant is ready to implement the project if funded. Information may vary depending upon how the planning process for the project was conducted and what is being requested. Planning and local/regional prioritization should consider and address the following areas:

a. Describe the planning document and/or the planning process conducted to identify the proposed project.

b. Provide a detailed project description including the proposed service, vehicle and facility needs, and other pertinent characteristics of the proposed or existing service implementation.

c. Identify existing transportation services in and near the proposed service area and document in detail, whether the proposed project will provide opportunities to coordinate service with existing transit services, including human service agencies, intercity bus services, or other public transit providers.

d. Discuss the level of support by the community and/or tribal government for the proposed project.

e. Describe how the mobility and client-access needs of tribal human service agencies were considered in the planning process.

f. Describe what opportunities for public participation were provided in the planning process and how the proposed transit service or existing service has been coordinated with transportation provided for the clients of human service agencies, with intercity bus transportation in the area, or with any other rural public transit providers.

g. Describe how the proposed service complements rather than duplicates any currently available services.

h. Describe the implementation schedule for the proposed project, including time period, staffing, and procurement.

i. Describe any other planning or coordination efforts not mentioned above.

ii. Project Readiness: In this section, the applicant should describe readiness to implement the project. This involves assessing whether:

a. Project is a Categorical Exclusion (CE) or the required environmental work has been initiated or completed for construction projects requiring an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under, among others, the National Environmental Policy Act of 1969, as amended.

b. Project implementation plans are complete, including initial design of facilities projects.

c. Project funds can be obligated and the project can be implemented quickly, if selected.

d. Applicant demonstrates the ability to carry out the proposed project successfully.

iii. Demonstration of Need

FTA will evaluate each project to determine the need for resources. In addition to the project-specific criteria, this will include evaluating the project's impact on service delivery and whether the project represents a one-time or periodic need that cannot reasonably be funded from the FTA program formula allocations or State and/or local resources. In this section, the proposal should demonstrate the transit needs of the Indian tribe and discuss how the proposed transit improvements or the new service will address the identified transit needs. Proposals should include information such as destinations and services not currently accessible by transit, needs for access to jobs or health care, safety enhancements or special needs of elders and individuals with disabilities, income-based community needs, or other mobility needs. If an applicant received a planning grant in previous fiscal years, it should indicate the status of the planning study and how the proposed project relates to that study.

Capital expansion or replacement projects should also address the following in the proposal. If the proposal is for capital funding associated with an expansion or expanded service, the applicant should describe how current or growing demand for the service necessitates the expansion (and therefore, more capital) and/or the degree to how the project is addressing a current capacity constraint. Capital replacement projects should include information about the age, condition, and performance of the asset to be replaced by the proposed project and/or how the replacement may be necessary to maintain the transit system in a state of good repair.

iv. Demonstration of Benefits

In this section, proposals should identify expected or, in the case of existing service, achieved, project benefits. FTA is particularly interested in how these investments will improve the quality of life for the tribe and surrounding communities. Applicants should describe how the transportation service or capital investment will provide greater access to employment opportunities, educational centers, healthcare, or other needs that profoundly impact the quality of life for the community, as described in the program purpose above. Please note, DOT recognizes that a formal benefit-cost analysis can be particularly burdensome on Tribal governments. Therefore, the Department is providing flexibility to Tribal governments to demonstrate benefits—including some of the following examples—for the purposes of this notice. Possible examples include increased or sustained ridership and daily trips, improved service, elimination of gaps in service, improved operations and coordination, increased reliability, health care, education, and economic benefits to the community. Benefits can be demonstrated by identifying the population of community members in the proposed project service area and estimating the number of daily one-way trips the proposed transit service will provide or the actual number of individual riders served. Applicants are encouraged to consider qualitative and quantitative benefits to the Indian tribe and to the surrounding communities that are meaningful to them.

Based on the information provided under the demonstration of benefits, proposals will be rated based on four factors:

a. Will the project improve transit efficiency or increase ridership?

b. Will the project improve or maintain mobility, or eliminate gaps in service for the Indian tribe?

c. Will the project improve or maintain access to important destinations and services?

d. Are there other qualitative benefits, such as greater access to jobs, education and health care?

v. Financial Commitment and Operating Capacity

In this section, the proposal should identify the source of local match (10 percent is required for all operating and capital projects), and any other funding sources used by the Indian tribe to support proposed transit services, including human service transportation funding, FHWA's Tribal Transportation Program funding, or other FTA programs. If requesting the local match to be waived based on financial hardship, the applicant must submit budgets and sources of other revenue to demonstrate hardship. FTA will review this information and notify tribes at the time of award if the waiver is approved. If applicable, the applicant should also describe how prior year TTP funds were spent to date to support the service. Additionally, Indian tribes applying for operating of new services should provide a sustainable funding plan that demonstrates how it intends to maintain operations.

The proposal should describe any other resources the Indian tribe will contribute to the project, including in-kind contributions, commitments of support from local businesses, donations of land or equipment, and human resources, and describe to what extent the new project or funding for existing service leverages other funding. Based upon the information provided, the proposals will be rated on the extent to which the proposal demonstrates that:

a. TTP Funding does not replace existing funding;

b. The Indian tribe will provide non-financial support to the project;

c. The Indian tribe is able to demonstrate a sustainable funding plan; and

d. Project funds are used in coordination with other services for efficient utilization of funds.

vi. Evaluation Criteria for Planning Proposals

For planning grants, the proposal should describe, in no more than three pages, the need for and a general scope of the proposed study. The proposal should also address the following:

1. What is the tribes' long-term commitment to transit?

2. How will the proposed study be implemented and/or further tribal transit.

6. Review and Selection Process

A technical evaluation committee will review proposals under the project evaluation criteria. Members of the technical evaluation committee and other involved FTA staff reserve the right to screen, rate the applications, and seek clarification about any statement in an application.

After consideration of the findings of the technical evaluation committee, the FTA Administrator will determine the final selection and amount of funding for each project. Geographic diversity and the applicant's receipt and management of other Federal transit funds may be considered in FTA's award decisions. FTA expects to announce the selected projects and notify successful applicants in summer 2015.

Once successful applicants are announced, they will work with the appropriate Regional office to develop a grant application consistent with the selected proposal in FTA's electronic grant award and management system.

D. Technical Assistance and Other Program Information

This program is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' FTA will consider applications for funding only from eligible recipients for eligible projects listed in Section C–2. Due to funding limitations, applicants that are selected for funding may receive less than the amount requested. Complete applications must be submitted through GRANTS.GOV no later than February 18, 2015.

Additionally, FTA is continuing to expand its technical assistance and oversight of tribes receiving funds under this program by conducting technical assistance assessments. These assessments will include discussion of compliance areas and program requirements pursuant to the Master Agreement, a site visit and technical assistance from FTA and its contractors. To assist tribes with understanding program requirements, FTA will conduct Tribal Transit Technical Assistance Workshops in FY 2015. FTA plans to begin assessments in FY 2015, giving tribes an opportunity to attend offered workshops. FTA will use these assessments as a tool to focus on areas of improvement and as an indication of the areas where technical assistance is needed.

FTA will post information about upcoming workshops to its Web site and will disseminate information about the reviews through its Regional offices. A list of Tribal Liaisons is available on FTA's Web site at *http://www.fta.dot.gov/grants/15926_3553.html* and in Appendix A of this document.

Applicants may also receive technical assistance for application development by contacting their FTA regional tribal liaison, or the National Rural Transportation Assistance Program office (Appendix B). Contact information for FTA's regional offices can be found on FTA's Web site at *www.fta.dot.gov.*

Therese W. McMillan,

Acting Administrator.

Appendix A

FTA REGIONAL TRIBAL LIAISONS

Region 1—Boston Regional Tribal Liaison: Sean Sullivan States served: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont	Region 6—Ft. Worth Regional Tribal Liaisons: Lynn Hayes and Luciana Nears. States served: Arkansas, Louisiana, Oklahoma, New Mexico and Texas.
Region 2—New York Regional Tribal Liaison: Darin Allan States served: New Jersey, New York, New York Metropolitan Office	Region 7—Kansas City, MO Regional Tribal Liaison: Cathy Monroe. States served: Iowa, Kansas, Missouri, and Nebraska.
Region 3—Philadelphia States served: Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and District of Columbia	Region 8—Denver Regional Tribal Liaisons: Jennifer Stewart and David Beckhouse. States served: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

FTA REGIONAL TRIBAL LIAISONS—Continued

Region 4—Atlanta Regional Tribal Liaison: Tajsha LaShore States served: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands	Region 9—San Francisco Regional Tribal Liaison: Dominique Paukowits. States served: American Samoa, Arizona, California, Guam, Hawaii, Nevada, and the Northern Mariana Islands.
Region 5—Chicago Regional Tribal Liaisons: Susan Orona and Angelica Salgado States served: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin	Region 10—Seattle Regional Tribal Liaison: Scot Rastelli. States served: Alaska, Idaho, Oregon, and Washington.

Appendix B

TECHNICAL ASSISTANCE CONTACTS

Alaska Tribal Technical Assistance Program, Kim Williams, University of Alaska, Fairbanks, P.O. Box 756720, Fairbanks, AK 99775–6720, (907)842–2521, (907)474–5208, *williams@nushtel.net, http://community.uaf.edu/~alaskattac.* Service area: Alaska.	Northern Plains Tribal Technical Assistance Program, Dennis Trusty, United Tribes Technical College, 3315 University Drive, Bismarck, ND 58504, (701)255–3285 ext. 1262, (701)530–0635, *nddennis@hotmail.com, http://www.uttc.edu/forum/ttap/ttap.asp.* Service area: Montana (Eastern), Nebraska (Northern), North Dakota, South Dakota, Wyoming.
National Indian Justice Center, Raquelle Myers, 5250 Aero Drive, Santa Rosa, CA 95403, (707) 579–5507 or (800) 966–0662, (707) 579–9019, *nijc@aol.com, http://www.nijc.org/ttap.html.* Service area: California, Nevada.	Northwest Tribal Technical Assistance Program, Richard A. Rolland, Eastern Washington University, Department of Urban Planning, Public & Health Administration, 216 Isle Hall, Cheney, WA 99004, (800)583–3187, (509)359–7485, *rrolland@ewu.edu, http://www.ewu.edu/TTAP/.* Service area: Idaho, Montana (Western), Oregon, Washington.
Tribal Technical Assistance Program at Colorado State University, Ronald Hall, Rockwell Hall, Room 321, Colorado State University, Fort Collins, CO 80523–1276, (800)262–7623, (970)491–3502, *ronald.hall@colostate.edu, http://ttap.colostate.edu/.* Service area: Arizona, Colorado, New Mexico, Utah.	Tribal Technical Assistance Program at Oklahoma State University, James Self, Oklahoma State University, 5202 N. Richmond Hills Road, Stillwater, OK 74078–0001, (405)744–6049, (405)744–7268, *jim.self@okstate.edu, http://ttap.okstate.edu/.* Service area: Kansas, Nebraska, (Southern), Oklahoma, Texas.
Tribal Technical Assistance Program (TTAP), Bernie D. Alkire, 301–E Dillman Hall, Michigan Technological University, 1400 Townsend Drive, Houghton, MI 49931–1295, (888)230–0688, (906)487–1834, *balkire@mtu.edu, http://www.ttap.mtu.edu/.* Service area: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania.	National RTAP (National Rural Transit Assistance Program), Contact: Patti Monahan, National RTAP, 5 Wheeling Ave., Woburn, MA 01801, (781) 404–5015 (Direct), (781) 895–1122 (Fax), (888) 589–6821 (Toll Free), *pmonahan@nationalrtap.org, www.nationalrtap.org.*
Community Transportation Association of America, The Resource Center—800–891–0590, http://www.ctaa.org/.	

Appendix C

Registering In SAM and Grants.Gov

Registration in Brief:

Registration takes approximately 3–5 business days, please allow 4 weeks for completion of all steps.

In order to apply for a grant, you and/or your organization must first complete the registration process in Grants.gov. The registration process for an Organization or an Individual can take between three to five business days or as long as four weeks if all steps are not completed in a timely manner. So please register in Grants.gov early.

The Grants.gov registration process ensures that applicants for Federal Funds have the basic prerequisites to apply for and to receive federal funds. Applicants for FTA discretionary funds must:

- Have a valid DUNS number
- Have a current registration in SAM (formerly CCR)
- Register and apply in Grants.gov

The required registration steps are described in greater detail on Grants.gov Web site. The following is a link to a helpful checklist and explanations published by Grants.gov to assist applicants: Organization Registration Checklist. If you have not recently applied for federal funds, we recommend that you initiate your search, registration, and application process with Grants.gov. Visiting the Grants.gov site will inform you of how to apply for grant opportunities, as well as assist you in linking to the other required registrations, *i.e.,* Dun & Bradstreet to obtain a DUNS Number, and System for Award Management (SAM).

Summary of steps (these steps are available in Grants.gov during registration):

STEP 1: Obtain DUNS Number

Same day. If requested by phone (1–866–705–5711) DUNS is provided immediately. If your organization does not have one, you will need to go to the Dun & Bradstreet Web site at *http://fedgov.dnb.com/webform* to obtain the number.

STEP 2: Register With SAM

Three to five business days or up to two weeks. If you already have a TIN, your SAM registration will take 3–5 business days to process. If you are applying for an EIN please allow up to 2 weeks. Ensure that your organization is registered with the System for Award Management (SAM) at System for Award Management (SAM). If your organization is not, an authorizing official of your organization must register.

STEP 3: Establish an Account in Grants.gov—Username & Password

Same day. Complete your AOR (Authorized Organization Representative) profile on Grants.gov and create your username and password. You will need to use your organization's DUNS Number to complete this step. *https://apply07.grants.gov/apply/OrcRegister.*

STEP 4: Grants.gov—AOR Authorization

*Same day. The E-Business Point of Contact (E-Biz POC) at your organization

must login to Grants.gov to confirm you as an Authorized Organization Representative (AOR). Please note that there can be more than one AOR for your organization. In some cases the E-Biz POC is also the AOR for an organization. *Time depends on responsiveness of your E-Biz POC.

Please Note: Grants.gov gives you the option of registering as an ''individual'' or as an ''organization.'' If you register in Grants.gov as an as an ''Individual,'' your ''Organization'' will not be allowed to use the Grants.gov username and password. To apply for grants as an Organization you must register as an Organization and use that specific username and password issued during the ''organization'' registration process.

[FR Doc. 2014–28792 Filed 12–8–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2012–0015]

Finding of No Significant Impact for America's Marine Highway Program

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of availability.

SUMMARY: This Notice announces the availability of the Finding of No Significant Impact (FONSI) for the America's Marine Highway Program, which designates criteria, eligibility requirements, and information for applicants seeking to establish services on a ''short sea'' marine highway (America's Marine Highway).

The objective of the America's Marine Highway (AMH) Program is to identify opportunities to reduce landside congestion and to optimize the transportation of goods and passengers through use of the waterway network. MARAD previously made available for public review a programmatic environmental assessment (PEA) that analyzed the potential environmental impacts of continuing to execute the AMH Program (Program). Based on the PEA, MARAD determined that the proposed action will not significantly affect the human or natural environment and therefore does not require the preparation of an environmental impact statement. For actions not described in the PEA, or for specific projects associated with an AMH, MARAD may prepare or oversee the preparation of a supplemental environmental assessment or other appropriate documentation.

ADDRESSES: A copy of the FONSI is available for public review on the Federal eRulemaking Portal: *http://www.regulations.gov.* Search MARAD–2012–0015. You may also view the FONSI by visiting MARAD's Marine Highway Web page at *http://www.marad.dot.gov/ships_shipping_landing_page/mhi_home/mhi_home.htm* and clicking on ''Finding of No Significant Impact.''

FOR FURTHER INFORMATION CONTACT: Daniel Yuska, Office of Environment, (202) 366–0714 or via email at *Daniel.Yuska@dot.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question. You will receive a reply during normal business hours. You may send mail to Mr. Yuska at Department of Transportation, Maritime Administration, Office of Environment, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: The Energy Independence and Security Act of 2007 directed the Secretary of Transportation to establish a ''short sea'' transportation program, and to designate short sea transportation routes and projects to be conducted under the program, for the purpose of mitigating landside congestion. Pursuant to the statutory mandate, in 2010, MARAD established the Program, designating criteria, eligibility requirements and information for applicants seeking to establish AMH routes and projects. Projects designated under the Program must use U.S. documented vessels, transport passengers or freight (in containers or trailers) and must operate on a designated route. Section 405 of the Coast Guard and Maritime Transportation Act of 2012 expanded the geographic scope of the program to include routes between all U.S. ports, including U.S. ports with no contiguous landside connection, as well as routes between U.S. ports and ports in Canada located in the Great Lakes Saint Lawrence Seaway System. The Act also added the purpose of promoting the use of short sea transportation.

The Program itself does not develop or operate AMH services. Rather, the program provides a set of tools for use by ports, state and local governments, and private industry to consider expansion of AMH services. Where such designations are made, MARAD may encourage development of particular AMH projects or services when funding is available.

America's Marine Highway Program PEA

On July 14, 2014, MARAD published a notice in the **Federal Register** (79 FR 40838) entitled, ''America's Marine Highway Draft Programmatic Environmental Assessment and Public Comment Period.'' This notice announced that a PEA for the Program had been prepared and made available to the public for comment in accordance with the National Environmental Policy Act, 42 U.S.C. 4371 *et seq.,* the Council on Environmental Quality Regulations for Implementing NEPA (40 CFR parts 1500–1508), Department of Transportation Order 5610.1C, and MARAD Administrative Order 600–1. The notice informed the public on how to obtain, and submit comments on, the PEA. The PEA analyzed the potential environmental effects of the Program. The PEA was made available for a 30-day public comment period, beginning on the date of the publication of the notice. The comment period ended on August 13, 2014. No comments were received. On the basis of the PEA, MARAD determined that the environmental effects of the Program will not significantly affect the quality of the human or natural environment and therefore will not warrant preparation of an environmental impact statement. A FONSI was issued on September 11, 2014. The environmental impacts of specific AMH route or project designations or the establishment of specific AMH services will be considered in the context of specific proposals. Those future analyses may use the PEA as a starting point to analyze the specific environmental impacts of each particular proposal.

(Authority: 42 U.S.C. 4321, *et seq.,* 40 CFR parts 1500–1508, Department of Transportation Order 5610.1C, and MARAD Administrative Order 600–1)

* * *

Dated: December 3, 2014.

By Order of the Maritime Administrator.

Thomas M. Hudson,

Acting Secretary, Maritime Administration.

[FR Doc. 2014–28684 Filed 12–8–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0141, Notice 2]

Denial of Petition for Import Eligibility

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of Petition.

SUMMARY: This document sets forth the reasons for the denial of a petition submitted to the National Highway Traffic Safety Administration (NHTSA) under 49 U.S.C. 30141(a)(1)(B). The petition, which was submitted by US SPECS of Havre de Grace, Maryland, a registered importer (RI) of motor vehicles, requested NHTSA to decide that what US SPECS described as a ''2012 Lita GLE–6 low-speed vehicle (LSV)'' that was not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) is eligible for importation into the United States because it has safety features that comply with, or are capable of being altered to comply with, all such standards. NHTSA is denying the petition because the 2012 Lita GLE–6 as originally manufactured would be classified as something other than an LSV, and could not be converted to an LSV through the RI process.

SUPPLEMENTARY INFORMATION: NHTSA published a notice of receipt of the petition, with a 30-day public comment period, on May 21, 2013, in the **Federal Register** (78 FR 29808). The notice contained the following cautionary statement: ''It should be noted that the publication of this notice is not an acknowledgment that the vehicle that is the subject of the petition, the 2012 Lita GLE–6, is a low speed vehicle. In addition, in NHTSA's view, a vehicle that is not a low speed vehicle may not be converted to one by installing a governor (electronic or mechanical) or by removing weight such as by removing a seat, which may be reinstalled.'' See 78 FR 29809. The agency solicited comments on these specific issues. Ibid. No comments were submitted in response to the notice. Despite the absence of comments, NHTSA has reviewed the petition, and concluded that it must be denied. The reasons for this conclusion are set forth below.

In evaluating the petition, NHTSA has concluded that the activities US SPECS is proposing to undertake with respect to the vehicle in question are not ones that fall within the limited scope of activities an RI is authorized to perform. As detailed in the agency's regulations at 49 CFR part 592 *Registered Importers of Vehicles not Originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards,* an RI is responsible for taking possession of a nonconforming motor vehicle that has been offered for importation, performing all modifications necessary to conform the vehicle to all Federal motor vehicle safety and bumper standards that apply to the vehicle, and then certifying the vehicle as conforming to those standards. See 49 CFR 592.6(c).

Under the Safety Act, RIs are not in the same position as original manufacturers. In general, manufacturers that produce motor vehicles and motor vehicle equipment for the United States market and that import vehicles and equipment for the United States market must produce and import vehicles and equipment that comply with, and are certified to, Federal Motor Vehicle Safety Standards (FMVSSs). See 49 U.S.C. 30112(a), 30115. RIs are on a different footing. An exception to the general rule, which applies to motor vehicles (but not to motor vehicle equipment), is that vehicles that were not originally manufactured to comply with FMVSSs may be imported under the registered importer program if a number of conditions are met.

Under the statute, RIs are recognized as occupying a unique position as modifiers of previously manufactured vehicles. Section 30141 permits importation of vehicles that do not comply with FMVSSs only if NHTSA determines that the vehicle can be modified to meet all applicable FMVSSs. 49 U.S.C. 30141. More specifically, Section 30141(a)(1)(A), which governs the import eligibility of vehicles with a substantially similar U.S. certified counterpart, authorizes NHTSA to allow importation of such a vehicle if the vehicle is ''capable of being *readily altered* to comply with applicable motor vehicle safety standards prescribed under this chapter.'' (Emphasis added), 49 U.S.C. 30141(a)(1)(A)(iv). When a non-compliant vehicle does not have a substantially similar U.S. counterpart, NHTSA may only determine that the vehicle is eligible for importation if ''the safety features comply with or are capable of being *altered to comply* with . . .'' applicable FMVSS. (Emphasis added), 49 U.S.C. 30141(a)(1)(B). The agency is empowered to make such determinations on its own initiative or ''on petition of a manufacturer or importer registered under subsection (c) of this section.'' 49 U.S.C. 30141(a). An importer registered under subsection (c) of § 30141 is an RI. Therefore, on its face, § 30141 establishes that Congress distinguished RIs from original ''manufacturer[s]''.

RI's have a special status and responsibilities and duties beyond those generally imposed on ''manufacturer[s]'' under the Safety Act. In contrast to companies that produce and import vehicles certified to comply with FMVSSs, RI's must post a bond when importing vehicles. 49 U.S.C. 30141(d). Congress also established ownership restrictions for RI's and directed NHTSA to establish regulations unique to these entities. 49 U.S.C. 30141(c). Unlike original manufacturers that self-certify vehicles, RIs must also demonstrate, to NHTSA's satisfaction, that particular vehicles have been brought into compliance with all applicable FMVSS. Under 49 U.S.C. 30146(a) an RI may ''release custody of a motor vehicle imported by the registered importer . . . only after . . . the registered importer certifies to the Secretary of Transportation, in the way the Secretary prescribes, that the motor vehicle complies with each standard prescribed in the year the vehicle was manufactured and that applies in that year to that vehicle.'' Where an RI has certified a vehicle that is substantially similar to a vehicle certified for the U.S. market by its original manufacturer, the RI must recall the vehicles it has certified if the original manufacturer recalls its U.S.-certified counterpart. 49 U.S.C. 30147(a)(1)(A).

NHTSA's regulations properly recognize the congressional determination that an RI's role is to modify non-compliant vehicles. Petitions for import eligibility must identify the original manufacturer of the vehicle and the vehicle's model name and model year. 49 CFR 593.6(a)(1) and (b)(1). In the case of petitions seeking eligibility on a ''substantially similar'' basis, the petition must identify the necessary modifications that must be completed to bring the non-compliant vehicle into compliance with the FMVSS applicable to the vehicle's U.S.-certified counterpart. § 593.6(a)(5). For other vehicles, the petition must show that the vehicle is capable of being modified to meet the standards that would have applied had it been originally manufactured for importation into and sale in the U.S. § 593.6(b)(2).

Any examination of the petition filed by US SPECS is premised on the notion that the 2012 Lita GLE–6 is a ''motor vehicle.'' For the purposes of the Safety Act, a ''motor vehicle'' is ''a vehicle driven or drawn by mechanical power and manufactured primarily for use on

public streets, roads, and highways.'' See 49 U.S.C. 30102(a)(6). In filing the petition, US SPECS acknowledges 2012 Lita GLE–6 is manufactured primarily for use on public streets, roads and highways. If this were not the case, and the 2012 Lita GLE–6 was not manufactured primarily for highway use, then it is not a ''motor vehicle'' subject to the FMVSS, and there would be no reason to consider performing conformance modifications to ensure that the 2012 Lita GLE-complies with those standards.

Because there is no need to examine whether the 2012 Lita GLE–6 is a motor vehicle, the next question that arises is what class of vehicle is at issue in this petition. US SPECS contends that the 2012 Lita GLE–6 should be classified as a Low Speed Vehicle (LSV). NHTSA's regulations at 49 CFR 571.3 define, among other things, the types of vehicles that are subject to the FMVSS. Those regulations state: ''*Low-speed vehicle (LSV)* means a motor vehicle, (1) That is 4-wheeled, (2) Whose speed attainable in 1.6 km (1 mile) is more than 32 kilometers per hour (20 miles per hour) and not more than 40 kilometers per hour (25 miles per hour) on a paved level surface, and (3) Whose GVWR [gross vehicle weight rating] is less than 1,361 kilograms (3,000 pounds).'' Requirements for LSVs are specified in FMVSS No. 500 *Low-Speed Vehicles,* at 49 CFR 571.500. The purpose of the standard is to ensure that low-speed vehicles operated on the public streets, roads, and highways are equipped with the minimum motor vehicle equipment appropriate for motor vehicle safety. The standard requires an LSV to be equipped with headlamps, front and rear turn signal lamps, taillamps, stop lamps, reflex reflectors, mirrors, a parking brake, a windshield that conforms to the FMVSS on glazing materials (49 CFR 571.205), a vehicle identification number or VIN that conforms to the requirements of 49 CFR part 565 *Vehicle Identification Number Requirements,* and a Type 1 or Type 2 seat belt assembly at each designated seating position that conforms to FMVSS No. 209 *Seat Belt Assemblies* (49 CFR 571.209).

Consistent with these requirements, US SPEC's petition stated that the company would need to install headlights, turn signals, tail lights, a stop light, reflex reflectors, mirrors, a parking brake, and a compliant windshield, seat belts and VIN plate on the vehicle if it was not already so equipped. In addition, the petition stated that every vehicle must be weighed and ''[a]ny vehicle not meeting the required GVWR for low speed vehicle (sic) must have some of the seating removed to achieve the correct calculated GVWR.'' This statement was made in reference to the requirements for calculating a vehicle's GVWR that are found in NHTSA Certification regulations at 49 CFR part 567. Section 567.4(g)(3) of those regulations specifies that a vehicle's stated GVWR ''shall not be less than the sum of the unloaded vehicle weight, rated cargo load, and 150 pounds times the number of the vehicle's designated seating positions.'' Finally, the petition states: ''Every vehicle must be checked to insure that it does not exceed the maximum (25 mph) and minimum (20 mph) speed requirement. We must reprogram any vehicle that is not within the required speed limits.''

Given the modifications that US SPECS described as potentially needing to be performed on the 2012 Lita GLE–6, a question can be raised as to whether the vehicle was originally manufactured as an LSV. If the 2012 Lita GLE–6, as originally manufactured, had the characteristics of LSV but also has a GVWR of 3,000 pounds or more, then it would need to be classified as a motor vehicle of some type other than a low speed vehicle, such as a passenger car, multipurpose passenger vehicle, or truck. If the vehicle met one of those classifications, it could not be modified and certified as a low speed vehicle by a registered importer, as a registered importer is not authorized to change a vehicle's type classification to circumvent the need for bringing the vehicle into compliance with standards that would have applied to the vehicle had it been originally manufactured for sale in the United States.

By changing the vehicle's minimum or maximum speed capability, by removing designated seating positions to justify a reduction in its GVWR, and by adding equipment items required by FMVSS No. 500 that were not installed on the vehicle as originally manufactured, US SPECS would not be conforming something originally manufactured as an LSV to applicable FMVSS, as RI's are authorized to do, but would instead be converting a passenger car, multi-purpose vehicle, truck or bus into an LSV.

In view of these considerations, NHTSA has decided to deny the petition under 49 CFR 593.7(e). That section provides that a notice of denial must state that the Administrator will not consider a new petition covering the model that is the subject of the denial until at least 3 months from the date of the notice of denial. Because the 2012 Lita GLE–6 would not be classified as an LSV as originally manufactured, NHTSA will not consider any further import eligibility petitions covering that vehicle as an LSV.

Authority: 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.7; delegations of authority at 49 CFR 1.95 and 501.8.

Nancy Lummen Lewis,

Associate Administrator for Enforcement.

[FR Doc. 2014–28725 Filed 12–8–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of The Secretary

List of Countries Requiring Cooperation With an International Boycott

In accordance with section 999(a)(3) of the Internal Revenue Code of 1986, the Department of the Treasury is publishing a current list of countries which require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

On the basis of the best information currently available to the Department of the Treasury, the following countries require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

Iraq
Kuwait
Lebanon
Libya
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen

Dated: December 2, 2014.

Danielle Rolfes,

International Tax Counsel (Tax Policy).

[FR Doc. 2014–28804 Filed 12–8–14; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Publication of Guidance Relating to the Provision of Certain Temporary Sanctions Relief, as Extended Through June 30, 2015

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice, publication of guidance.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing Guidance

Relating to the Provision of Certain Temporary Sanctions Relief in Order to Implement the Joint Plan Of Action (JPOA) Reached on November 24, 2014, between the P5+1 and the Islamic Republic of Iran, as Extended Through June 30, 2015 (Guidance).

DATES: *Effective Date:* November 25, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director for Licensing, tel.: 202/622–2480, Assistant Director for Policy, tel.: 202/622–2402, Assistant Director for Regulatory Affairs, tel.: 202/622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

The text of the Guidance and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs also is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On November 24, 2013, the United States and its partners in the P5+1 (China, France, Germany, Russia, the United Kingdom, and the United States, coordinated by the European Union's High Representative) reached an initial understanding with Iran, outlined in the JPOA, that halts progress on Iran's nuclear program and rolls it back in key respects. In return for Iran's commitment to place meaningful limits on its nuclear program, the P5+1 committed to provide Iran with limited, targeted, and reversible sanctions relief for a six-month period, renewable by mutual consent. In furtherance of the United States Government's (USG's) commitments under the JPOA, the U.S. Department of State and the U.S. Department of the Treasury implemented sanctions relief relating to certain activities and associated services taking place exclusively during the six-month period beginning on January 20, 2014, and ending July 20, 2014.

The JPOA was renewed by mutual consent of the P5+1 and Iran on July 19, 2014, and November 24, 2014, extending the temporary sanctions relief provided under the JPOA to allow the P5+1 to continue to negotiate a long-term comprehensive solution to ensure that Iran's nuclear program will be exclusively peaceful. During the period beginning on January 20, 2014, and ending on June 30, 2015 (JPOA Relief Period), the sanctions relief the USG committed to during the JPOA will be implemented as set out in the Guidance. The USG retains the authority to revoke this limited sanctions relief at any time if Iran fails to meet its commitments under the JPOA.

The Department of State and the Department of the Treasury jointly issued the Guidance on November 25, 2014. At the time of its issuance on November 25, 2014, OFAC made the Guidance available on the OFAC Web site: *www.treasury.gov/ofac* and the Department of State made the Guidance available on its Web site: *www.state.gov*. With this notice, OFAC is publishing the Guidance in the **Federal Register**.

Guidance

U.S. DEPARTMENT OF THE TREASURY

U.S. DEPARTMENT OF STATE

GUIDANCE RELATING TO THE PROVISION OF CERTAIN TEMPORARY SANCTIONS RELIEF IN ORDER TO IMPLEMENT THE JOINT PLAN OF ACTION REACHED ON NOVEMBER 24, 2013, BETWEEN THE P5 + 1 AND THE ISLAMIC REPUBLIC OF IRAN, AS EXTENDED THROUGH JUNE 30, 2015

On November 24, 2013, the United States and its partners in the P5 + 1 (China, France, Germany, Russia, the United Kingdom, and the United States, coordinated by the European Union's High Representative) reached an initial understanding with Iran, outlined in a Joint Plan of Action (JPOA), that halts progress on Iran's nuclear program and rolls it back in key respects. In return for Iran's commitment to place meaningful limits on its nuclear program, the P5+1 committed to provide Iran with limited, targeted, and reversible sanctions relief. In furtherance of the U.S. Government's (USG) commitments under the JPOA, the U.S. Department of State and the U.S. Department of the Treasury implemented sanctions relief relating to certain activities and associated services taking place exclusively during the six-month period beginning on January 20, 2014, and ending July 20, 2014.

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For purposes of the JPOA sanctions relief, the USG interprets the term ''associated service'' to mean any necessary service—including any insurance, transportation, or financial service—ordinarily incident to the underlying activity covered by the JPOA, provided, however, that unless otherwise noted, such services may not involve persons identified on the Department of the Treasury's Office of Foreign Assets Control's (OFAC) List of Specially Designated Nationals and Blocked Persons (SDN List).[1]

The USG retains the authority to continue imposing sanctions under the authorities identified below during the JPOA Relief Period for activities that occurred prior to January 20, 2014. Moreover, the USG retains the authority to impose sanctions under the authorities outlined below for activities occurring during the JPOA Relief Period to the extent such activities are materially inconsistent with sanctions relief described in the JPOA and outlined in this guidance. The USG also retains the authority to continue imposing sanctions during the JPOA Relief Period for activities occurring before and during the JPOA Relief Period under other authorities, such as those used to combat terrorism and the proliferation of weapons of mass destruction. During the JPOA Relief Period, the USG will continue to vigorously enforce our sanctions against Iran, including by taking action against those who seek to evade or circumvent our sanctions.

Please note that, with the exception of civil aviation activities described in section IV and the humanitarian channel described in section VI below, none of the sanctions relief outlined in this guidance may involve a U.S. person, or, as applicable, a foreign entity

[1] Insurance payments for claims arising from incidents that occur during the JPOA Relief Period may be paid after June 30, 2015, so long as the underlying transactions and activities conform to all others aspects of the sanctions remaining in place and the terms of the sanctions relief provided by the JPOA. Insurance and reinsurance companies should contact the USG directly with any inquiries. U.S. persons and U.S.-owned or -controlled foreign entities remain prohibited from participating in the provision of insurance or reinsurance services to or for the benefit of Iran or sanctioned entities, including with respect to all elements of the sanctions relief provided pursuant to the JPOA, unless specifically authorized by OFAC.

owned or controlled by a U.S. person,[2] if otherwise prohibited under any sanctions program administered by the USG.

I. Sanctions Related to Iran's Export of Petrochemical Products

The JPOA provides for the temporary suspension of U.S. sanctions on ''*Iran's petrochemical exports, as well as sanctions on any associated services.*'' To implement this provision of the JPOA during the JPOA Relief Period, the USG will take the following steps to allow for the export of petrochemical products from Iran, as well as associated services, by non-U.S. persons not otherwise subject to section 560.215 of the Iranian Transactions and Sanctions Regulations, 31 CFR part 560 (ITSR), (hereinafter ''non-U.S. persons not otherwise subject to the ITSR''):

1. *Correspondent or Payable-Through Account Sanctions:* The USG will not impose correspondent or payable-through account sanctions under section 1(a)(iii) of Executive Order (E.O.) 13622 (as amended by section 16(b) of E.O. 13645); section 3(a)(i) of E.O. 13645; and sections 561.204(a) and 561.204(b)(3) of the Iranian Financial Sanctions Regulations, 31 CFR part 561 (IFSR), on foreign financial institutions that conduct or facilitate transactions that are initiated and completed entirely within the JPOA Relief Period by non-U.S. persons not otherwise subject to the ITSR for exports of petrochemical products[3] from Iran that are initiated and completed entirely within the JPOA Relief Period, including transactions involving the petrochemical companies listed in the Annex to this guidance, provided that the transactions do not involve persons on the SDN List other than the petrochemical companies listed in the Annex to this guidance or any Iranian depository institutions[4] listed solely pursuant to E.O. 13599.

2. *Blocking Sanctions:* The USG will not impose blocking sanctions under section 2(a)(i)–(ii) of E.O. 13645 with respect to persons that, exclusively during the JPOA Relief Period, materially assist, sponsor, or provide financial, material, or technological support for, or goods or services to or in support of, the petrochemical companies listed in the Annex to this guidance for exports of petrochemical products from Iran that are initiated and completed entirely within the JPOA Relief Period, provided that the activities do not involve persons on the SDN List other than the petrochemical companies listed in the Annex to this guidance or any Iranian depository institutions listed solely pursuant to E.O. 13599.

3. *Menu-based Sanctions:*[5] The USG will not impose sanctions under section 2(a)(ii) of E.O. 13622 (as amended by section 16(d) of E.O. 13645) on non-U.S. persons not otherwise subject to the ITSR who engage in transactions exclusively during the JPOA Relief Period for exports of petrochemical products from Iran that are initiated and completed entirely within the JPOA Relief Period, including transactions involving the petrochemical companies listed in the Annex to this guidance, provided that the activities do not involve persons on the SDN List other than the petrochemical companies listed in the Annex to this guidance or any Iranian depository institutions listed solely pursuant to E.O. 13599.

In addition, please see section VII below, which describes the exercise of certain waiver authorities relevant to the activities and transactions described in this section.

II. Sanctions Related to Iran's Auto Industry

The JPOA provides for the temporary suspension of U.S. sanctions on ''*Iran's auto industry, as well as sanctions on associated services.*'' To implement this provision during the JPOA Relief Period, the USG will take the following steps to allow for the sale, supply, or transfer to Iran of significant goods or services used in connection with the automotive sector of Iran, as well as the provision of associated services by non-U.S. persons not otherwise subject to the ITSR:

1. *Correspondent or Payable-through Account Sanctions:* The USG will not impose correspondent or payable-through account sanctions under section 3(a)(ii) of E.O. 13645 with respect to foreign financial institutions that, exclusively during the JPOA Relief Period, knowingly conduct or facilitate financial transactions for the sale, supply, or transfer to Iran of significant goods or services used in connection with the automotive sector of Iran that are initiated and completed entirely within the JPOA Relief Period, provided that the transactions do not involve persons on the SDN List other than any Iranian depository institutions listed solely pursuant to E.O. 13599.

2. *Menu-based Sanctions:* The USG will not impose sanctions described in sections 6 and 7 of E.O. 13645 with respect to persons that, as described in section 5(a) of E.O. 13645, knowingly engage in transactions for the sale, supply, or transfer to Iran of significant goods or services used in connection with the automotive sector of Iran that are initiated and completed entirely within the JPOA Relief Period, provided that the transactions do not involve persons on the SDN List other than any Iranian depository institutions listed solely pursuant to E.O. 13599.

In addition, please see section VII below, which describes the exercise of certain waiver authorities relevant to the activities and transactions described in this section.

III. Sanctions Related to Gold and Other Precious Metals

The JPOA provides for the temporary suspension of U.S. sanctions on ''*gold and precious metals, as well as sanctions on associated services.*'' To implement this provision of the JPOA during the JPOA Relief Period, the USG will take the following steps to allow for the sale of gold and other precious metals to or from Iran, as well as the provision of associated services, by non-U.S. persons not otherwise subject to the ITSR:

1. *Correspondent or Payable-through Account Sanctions:* The USG will not impose correspondent or payable-through account sanctions under section 3(a)(i) of E.O. 13645 with respect to foreign financial institutions that, exclusively during the JPOA Relief Period, conduct or facilitate transactions by non-U.S. persons not otherwise subject to the ITSR for the purchase or acquisition of precious metals to or from Iran that are initiated and completed

[2] Consistent with section 218 of the Iran Threat Reduction and Syria Human Rights Act of 2012 and with section 560.215 of the Iranian Transactions and Sanctions Regulations, 31 CFR part 560 (ITSR), foreign entities that are owned or controlled by U.S. persons (''U.S.-owned or -controlled foreign entities'') are subject to the ITSR.

[3] For purposes of this guidance, the USG is interpreting the term ''petrochemicals,'' as used in the JPOA, as having the meaning given to the term ''petrochemical products'' in, *inter alia,* section 10(m) of E.O. 13622; therefore, the term includes any aromatic, olefin, and synthesis gas, and any of their derivatives, including ethylene, propylene, butadiene, benzene, toluene, xylene, ammonia, methanol, and urea. For further information on what products are considered to fall within this definition of ''petrochemical products'' see the November 13, 2012 State Department Sanctions Information and Guidance, 77 FR 67726–67731.

[4] For purposes of this guidance, as defined in section 14(g) of E.O. 13645, the term ''Iranian depository institution'' means any entity (including foreign branches), wherever located, organized under the laws of Iran or any jurisdiction within Iran, or owned or controlled by the Government of Iran, or in Iran, or owned or controlled by any of the foregoing, that is engaged primarily in the business of banking (for example, banks, savings banks, savings associations, credit unions, trust companies, and bank holding companies).

[5] E.O. 13622 and 13645, among others, describe menus of sanctions that the USG may impose in response to certain conduct specified within other sections of the relevant E.O. For the purposes of this guidance, such sanctions are termed ''Menu-based Sanctions.''

entirely within the JPOA Relief Period, provided that the funds for these purchases of gold and other precious metals may not be drawn from Restricted Funds,[6] and further provided that the transactions do not involve persons on the SDN List other than any political subdivision, agency, or instrumentality of the Government of Iran listed solely pursuant to E.O. 13599 or any Iranian depository institutions listed solely pursuant to E.O. 13599.

2. *Blocking Sanctions:* The USG will not impose blocking sanctions under section 5(a) of E.O. 13622; sections 2(a)(i)-(ii) of E.O. 13645; and section 560.211(c)(2) of the ITSR, with respect to persons that, exclusively during the JPOA Relief Period, materially assist, sponsor, or provide financial, material, or technological support for, or goods or services in support of, the purchase or acquisition of precious metals to or from Iran or by the Government of Iran if such activities are initiated and completed entirely within the JPOA Relief Period, provided that the funds for these purchases of gold and other precious metals are not drawn from Restricted Funds, and further provided that the transactions do not involve persons on the SDN List other than any political subdivision, agency, or instrumentality of the Government of Iran listed solely pursuant to E.O. 13599 or any Iranian depository institutions listed solely pursuant to E.O. 13599.

In addition, please see section VII below, which describes the exercise of certain waiver authorities relevant to the activities and transactions described in this section.

IV. Sanctions Related to Civil Aviation

The JPOA provides for the temporary licensing of ''*the supply and installation in Iran of spare parts for safety of flight for Iranian civil aviation and associated services. License safety related inspections and repairs in Iran as well as associated services.''* To implement this provision during the JPOA Relief Period, the USG will take the following steps:

1. *Statement of Licensing Policy:* OFAC is issuing a Second Amended Statement of Licensing Policy on Activities Related to the Safety of Iran's Civil Aviation Industry (Second Amended SLP) to extend the date of the previously-issued statements of licensing policy to the end of the JPOA Relief Period. The Second Amended SLP will continue, during the period beginning on November 25, 2014 and ending on June 30, 2015, a favorable licensing policy regime under which U.S. persons, U.S.-owned or -controlled foreign entities, and non-U.S. persons involved in the export of U.S.-origin goods can request specific authorization from OFAC to engage in transactions that are initiated and completed entirely within the JPOA Relief Period to ensure the safe operation of Iranian commercial passenger aircraft, including transactions involving Iran Air.

2. *Correspondent or Payable-through Account Sanctions:* The USG will not impose correspondent or payable-through account sanctions under section 3(a)(i) of E.O. 13645 and section 561.201(a)(5)(ii) of the IFSR on foreign financial institutions that, exclusively during the JPOA Relief Period, conduct or facilitate financial transactions relating to the type of activities covered by the Second Amended SLP that are conducted on behalf of non-U.S. persons not otherwise subject to the ITSR, provided such activities are initiated and completed entirely within the JPOA Relief Period, and further provided that the transactions do not involve persons on the SDN List other than Iran Air or any Iranian depository institutions listed solely pursuant to E.O. 13599.

3. *Blocking Sanctions:* The USG will not impose blocking sanctions under section 1(a)(iii) of E.O. 13382; sections 2(a)(i)–(ii) of E.O. 13645; and section 544.201(a)(3) of the Weapons of the Mass Destruction Proliferators Sanctions Regulations, 31 CFR part 544 (WMDPSR), with respect to persons that, exclusively during the JPOA Relief Period, materially assist, sponsor, or provide financial, material, or technological support for, or goods or services to or in support of, Iran Air in connection with activities intended to ensure the safe operation of Iranian commercial passenger aircraft, provided such activities are outlined in the JPOA and are initiated and completed entirely within the JPOA Relief Period and do not involve persons on the SDN List other than Iran Air or any Iranian depository institutions listed solely pursuant to E.O. 13599.

In addition, please see Section VII below, which describes the exercise of certain waiver authorities relevant to the activities and transactions described in this section.

V. Sanctions Related to Iran's Export of Crude Oil

The JPOA provides for certain sanctions relief related to Iran's crude oil sales. Under the JPOA, the USG will ''*pause efforts to further reduce Iran's crude oil sales, enabling Iran's current customers to purchase their current average amounts of crude oil. Enable the repatriation of an agreed amount of revenue held abroad. For such oil sales, suspend U.S. sanctions on associated insurance and transportation services.''* To implement this provision of the JPOA during the JPOA Relief Period, the USG will take the following steps to allow for China, India, Japan, the Republic of Korea, Taiwan, and Turkey to maintain their current average level of imports from Iran during the JPOA Relief Period and to render non-sanctionable a limited number of transactions for the release in installments of an agreed amount of revenue to Iran for receipt at participating foreign financial institutions in selected jurisdictions:

1. *Correspondent or Payable-through Account Sanctions:* The USG will not impose correspondent or payable-through account sanctions under sections 1(a)(i)–(ii) of E.O. 13622 (as amended by section 16(a) of E.O. 13645); section 3(a)(i) of E.O. 13645; and sections 561.201(a)(5), 561.204(a), and 561.204(b)(1)–(2) of the IFSR with respect to foreign financial institutions that conduct or facilitate transactions exclusively during the JPOA Relief Period by non-U.S. persons not otherwise subject to the ITSR for exports of petroleum and petroleum products from Iran to China, India, Japan, the Republic of Korea, Taiwan, or Turkey, and associated insurance[7] and transportation services, that are initiated and completed entirely within the JPOA Relief Period, including transactions involving the National Iranian Oil Company (NIOC) or the National Iranian Tanker Company (NITC), provided that the transactions do not involve persons on the SDN List other than NIOC, NITC, or any Iranian depository institutions listed solely pursuant to E.O. 13599.[8]

2. *Blocking Sanctions:* The USG will not impose blocking sanctions under section 1(a)(iii) of E.O. 13382; section 5(a) of E.O. 13622; sections 2(a)(i)–(ii) of E.O. 13645; section 544.201(a)(3) of the WMDPSR; and section 560.211(c)(2) of the ITSR with respect to non-U.S.

[6] For the purposes of this guidance, the term ''Restricted Funds'' refers to: (i) any existing and future revenues from the sale of Iranian petroleum or petroleum products, wherever they may be held, and (ii) any Central Bank of Iran (CBI) funds, with certain exceptions for non-petroleum CBI funds held at a foreign country's central bank.

[7] *See* footnote 1 above for additional information regarding associated insurance payments.

[8] For the purposes of the sanctions relief with respect to Iran's exports of crude oil described in this section, the term ''associated insurance and transportation services'' means insurance and transportation services ordinarily incident to the underlying activity covered by the JPOA, provided, however, such services may not involve persons on the SDN List other than NIOC, NITC, or any Iranian depository institutions listed solely pursuant to E.O. 13599

persons not otherwise subject to the ITSR that, exclusively during the JPOA Relief Period, materially assist, sponsor, or provide financial, material, or technological support for, or goods or services in support of, exports of petroleum and petroleum products from Iran to China, India, Japan, the Republic of Korea, Taiwan, or Turkey, and associated insurance [9] and transportation services, including for activities involving NIOC or NITC, provided such activities are initiated and completed entirely within the JPOA Relief Period, and further provided that the activities do not involve persons on the SDN List other than NIOC, NITC, or any Iranian depository institutions listed solely pursuant to E.O. 13599.

3. *Menu-based Sanctions:* The USG will not impose sanctions under section 2(a)(i) of E.O. 13622 (as amended by section 16(c) of E.O. 13645) on non-U.S. persons not otherwise subject to the ITSR who engage in transactions exclusively during the JPOA Relief Period for exports of petroleum and petroleum products from Iran to China, India, Japan, the Republic of Korea, Taiwan, or Turkey, and associated insurance [10] and transportation services, including transactions involving NIOC or NITC, provided such activities are initiated and completed entirely within the JPOA Relief Period, and further provided that the activities do not involve persons on the SDN List other than NIOC, NITC, or any Iranian depository institutions listed solely pursuant to E.O. 13599.

In addition, please see Section VII below, which describes the exercise of certain waiver authorities relevant to the activities and transactions described in this section.

VI. Facilitation of Humanitarian and Certain Other Transactions

The JPOA provides for the establishment of ''*a financial channel to facilitate humanitarian trade for Iran's domestic needs using Iranian oil revenues held abroad. Humanitarian trade [is] defined as transactions involving food and agricultural products, medicine, medical devices, and medical expenses incurred abroad. This channel could also enable transactions required to pay Iran's UN obligations . . . and direct tuition payments to universities and colleges for Iranian students studying abroad.*'' In furtherance of the JPOA, the P5 + 1 and Iran established mechanisms to further facilitate the purchase of, and payment for, the export of food, agricultural commodities, medicine, and medical devices to Iran, as well as to facilitate Iran's payments of UN obligations, Iran's payments for medical expenses incurred abroad by Iranian citizens, and Iran's payments of an agreed amount of governmental tuition assistance for Iranian students studying abroad. The mechanisms will remain in place during the JPOA Relief Period. Foreign financial institutions whose involvement in hosting these new mechanisms was sought by Iran have been contacted directly by the U.S. Department of the Treasury and provided specific guidance.

Please note that the JPOA-related mechanism for humanitarian trade transactions is not the exclusive way to finance or facilitate the sale of food, agricultural commodities, medicine, and medical devices to Iran by non-U.S. persons not otherwise subject to the ITSR, which is not generally sanctionable so long as the transaction does not involve persons designated in connection with Iran's support for international terrorism or Iran's proliferation of weapons of mass destruction (WMD) or WMD delivery systems. Therefore, transactions for the export of food, agricultural commodities, medicine, and medical devices to Iran generally may be processed pursuant to pre-existing exceptions and are not required to be processed through the new mechanism.

In addition, please see Section VII below, which describes the exercise of certain waiver authorities relevant to the activities and transactions described in this section.

VII. Waivers

To enable the implementation during the JPOA Relief Period of the sanctions relief outlined in the JPOA and described in detail in sections I through VI of this guidance, the USG has renewed, as needed, limited waivers of sanctions under: section 1245(d)(1) of the National Defense Authorization Act for Fiscal Year 2012 (NDAA) in connection with exports of crude oil from Iran to China, India, Japan, the Republic of Korea, Taiwan, and Turkey and for transactions related to the release in installments of an agreed amount of revenues to Iran for receipt at participating foreign financial institutions in selected jurisdictions and the establishment of the financial channel provided for in the JPOA; section 302(a) of the Iran Threat Reduction and Syria Human Rights Act of 2012 with respect to certain transactions involving NIOC; section 5(A)(7) of the Iran Sanctions Act of 1996 with respect to certain transactions involving NIOC and NITC; and the following sub-sections of the Iran Freedom and Counter-Proliferation Act of 2012:

1. 1244(c)(1)—to the extent required for transactions by non-U.S. persons (and, in the case of the civil aviation activities described in section IV, U.S. persons): (i) for Iran's export of crude oil to China, India, Japan, the Republic of Korea, Taiwan, and Turkey, excluding any transactions involving persons on the SDN List other than NIOC and NITC; (ii) for the export from Iran of petrochemical products, excluding any transactions involving persons on the SDN List other than the petrochemical companies listed in the Annex to this guidance; (iii) for the sale of precious metals to or from Iran, excluding any transactions involving persons on the SDN List other than any political subdivision, agency, or instrumentality of the Government of Iran listed solely pursuant to E.O. 13599; and (iv) for the supply and installation of spare parts necessary for the safety of Iranian civil aviation flights and for safety-related inspections and repairs in Iran, excluding any transactions involving persons on the SDN List other than Iran Air.

2. 1244(d)—to the extent required for transactions by non-U.S. persons related to Iran's export of crude oil to China, India, Japan, the Republic of Korea, Taiwan, and Turkey, excluding any transactions involving persons on the SDN List other than NIOC and NITC.

3. 1245(a)(1)(A) and 1245(c)—to the extent required for transactions by non-U.S. persons for the sale, supply, or transfer of precious metals to or from Iran, provided that such transactions do not involve persons on the SDN List other than any political subdivision, agency, or instrumentality of the Government of Iran listed solely pursuant to E.O. 13599 or any Iranian depository institutions listed solely pursuant to E.O. 13599, and further provided that such transactions do not involve funds credited to an account located outside Iran pursuant to section 1245(d)(4)(D)(ii)(II) of NDAA.

4. 1246(a)—to the extent required for transactions by non-U.S. persons (and, in the case of the civil aviation activities described in section IV, U.S. persons) for: (i) Iran's exports of crude oil to China, India, Japan, the Republic of Korea, Taiwan, and Turkey, excluding any transactions involving persons on the SDN List other than NIOC and NITC; (ii) the export from Iran of petrochemical products, excluding any transactions involving persons on the

[9] *See* footnote 1 above for additional information regarding associated insurance payments.

[10] *See* footnote 1 above for additional information regarding associated insurance payments.

SDN List other than the petrochemical companies listed in the Annex to this guidance; (iii) the sale of precious metals to or from Iran, excluding any transactions involving persons on the SDN List other than any political subdivision, agency, or instrumentality of the Government of Iran listed solely pursuant to E.O. 13599; (iv) the sale, supply, or transfer to Iran of goods and services used in connection with the automotive sector of Iran, excluding any transactions involving persons on the SDN List; and (v) the supply and installation of spare parts necessary for the safety of Iranian civil aviation flights and for safety-related inspections and repairs in Iran, excluding any transactions involving persons on the SDN List other than Iran Air.

5. 1247(a)—to the extent required for transactions by foreign financial institutions on behalf of: (i) NIOC and NITC related to Iran's exports of crude oil to China, India, Japan, the Republic of Korea, Taiwan, and Turkey; (ii) the entities listed in the Annex to this guidance for the export of petrochemical products from Iran; (iii) any political subdivision, agency, or instrumentality of the Government of Iran on the SDN List solely pursuant to E.O. 13599 for the sale of precious metals to or from Iran; and (iv) Iran Air for the supply and installation of spare parts necessary for the safety of Iranian civil aviation flights and for safety-related inspections and repairs in Iran.

ANNEX

1. Bandar Imam Petrochemical Company;
2. Bou Ali Sina Petrochemical Company;
3. Ghaed Bassir Petrochemical Products Company;
4. Iran Petrochemical Commercial Company;
5. Jam Petrochemical Company;
6. Marjan Petrochemical Company;
7. Mobin Petrochemical Company;
8. National Petrochemical Company;
9. Nouri Petrochemical Company;
10. Pars Petrochemical Company;
11. Sadaf Petrochemical Assaluyeh Company;
12. Shahid Tondgooyan Petrochemical Company;
13. Shazand Petrochemical Company; and
14. Tabriz Petrochemical Company.

Dated: November 25, 2014.

Adam J. Szubin

Director, Office of Foreign Assets Control.

[FR Doc. 2014–28805 Filed 12–8–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee: National Academic Affiliations Council; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that a meeting of the National Academic Affiliations Council will be held via conference call on January 6, 2015, from 2:00 p.m. to 4:00 p.m. EST. The purpose of the Council is to advise the Secretary on matters affecting partnerships between VA and its academic affiliates. The Council will discuss the status of the Veterans Access, Choice, and Accountability Act of 2014's Graduate Medical Education Expansion Plan and receive an update from the Council's fall meeting recommendations. The Council will receive public comments from 3:45 p.m. to 4:00 p.m. EST.

Interested persons may attend and/or present oral statements to the Council. The dial in number to attend the conference call is: 1–800–767–1750. At the prompt, enter access code 02939 then press #. Individuals seeking to present oral statements are invited to submit a 1–2 page summary of their comments at the time of the meeting for inclusion in the official meeting record. Oral presentations will be limited to five minutes or less, depending on the number of participants. Interested parties may also provide written comments for review by the Council prior to the meeting or at any time, via email to, *William.Marks@va.gov,* or by mail to William J. Marks M.D., MS–HCM, Chief of Health Professions Education, Office of Academic Affiliations (10A2D), 810 Vermont Avenue NW., Washington, DC 20420. Any member of the public wishing to attend or seeking additional information should contact Dr. Marks via email or by phone at (415) 750–2100.

Dated: December 4, 2014.

Rebecca Schiller,

Federal Advisory Committee Management Officer.

[FR Doc. 2014–28786 Filed 12–8–14; 8:45 am]

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Part II

Environmental Protection Agency

40 CFR Part 98

Greenhouse Gas Reporting Rule: 2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 98

[EPA–HQ–OAR–2014–0831; FRL—9918–48–OAR]

RIN 2060–AS37

Greenhouse Gas Reporting Rule: 2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing revisions and confidentiality determinations for the petroleum and natural gas systems source category of the Greenhouse Gas Reporting Program. In particular, the EPA is proposing to add calculation methods and reporting requirements for greenhouse gas emissions from gathering and boosting facilities, completions and workovers of oil wells with hydraulic fracturing, and blowdowns of natural gas transmission pipelines between compressor stations. The EPA is also proposing well identification reporting requirements to improve the EPA's ability to verify reported data and enhance transparency. This action also proposes confidentiality determinations for new data elements contained in these proposed amendments.

DATES: Comments must be received on or before February 9, 2015.

Public Hearing. The EPA does not plan to conduct a public hearing unless requested. To request a hearing, please contact the person listed in the following **FOR FURTHER INFORMATION CONTACT** section by December 16, 2014. If requested, the hearing will be conducted on December 24, 2014, in the Washington, DC area. The EPA will provide further information about the hearing on the Greenhouse Gas Reporting Program Web site, *http://www.epa.gov/ghgreporting/index.html* if a hearing is requested.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2014–0831 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Email: A-and-R-Docket@*epa.gov. Include Docket ID No. EPA–HQ–OAR–2014–0831 or RIN No. 2060–AS37 in the subject line of the message.
- *Fax:* (202) 566–9744.
- *Mail:* Environmental Protection Agency, EPA Docket Center (EPA/DC), Mailcode 28221T, Attention Docket ID No. EPA–HQ–OAR–2014–0831, 1200 Pennsylvania Avenue NW., Washington, DC 20460. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.
- *Hand/Courier Delivery:* EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue NW., Washington, DC 20004. Such deliveries are accepted only during the normal hours of operation of the Docket Center, and special arrangements should be made for deliveries of boxed information.

Additional Information on Submitting Comments: To expedite review of your comments by agency staff, you are encouraged to send a separate copy of your comments, in addition to the copy you submit to the official docket, to Carole Cook, U.S. EPA, Office of Atmospheric Programs, Climate Change Division, Mail Code 6207A, 1200 Pennsylvania Avenue NW., Washington, DC 20460, telephone (202) 343–9263, email address: *GHGReportingRule@epa.gov.*

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2014–0831, Greenhouse Gas Reporting Rule: 2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems; Proposed Rule. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute.

Should you choose to submit information that you claim to be CBI, clearly mark the part or all of the information that you claim to be CBI. For information that you claim to be CBI in a disk or CD–ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. Send or deliver information identified as CBI to only the mail or hand/courier delivery address listed above, attention: Docket ID No. EPA–HQ–OAR–2014–0831. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave., NW., Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Carole Cook, Climate Change Division, Office of Atmospheric Programs (MC–6207A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 343–9263; fax number:

(202) 343–2342; email address: *GHGReportingRule@epa.gov.* For technical information, please go to the Greenhouse Gas Reporting Program Web site, *http://www.epa.gov/ghgreporting/index.html.* To submit a question, select Help Center, followed by ''Contact Us.''

Worldwide Web (WWW). In addition to being available in the docket, an electronic copy of today's proposal will also be available through the WWW. Following the Administrator's signature, a copy of this action will be posted on the EPA's Greenhouse Gas Reporting Program Web site at *http://www.epa.gov/ghgreporting/index.html.*

SUPPLEMENTARY INFORMATION:

Regulated Entities. The Administrator determined that this action is subject to the provisions of Clean Air Act (CAA) section 307(d). See CAA section 307(d)(1)(V) (the provisions of section 307(d) apply to ''such other actions as the Administrator may determine''). These are proposed amendments to existing regulations. If finalized, these amended regulations would affect owners or operators of petroleum and natural gas systems that directly emit greenhouse gases (GHGs). Regulated categories and entities include those listed in Table 1 of this preamble:

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY

Category	NAICS [a]	Examples of affected facilities
Petroleum and Natural Gas Systems	486210	Pipeline transportation of natural gas.
	221210	Natural gas distribution.
	211111	Crude petroleum and natural gas extraction.
	211112	Natural gas liquid extraction.

[a] North American Industry Classification System.

Table 1 of this preamble is not intended to be exhaustive, but rather provides a guide for readers regarding facilities likely to be affected by this action. Other types of facilities than those listed in the table could also be subject to reporting requirements. To determine whether you are affected by this action, you should carefully examine the applicability criteria found in 40 CFR part 98, subpart A and 40 CFR part 98, subpart W. If you have questions regarding the applicability of this action to a particular facility, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Acronyms and Abbreviations. The following acronyms and abbreviations are used in this document.

API American Petroleum Institute
BAMM best available monitoring methods
Btu British thermal unit
CAA Clean Air Act
CBI confidential business information
CFR Code of Federal Regulations
CO_2 carbon dioxide
CO_2e carbon dioxide equivalent
EPA Environmental Protection Agency
EIA Energy Information Administration
FERC Federal Energy Regulatory Commission
FR Federal Register
GHG greenhouse gas
GHGRP Greenhouse Gas Reporting Program
GOR gas-to-oil ratio
ICR Information Collection Request
ISBN International Standard Book Number
LDC local distribution company
MMscfd million standard cubic feet per day
NAICS North American Industry Classification System
NESHAP national emission standards for hazardous air pollutants
NGO non-government organization
NGPA Natural Gas Policy Act
NTTAA National Technology Transfer and Advancement Act of 1995
OMB Office of Management and Budget
PPDM Professional Petroleum Data Management
REC reduced emission completion
RFA Regulatory Flexibility Act
SBA Small Business Administration
SBREFA Small Business Regulatory Enforcement and Fairness Act
U.S. United States
UMRA Unfunded Mandates Reform Act of 1995

Organization of This Document. The following outline is provided to aid in locating information in this preamble.

I. Background
A. Organization of This Preamble
B. Background on the Proposed Action
C. Legal Authority
D. How would these amendments apply to 2015 and 2016 reports?
II. Revisions and Other Amendments
A. Oil Wells With Hydraulic Fracturing
B. Onshore Petroleum and Natural Gas Gathering and Boosting Segment
C. Natural Gas Transmission Lines Between Compressor Stations
D. Well Identification Numbers
E. Advanced Innovative Monitoring Methods
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III. Proposed Confidentiality Determinations
A. Overview and Background
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C. Proposed Confidentiality Determinations for Data Elements Assigned to the ''Unit/Process 'Static' Characteristics That Are Not Inputs to Emission Equations'' and ''Unit/Process Operating Characteristics That Are Not Inputs to Emission Equations'' Data Categories
D. Other Proposed Case-by-Case Confidentiality Determinations for Subpart W
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IV. Impacts of the Proposed Amendments to Subpart W
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E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

I. Background

A. Organization of This Preamble

The first section of this preamble provides background information regarding the proposed amendments. This section also discusses the EPA's legal authority under the CAA to promulgate and amend 40 CFR part 98 (hereafter referred to as ''Part 98'') as well as the legal authority for making confidentiality determinations for the data to be reported. Section II of this preamble contains information on the proposed revisions to 40 CFR part 98, subpart W (hereafter referred to as ''subpart W''). Section III of this preamble discusses proposed confidentiality determinations for new data reporting elements. Section IV of this preamble discusses the impacts of the proposed amendments to subpart W.

Finally, Section V of this preamble describes the statutory and executive order requirements applicable to this action.

B. Background on the Proposed Action

The EPA's Greenhouse Gas Reporting Program (GHGRP) requires annual reporting of GHG data and other relevant information from large sources and suppliers in the United States. On October 30, 2009, the EPA published Part 98 for collecting information regarding GHG emissions from a broad range of industry sectors (74 FR 56260). Although reporting requirements for petroleum and natural gas systems were originally proposed to be part of Part 98 (75 FR 16448, April 10, 2009), the final October 2009 rule did not include the petroleum and natural gas systems source category as one of the 29 source categories for which reporting requirements were finalized. The EPA re-proposed subpart W in 2010 (79 FR 18608; April 12, 2010), and a subsequent final rule was published on November 30, 2010, with the requirements for the petroleum and natural gas systems source category at 40 CFR part 98, subpart W (75 FR 74458) (hereafter referred to as ''the final subpart W rule''). Following promulgation, the EPA finalized actions revising subpart W (76 FR 22825, April 25, 2011; 76 FR 59533, September 27, 2011; 76 FR 80554, December 23, 2011; 77 FR 51477, August 24, 2012; 78 FR 25392, May 1, 2013; 78 FR 71904, November 29, 2013; 79 FR 63750, October 24, 2014; 79 FR 70352, November 25, 2014).

In this current proposal, the EPA is proposing to amend subpart W to require the reporting of GHG emissions from several sources that have not previously been included in subpart W. These sources include oil well completions and workovers with hydraulic fracturing, petroleum and natural gas gathering and boosting systems, and transmission pipeline blowdowns between compressor stations. The proposed reporting requirements for oil well completions and workovers with hydraulic fracturing would be included as part of the existing Onshore Petroleum and Natural Gas Production industry segment. For the other sources, the EPA is proposing two new industry segments: the Onshore Petroleum and Natural Gas Gathering and Boosting segment for petroleum and natural gas gathering and boosting facilities, and Onshore Natural Gas Transmission Pipeline for transmission pipeline blowdowns between compressor stations. The EPA is also proposing to require the reporting of a well identification number for oil and gas wells covered in the Onshore Petroleum and Natural Gas Production segment.

The EPA is proposing these changes for several reasons. First, we have been working to enhance the quality of data from petroleum and natural gas systems gathered through Part 98, because it has been an important tool for the EPA and the public to analyze emissions, identify opportunities for improving the data, and understand emissions trends. One of the strengths of the GHGRP's petroleum and natural gas systems data is that it provides a better understanding of sources in the petroleum and natural gas industry for which the public previously had little information. For example, the data that would be collected through these proposed revisions could inform updates to the *Inventory of U.S. Greenhouse Gas Emissions and Sinks* [1] (hereafter referred to as the ''U.S. GHG Inventory''). These proposed revisions reflect the fact that this sector has been growing and changing rapidly since the GHGRP's petroleum and natural gas systems requirements were originally promulgated in 2010. Greenhouse gas reporting from gathering and boosting systems was proposed in 2010 but was not finalized due to the need to conduct additional analysis. Emissions from the sources the EPA is proposing to include are not reported under the GHGRP with the exception of emissions from completions and workovers of oil wells with hydraulic fracturing that are flared and emissions from sources in the Onshore Petroleum and Natural Gas Gathering and Boosting segment that are required to report as combustion sources under subpart C of Part 98. Aside from those exceptions, which only include emissions associated with combustion and do not capture the majority of methane emissions from these sources, a nationally comprehensive data set of the emissions from the sources the EPA is proposing to include does not currently exist in the public domain. The EPA anticipates that these emission sources will be an important part of establishing a comprehensive data set for the petroleum and natural gas industry based on data available in the U.S. GHG Inventory and other sources. For more information, please see ''Greenhouse Gas Reporting Rule: Technical Support for 2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems; Proposed Rule'' in Docket ID No. EPA–HQ–OAR–2014–0831. If finalized, this rule would further the EPA's goal of improving the completeness, quality, accuracy, and transparency of data from this sector (79 FR 74484, November 30, 2010), improving the ability of agencies and the public to use these GHG data to analyze emissions and understand emission trends. Adding well identification numbers to the required reporting for oil and gas wells covered by the Onshore Petroleum and Natural Gas Production segment would enable the EPA and other stakeholders to directly match data for reported wells with other local, state, and federal permitting and data reporting information, as it is the common identification number used for wells in the United States (U.S.).

Second, a key element of the President's *Climate Action Plan* is the *Strategy to Reduce Methane Emissions,* which the Administration announced on March 28, 2014. [2] The strategy summarizes the sources of methane emissions, commits to new steps to cut emissions of this potent greenhouse gas, and outlines the Administration's efforts to improve the measurement of these emissions. The strategy builds on progress to date and takes steps to further cut methane emissions from several sectors, including the oil and natural gas sector. In this strategy, the EPA was specifically tasked with continuing to review regulatory requirements to address potential gaps in coverage, improve methods, and help ensure high quality data reporting. The proposed revisions to subpart W covered in this action would address data gaps, specify methods for measuring methane emissions, and provide data that could be used to further analyze methane emissions in this industry.

Third, on March 19, 2013, the EPA received a petition from a group of non-government organizations (NGOs) asking that the EPA collect data from emissions sources not currently included in subpart W, including well completion emissions from oil wells that co-produce natural gas, facilities and pipelines in the gathering and boosting segment, and transmission pipeline blowdown events, because these sources could be significant

[1] U.S. Environmental Protection Agency. *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2012.* April 15, 2014. EPA 430–R–14–003. This report tracks total annual U.S. emissions and removals by source, economic sector, and greenhouse gas going back to 1990. It is updated annually, and the latest version (cited here) covers emissions through 2012.

[2] *Climate Action Plan—Strategy to Reduce Methane Emissions.* The White House, Washington, DC, March 2014. Available at *http://www.whitehouse.gov/sites/default/files/strategy_to_reduce_methane_emissions_2014–03–28_final.pdf.*

sources of emissions that are not being reported. The NGOs also asked the EPA to require the reporting of API well identification numbers (currently known as US Well Numbers) to allow cross-reference to production data and other important information, to phase out the use of best available monitoring methods (BAMM), and to consider including ''Advanced Innovative Monitoring Methods'' to ''accelerate development and deployment of real-time continuous methane emission monitoring.'' [3] These proposed revisions, which address this petition, are consistent with the EPA's intent to ''collect complete and accurate facility-level GHG emissions from the petroleum and natural gas industry'' (79 FR 74484, November 30, 2010) and to provide accurate and transparent data to inform future policy decisions. Today's proposal includes the reporting of emissions currently not covered under subpart W as well as reporting of well identification numbers which would help ensure complete, accurate, and transparent reporting of GHG data under subpart W. The EPA is proposing to allow BAMM for a limited time only for sources affected by these proposed changes; the use of BAMM for sources not addressed by the proposed changes in this action was addressed on November 25, 2014 (79 FR 70352). Finally, the EPA is currently assessing the potential opportunities for applying innovations in measurement technology to identifying and estimating emissions from affected sources under subpart W. While not explicitly adding new, alternative monitoring methods in this proposal, the EPA is seeking comment on options for allowing use of alternative monitoring methods under the GHGRP to account for advances in technology. See also, ''Discussion Paper on Potential Implementation of Alternative Monitoring under the GHGRP'' in Docket ID No. EPA–HQ–OAR–2014–0831.

C. Legal Authority

The EPA is proposing these rule amendments under its existing CAA authority provided in CAA section 114. As stated in the preamble to the 2009 final GHG reporting rule (74 FR 56260, October 30, 2009), CAA section 114(a)(1) provides the EPA broad authority to require the information proposed to be gathered by this rule because such data would inform and are relevant to the EPA's carrying out a wide variety of CAA provisions. See the preambles to the proposed (74 FR 16448, April 10, 2009) and final GHG reporting rule (74 FR 56260, October 30, 2009) for further information.

In addition, the EPA is proposing confidentiality determinations for proposed new data elements in subpart W under its authorities provided in sections 114, 301, and 307 of the CAA. Section 114(c) of the CAA requires that the EPA make information obtained under section 114 available to the public, except where information qualifies for confidential treatment. The Administrator has determined that this proposed rule is subject to the provisions of section 307(d) of the CAA.

D. How would these amendments apply to 2015 and 2016 reports?

The EPA is planning to address the comments we receive on these proposed changes and publish the final amendments before the end of 2015. If finalized according to this schedule, these amendments would become effective on January 1, 2016. Facilities would therefore be required to follow the revised methods in subpart W, as amended, to calculate, monitor, and report emissions beginning January 1, 2016. The first annual reports of emissions calculated using the amended requirements would be those submitted by March 31, 2017, which would cover the 2016 emissions reporting. For the 2015 emissions and the corresponding reports due by March 31, 2016, reporters would continue to calculate, monitor, and report emissions and other relevant data according to the requirements of 40 CFR part 98 that are applicable during the 2015 calendar year.

For 2016 emissions only, the EPA is proposing to allow the use of short-term transitional BAMM for reporters who would be subject to new monitoring requirements associated with these proposed revisions. The use of BAMM would provide flexibility for the first-time monitoring of new emissions sources. These reporters would have the option of using BAMM from January 1, 2016 to March 31, 2016 without seeking prior EPA approval. Reporters would also have the opportunity to request an extension for the use of BAMM from April 1, 2016 through December 31, 2016; those owners or operators would be required to submit a request to the EPA by January 31, 2016. See Section II.F of this preamble for more information.

II. Revisions and Other Amendments

A. Oil Wells With Hydraulic Fracturing

Subpart W requires the reporting of GHG emissions from gas well completions and workovers with hydraulic fracturing in the Onshore Petroleum and Natural Gas Production segment, but it does not require the reporting of GHG emissions from oil well completions and workovers with hydraulic fracturing (unless the emissions are routed to a flare, in which case the emissions would be calculated as part of the flare stacks emission source, or the well testing emissions are vented or flared, in which case the emissions would be calculated as part of the well testing venting and flaring emission source). At the time the EPA finalized the subpart W requirements (75 FR 74458, November 30, 2010), hydraulic fracturing of gas wells was a well-established and widespread industry practice. However, since that time, expansion of the use of horizontal drilling and hydraulic fracturing has allowed drilling into new formations, leading to increased emissions associated with hydraulic fracturing.[4] Because hydraulic fracturing allows access to new geologic formations, some of these activities are occurring from completions and workovers with hydraulic fracturing of wells considered to be in oil formations according to the definition of ''sub-basin category, for onshore natural gas production'' in 40 CFR 98.238. Since subpart W does not currently capture these emissions from oil wells with hydraulic fracturing, the EPA is proposing to close this data gap by proposing reporting requirements for oil well completions and workovers with hydraulic fracturing.

The EPA is proposing to amend subpart W: (1) To clarify the applicability of the current provisions for the reporting of GHG emissions from completions and workovers with hydraulic fracturing for wells in the Onshore Petroleum and Natural Gas Production segment, regardless of whether their primary product is oil or natural gas, and (2) to include provisions for the reporting of GHG emissions from oil well completions and workovers with hydraulic fracturing. Consistent with the current requirements for gas well completions

[3] *Petition for Rulemaking and Interpretive Guidance Ensuring Comprehensive Coverage of Methane Sources Under Subpart W of the Greenhouse Gas Reporting Rule—Petroleum And Natural Gas Systems;* Submitted by Clean Air Task Force, Environmental Defense Fund, Natural Resources Defense Council, and Sierra Club; March 19, 2013.

[4] U.S. EPA Office of Air Quality Planning and Standards (OAQPS). *Oil and Natural Gas Sector Hydraulically Fractured Oil Well Completions and Associated Gas During Ongoing Production: Report for Oil and Natural Gas Sector, Oil Well Completions and Associated Gas During Ongoing Production Review Panel.* April 2014. Available at *http://www.epa.gov/airquality/oilandgas/pdfs/20140415completions.pdf.*

and workovers with hydraulic fracturing, the proposed provisions include the reporting of activity data on the number of oil wells with hydraulic fracturing and on the use of flaring and reduced emission completions (RECs). The EPA is also proposing to update equations and definitions accordingly under 40 CFR 98.233(g) to reflect applicability to completions and workovers of all wells with hydraulic fracturing.

The proposed monitoring methods and reporting requirements would incorporate methods that are already in subpart W for hydraulic fracturing of gas wells. The feasibility of the methods have been demonstrated and refined through several years of reporting and earlier amendments to subpart W. Specifically, the EPA is proposing to require the use of either Equation W–10A or W–10B in the current rule for calculating GHG emissions from oil well completions and workovers with hydraulic fracturing. Equation W–10A is used to calculate emissions from wells using inputs obtained from a representative sample of wells within a sub-basin and the ratio of the gas flowback rate to the production flow rate, and Equation W–10B is used to calculate emissions using inputs obtained from all wells within a sub-basin and the flow rate and flow volume of the gas vented or flared. Emissions would be calculated and reported separately for gas wells and oil wells. Within subpart W, an individual well is labeled an ''oil well'' or ''gas well'' depending on the formation type reported for that well. If wells produce from more than one formation type, then the well is classified into only one type based on the formation type with the most contribution to production as determined by the reporter's engineering knowledge. Furthermore, the EPA is proposing to require Calculation Method 1 for calculating inputs to Equations W–12A and W–12B for oil wells. Calculation Method 1 relies on direct measurement of gas flow rate during flowback to develop calculation inputs. The EPA is proposing that subpart W would include the same requirements for the location of the flow meter used to measure the gas flow rate for an oil well as for the flow meter on a gas well. The EPA is seeking comment on whether this is the appropriate location for the oil well flow meter. The EPA is also seeking comment on the burden of requiring direct measurement of gas flow rate during flowback.

The EPA is also aware that operators of oil wells with a relatively low gas-to-oil ratio (GOR) may not meter gas during the completion phase or even during the production phase. Instead, the associated natural gas may be vented or flared without measuring the gas flow rate. For these oil wells that do not meter gas production, the EPA is proposing to add a new Equation W–12C to calculate, rather than measure, the value of $PR_{s,p}$ (the average gas production flow rate during the first 30 days of production after the completion or workover), which is used as an input to Equation W–10A. In this proposed Equation W–12C, the value of $PR_{s,p}$ would be calculated by multiplying the GOR of the well by the measured oil production rate during the first 30 days of production after the completion or workover to calculate average gas production flow rate.

The EPA is not proposing at this time to allow the use of calculated flowback rate for oil wells based on well parameters, as specified in Calculation Method 2 in 40 CFR 98.233(g). In the current subpart W, Calculation Method 2 uses the measured gas pressure differential across the well choke to estimate gas flow rate. Based on the information available, the EPA concluded that this methodology may not be appropriate for estimating emissions from oil well completions because of the differences in operational conditions between oil and gas production. The EPA is seeking comment on how an engineering estimate of gas flow rate for oil wells might be performed as an alternative to the proposed monitoring methods that would require direct measurement of gas flow rate. Such an engineering estimate would be analogous to the current Calculation Method 2, but with alternatives to the current Equations 11–A and 11–B that would be applicable to oil wells. If an appropriate and technically sound approach can be identified, an engineering estimate methodology analogous to Calculation Method 2 for gas wells would reduce the burden for reporters of oil well completions and workovers with hydraulic fracturing.

Additionally, the EPA is seeking comment on whether to establish a minimum GOR threshold such that oil wells with a very low GOR would not be subject to the monitoring and reporting requirements for GHG emissions from completions and workovers with hydraulic fracturing. The EPA is also soliciting data and other supporting information that could be used to establish a level for that threshold in the final rule amendments, if that approach were adopted. Supporting data should include, at a minimum, information sufficient to identify the location of any wells for which data are provided (*e.g.,* US Well Number), the measured GOR, and whether the GOR for the well was measured during completion or workover. Information that would allow the EPA to estimate the typical emissions from wells with such a low GOR, and to estimate the total emissions from all wells that would be exempt if such a threshold were established, would be particularly helpful to inform potential inclusion of a GOR threshold in the final rule. The EPA particularly solicits specific data, rather than conclusory statements, to support commenters' positions on whether the EPA should include a minimum GOR threshold for monitoring and reporting.

The EPA is also seeking comment on whether to establish a minimum well pressure such that oil wells operating below a certain pressure would not be subject to the monitoring and reporting requirements for GHG emissions from completions and workovers with hydraulic fracturing. Similar to the discussion on a potential GOR threshold above, the EPA is also soliciting data and other supporting information that could be used to establish a level for the well pressure threshold in the final rule amendments, if that approach were adopted. Supporting data should include, at a minimum, information sufficient to identify the location of any wells for which data are provided (*e.g.,* US Well Number), the measured well pressure, and whether the well pressure was measured during completion or workover. Information that would allow the EPA to estimate the typical emissions from wells with low well pressures, and to estimate the total emissions from all wells that would be exempt if such a threshold were established, would be particularly helpful to inform potential inclusion of a well pressure threshold in the final rule. The EPA particularly solicits specific data, rather than conclusory statements, to support commenters' positions on whether the EPA should include a minimum well pressure threshold for monitoring and reporting.

B. Onshore Petroleum and Natural Gas Gathering and Boosting Segment

The EPA is proposing to add a new industry segment to subpart W, Onshore Petroleum and Natural Gas Gathering and Boosting, that would cover emissions from equipment used by gathering pipeline systems that move petroleum and natural gas from the well to either larger gathering pipeline systems, natural gas processing plants, natural gas transmission pipelines, or natural gas distribution pipelines. A

gathering and boosting system is a single network of pipelines, compressors and process equipment, including equipment to perform natural gas compression, dehydration, and acid gas removal, that has one or more well-defined connection points to gas and oil production and a well-defined downstream endpoint, typically a gas processing plant or transmission pipeline. Gathering pipelines are pipelines used to transport gas from the furthermost downstream point in an onshore production facility to certain endpoints, generally either a gas processing facility or point of connection to a transmission pipeline. Compressors located along the gathering and boosting system are used to control or ''boost'' the pressure of the gas in the pipeline and keep the gas moving downstream. Acid gas removal units and dehydrators may also be located on the gathering and boosting system to treat the collected natural gas. There are two types of gathering and boosting systems, radial and trunk line. The radial type brings all the pipelines to a central header, while the trunk-line type uses several remote headers to collect fluid and is mainly used in large fields.

The EPA recognized the need to require reporting from gathering and boosting systems in an earlier GHGRP proposed rule. Gathering lines and boosting stations were included in the original subpart W proposal (75 FR 18608, April 12, 2010) under both the Onshore Petroleum and Natural Gas Production segment and the Onshore Natural Gas Processing segment. The EPA originally proposed to include reporting of emissions from intra-facility gathering lines and all systems engaged in gathering produced gas from multiple wells as part of the Onshore Petroleum and Natural Gas Production segment. The EPA also proposed that field gathering and boosting stations that gather and process natural gas from multiple wellheads and compress and transport natural gas as feed to natural gas processing facilities would be included in the Onshore Natural Gas Processing segment.

In response to the April 2010 proposal, the EPA received 32 comment letters addressing numerous aspects of the proposed gathering and boosting reporting requirements. The comments generally focused on the areas of ownership of the gathering and boosting system, and on determining the boundaries of gathering and boosting between the Onshore Petroleum and Natural Gas Production and Onshore Natural Gas Processing segments. The commenters were also concerned with the burden of the proposed reporting requirements for the gathering and boosting systems. These comments were summarized in the preamble to the final subpart W rule (75 FR 74458, November 30, 2010) and can be found in the EPA's Response to Public Comments document for the final rule.[5]

In response to public comments, the EPA recognized the need for further analysis of gathering and boosting before developing reporting requirements. As a result, gathering and boosting sources were not included in the final subpart W rule published in November 2010, and the EPA stated that we would continue to evaluate ''the most appropriate mechanism for future actions to address the collection of appropriate data on gathering lines and boosting stations'' (75 FR 74469, November 30, 2010). After further consideration of the comments and collection of additional data, the EPA is proposing to require reporting of petroleum and natural gas gathering and boosting equipment as part of a new Onshore Petroleum and Natural Gas Gathering and Boosting segment to collect the data needed to quantify the emissions from this segment and to achieve more complete coverage of the petroleum and natural gas systems sector.

The EPA is proposing to define the Onshore Petroleum and Natural Gas Gathering and Boosting segment in 40 CFR 98.230 as gathering pipelines and other equipment used to collect petroleum and/or natural gas from onshore production gas or oil wells and used to compress, dehydrate, sweeten, or transport the gas to a natural gas processing facility, a natural gas transmission pipeline, or a natural gas distribution pipeline. Gathering and boosting equipment would include, but would not be limited to, gathering pipelines, separators, compressors, acid gas removal units, dehydrators, pneumatic devices/pumps, storage vessels, engines, boilers, heaters, and flares. The Onshore Petroleum and Natural Gas Gathering and Boosting segment would not include equipment and pipelines that are reported under any other industry segment defined in subpart W.

The EPA is proposing to define a gathering and boosting system as a single network of pipelines, compressors and process equipment, including equipment to perform natural gas compression, dehydration, and acid gas removal, that has one or more connection points to gas and oil production and a downstream endpoint, typically a gas processing plant, transmission pipeline, local distribution company (LDC) pipeline, or other gathering and boosting system. The EPA is proposing to define a gathering and boosting system owner or operator as any person that: (1) Holds a contract in which they agree to transport petroleum or natural gas from one or more onshore petroleum and natural gas production wells to a natural gas processing facility, another gathering and boosting system, a natural gas transmission pipeline, or a distribution pipeline; or (2) is responsible for custody of the gas transported. The purpose of including the last phrase of the definition is to address ownership scenarios for vertically integrated companies for which contracts are not needed to transfer gas from production wells to natural gas processing plants. The EPA requests comment on whether this phrase addresses that concern.

The EPA is proposing to define a facility with respect to onshore petroleum and natural gas gathering and boosting in 40 CFR 98.238 as all gathering pipelines and other equipment located along those pipelines that are under common ownership or common control by a gathering and boosting system owner or operator and that are located in a single hydrocarbon basin as defined in 40 CFR 98.238. Where a person owns or operates more than one gathering and boosting system in a basin (for example, separate gathering lines that are not connected), then all gathering and boosting systems and equipment that the person owns or operates in the basin would be considered one facility. Any gathering and boosting equipment that is associated with a single gathering and boosting system, including leased, rented, or contracted activities, would be considered to be under common control of the owner or operator of the gathering and boosting system. Emissions from an onshore petroleum and natural gas gathering and boosting facility would only need to be reported if the collection of emission sources emits 25,000 metric tons of carbon dioxide equivalent (CO_2e) or more per year. The basin-level reporting approach that the EPA is proposing for onshore petroleum and natural gas gathering and boosting facilities is currently being used for reporting in the Onshore Petroleum and Natural Gas Production sector. The proposed basin-level approach for the Onshore Petroleum and Natural Gas Gathering and Boosting

[5] U.S. Environmental Protection Agency Office of Atmosphere Programs, Climate Change Division. *Mandatory Greenhouse Gas Reporting Rule Subpart W—Petroleum and Natural Gas: EPA's Response to Public Comments,* November 2010. Docket Item No. EPA–HQ–OAR–2009–0923–3608.

segment would achieve a balance of providing geographically specific information, while also reducing burden on reporters by ensuring that owners/operators of gathering and boosting systems would only have to submit one report for all their systems within a basin. For more information on this analysis, please see ''Greenhouse Gas Reporting Rule: Technical Support for 2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems; Proposed Rule'' in Docket ID No. EPA–HQ–OAR–2014–0831.

The EPA believes that the proposed definitions of the Onshore Petroleum and Natural Gas Gathering and Boosting segment, facility, and owner/operator address or avoid the major issues raised by the commenters in response to the April 2010 proposal. Defining the Onshore Petroleum and Natural Gas Gathering and Boosting segment as a segment separate from the Onshore Petroleum and Natural Gas Production segment and the Onshore Natural Gas Processing segment would avoid many of the boundary issues presented by the earlier proposal. The proposed definition of facility would also clarify how equipment located along the pipeline should be treated as part of the facility. The EPA requests comment on the definitions of the Onshore Petroleum and Natural Gas Gathering and Boosting segment and facility, the gathering and boosting system, the gathering and boosting system owner or operator, the determination of what emission sources are included in a petroleum and natural gas gathering and boosting facility in complex ownership scenarios (for example, multiple owners with operation handled by one of the owners or shared by multiple owners). In complex ownership scenarios, the EPA is proposing that the owners/operators would assign a designated representative responsible for reporting consistent with 40 CFR 98.4, and the EPA requests comment on whether the provisions of 40 CFR 98.4 are appropriate for petroleum and natural gas gathering and boosting facilities with complex ownership scenarios. In addition, the EPA requests comment on whether the proposed definitions clearly define the boundary of the Onshore Petroleum and Natural Gas Gathering and Boosting segment as the pipelines and equipment between the Onshore Petroleum and Natural Gas Production segment and the Onshore Natural Gas Processing segment (or other downstream segment).

The EPA also requests comment on potential concerns with overlap of these boundaries and whether specific provisions are needed to address the overlap. For example, the EPA considered whether provisions were needed to address the potential for some non-fractionating processing plants with an annual throughput of around 25 million standard cubic feet per day (MMscfd) to be required to report as part of different industry segments from year to year (*i.e.,* as part of Onshore Petroleum and Natural Gas Gathering and Boosting if the annual average daily throughput drops below 25 MMscfd one year and then part of the Onshore Natural Gas Processing segment if the throughput increases to above 25 MMscfd the next year). The EPA considered a provision that would allow a non-fractionating processing facility to stop reporting as part of the Onshore Natural Gas Processing segment and instead report as part of the Onshore Petroleum and Natural Gas Gathering and Boosting segment if the facility throughput is below 25 MMscfd for 5 consecutive years. The EPA is not proposing to include this provision because there is not sufficient information available on gathering and boosting systems for the EPA to assess whether such a provision is necessary, but the EPA is requesting comment on the need for a provision that addresses overlap of segment boundaries and what that provision should include.

The EPA is proposing to use current methods in subpart W, when available, for monitoring and calculating emissions from the Onshore Petroleum and Natural Gas Gathering and Boosting segment. Subpart W already contains monitoring and calculation methods for all emission sources that would be included in the Onshore Petroleum and Natural Gas Gathering and Boosting segment, with the exception of gathering pipelines, in either the Onshore Petroleum and Natural Gas Production segment or the Onshore Natural Gas Processing segment. Since similar equipment and sources are included in multiple segments, this approach allows the EPA to rely on methods that have been proven effective for collecting GHG data for at least 3 years. This approach is expected to provide high quality data while reducing the burden on reporters that would be associated with determining how to implement new estimation methods.

For natural gas pneumatic devices, pneumatic valves, pneumatic pumps, and atmospheric storage tanks located in the Onshore Petroleum and Natural Gas Gathering and Boosting segment, the EPA is proposing that gathering and boosting reporters use the same methods for calculating emissions as in the Onshore Petroleum and Natural Gas Production segment. Where these emission sources are located within gathering and boosting facilities, these sources are likely to be similar to the ones located in the Onshore Petroleum and Natural Gas Production segment. Specifically, because most processing of the gas and oil extracted from wells will be processed downstream of the gathering and boosting facility, the equipment/activities in the Onshore Petroleum and Natural Gas Production segment will be designed to handle gas and oil of composition similar to the gas and oil in the Onshore Petroleum and Natural Gas Gathering and Boosting segment, so the same methods are applicable and would be no more burdensome.

For blowdown vent stacks, the current subpart W requires reporting of emissions for the Onshore Natural Gas Processing segment, but not for the Onshore Petroleum and Natural Gas Production segment. The EPA is proposing that the same methods that are used for the Onshore Natural Gas Processing segment be applied to blowdowns of equipment in the Onshore Petroleum and Natural Gas Gathering and Boosting segment. The same exemptions, including those for volumes less than 50 cubic feet and for desiccant dehydrator reloading, that are applied to the Onshore Natural Gas Processing segment should also be applied to the Onshore Petroleum and Natural Gas Gathering and Boosting segment. The EPA expects that the exemption for volumes less than 50 cubic feet should alleviate any concerns with the burden of calculating emissions from small gathering pipelines.

Several emission sources, including compressors, acid gas removal units, dehydrators, flares, and equipment leaks are found in both the Onshore Petroleum and Natural Gas Production segment and the Onshore Natural Gas Processing segment. For acid gas removal units, dehydrators, and flare stacks, the current subpart W specifies the same methods for these sources in both the Onshore Petroleum and Natural Gas Production segment and the Onshore Natural Gas Processing segment. For acid gas removal units and dehydrators, the current rule includes several alternative methods, and the same alternative methods are specified for both segments. Because these emission sources in the Onshore Petroleum and Natural Gas Gathering and Boosting segment are likely to be similar to the ones in the Onshore Petroleum and Natural Gas Production segment or the Onshore Natural Gas

Processing segment, the same methods would be applicable.

For compressors and equipment leaks, subpart W contains one method in the Onshore Petroleum and Natural Gas Production segment and a different method for the same emission source in the Onshore Natural Gas Processing segment. We are proposing that the gathering and boosting reporters use the same method as in the Onshore Petroleum and Natural Gas Production segment. The method for the Onshore Petroleum and Natural Gas Production segment for compressors and equipment leaks relies on the reporter counting the number of compressors or components (*e.g.,* population counts) and then applying emission factors per compressor or component for that population. Alternatively, for equipment leaks, the reporter may count the number of pieces of major equipment, assume the default component counts in Table W–1B, and then apply emission factors per component. This proposed population count approach is appropriate for the Onshore Petroleum and Natural Gas Gathering and Boosting segment because, as in the Onshore Petroleum and Natural Gas Production segment, the equipment is often geographically dispersed and may be visited only intermittently. Under the proposed approach, a reporter would need to establish an inventory of the components or equipment subject to the population counts, apply the emission factors, and then update the inventory each year to account for new or retired components or equipment. The EPA also seeks comment on the appropriateness of the methods used in the Onshore Natural Gas Processing segment for compressors and equipment leaks, which are outlined in 40 CFR 98.234(a).

For gathering pipelines, the EPA is proposing to use an emission factor approach that is essentially the same as the approach used for equipment leaks in the Onshore Petroleum and Natural Gas Production segment. For gathering lines, reporters would use the population count and emission factor approach in 40 CFR 98.233(r). The emission factors that are being proposed, which would be added to an amended Table W–1A, are whole gas emission factors based on the U.S. GHG Inventory. The population count would be the miles of gathering pipeline, similar to the approach used for calculating emissions from natural gas distribution pipelines in the Natural Gas Distribution segment.

The EPA has determined that the proposed monitoring and reporting requirements minimize the potential confusion associated with calculating emissions from the Onshore Petroleum and Natural Gas Gathering and Boosting segment by adopting the same methods used for calculating emissions that are used in the Onshore Petroleum and Natural Gas Production segment and the Onshore Natural Gas Processing segment. The EPA requests comment on whether the proposed monitoring and reporting requirements for the proposed Onshore Petroleum and Natural Gas Gathering and Boosting segment are appropriate for these emission sources, and if not, what methodologies would be more appropriate.

Data collected through the proposed reporting requirements for the Onshore Petroleum and Natural Gas Gathering and Boosting segment in subpart W would improve the EPA's estimates and understanding of emissions from sources covered by the new segment and from the petroleum and natural gas sector. The improved data would provide a better understanding of sources in the petroleum and natural gas industry for which the public currently has little information. For example, the data that would be collected through these proposed revisions would inform updates to the U.S. GHG Inventory.

The proposed requirements would require the reporting of GHG emissions from an entire gathering and boosting facility instead of the partial approach that currently exists under the GHGRP. Specifically, some gathering and boosting emission sources, such as natural gas compression stations, are only required to report GHG emissions if the facility exceeds the 25,000 metric tons CO_2e annual emission reporting threshold in subpart A, 40 CFR 98.2(a)(2), based on combustion emissions that are reported under subpart C. Subpart W does currently require reporting from facilities that perform ''natural gas processing'' in 40 CFR 98.230(a)(3), but this requirement is only for those facilities that perform separation of natural gas liquids or non-methane gases from produced natural gas or the separation of natural gas liquids into one or more component mixtures and exceed 25 MMscfd annual average daily gas throughput. Subpart W also covers sources such as compressors, dehydration, or acid gas removal that are located on a single well-pad or associated with a single well as part of the Onshore Petroleum and Natural Gas Production segment. However, if these sources are associated with multiple well pads and not located on a single well-pad, they are not part of the Onshore Petroleum and Natural Gas Production segment and are currently not subject to reporting under subpart W.

The EPA is not proposing to alter the definitions for the Onshore Natural Gas Processing or Onshore Petroleum and Natural Gas Production segments within subpart W, found in 40 CFR 98.230, so if these amendments are finalized as proposed, then the facilities and emission sources that are currently in the Onshore Petroleum and Natural Gas Production segment and the Onshore Natural Gas Processing segment of subpart W would remain in those segments. For facilities that have emissions sources that are covered by the Onshore Petroleum and Natural Gas Production segment and the Onshore Natural Gas Processing segment of subpart W but do not collectively meet the threshold for reporting in those segments, those emission sources or equipment should only be considered in the proposed Onshore Petroleum and Natural Gas Gathering and Boosting segment if they meet the proposed definition of ''gathering and boosting system'' and the appropriate thresholds. However, the proposed Onshore Petroleum and Natural Gas Gathering and Boosting segment would increase the overall coverage of subpart W by including some facilities that are reporting under subpart C for combustion emissions but only have to report a subset of their emissions currently, or that are not reporting at all under the GHGRP. Under the proposed rule, these facilities would become part of the proposed Onshore Petroleum and Natural Gas Gathering and Boosting segment in subpart W. If a reporter has more than one facility currently reporting under subpart C and they are consolidated as part of a single gathering and boosting facility as defined in this proposal, then the gathering and boosting facility would begin reporting all their relevant facility emissions, including those previously reported under subpart C, as a single consolidated facility under subpart W. The consolidated reporting facility would also include the parts of the system, such as pipelines and smaller compression stations, for which emissions are not currently being reported.

The proposed Onshore Petroleum and Natural Gas Gathering and Boosting segment would also include equipment and facilities that are not currently reporting under the GHGRP. For example, the EPA anticipates that the proposed Onshore Petroleum and Natural Gas Gathering and Boosting segment would include many compressor stations in gathering and boosting systems that are not currently

reporting because they do not, as a facility defined in 40 CFR 98.6, exceed the 25,000 metric tons CO_2e per year reporting threshold in subpart A, 40 CFR 98.2(a)(2). However, when aggregated with the gathering pipelines and other compressor stations that are under common ownership and control within a system, the complete system may exceed the reporting threshold and would be required to begin reporting.

The EPA considered other reporting options for defining the facility and the level of reporting, but none of them would have achieved the same balance of geographically specific information and reduced industry burden as the proposed option. One option considered was using the definition of ''facility'' found in 40 CFR 98.6 that states, ''Facility means any physical property, plant, building, structure, source, or stationary equipment located on one or more contiguous or adjacent properties in actual physical contact or separated solely by a public roadway or other public right-of-way and under common ownership or common control, that emits or may emit any greenhouse gas. Operators of military installations may classify such installations as more than a single facility based on distinct and independent functional groupings within contiguous military properties.'' This would mean that each piece of property (or adjacent properties under common ownership or common control) with gathering and boosting equipment that exceeded the 25,000 metric tons CO_2e annual threshold would be considered its own ''facility''. This option provided limited data on the segment as a whole due to decreased coverage compared to other options, though more granular, site-specific data would likely be achievable for this option. This option would also require separate reports for each compressor station and/or gathering line, which would have resulted in a high reporting burden on owners/operators in this segment. Therefore, the EPA concluded that this option would not achieve the goals of having a thorough data set and transparent, complete information for this sector while minimizing burden to reporters. The EPA also considered an option that would have separated the gathering pipelines and gathering and boosting stations (*e.g.,* facilities with compressors, dehydration, and acid gas removal) into different segments. The gathering and boosting stations would have reported at the basin level, and the pipelines at the national level (*e.g.* all gathering pipelines owned by a person or entity within the United States). However, the EPA is not proposing this option because it would have potentially resulted in higher burden to reporters by requiring reporting of additional facilities under their ownership. The EPA is seeking comment on whether these options should be considered and how they might achieve transparent and complete data for this segment without imposing additional burden on reporters compared to the proposed option. For more information regarding the options considered for defining the facility, see ''Greenhouse Gas Reporting Rule: Technical Support for 2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems; Proposed Rule.''

C. Natural Gas Transmission Lines Between Compressor Stations

The EPA is proposing to add reporting requirements for emissions from natural gas transmission pipeline blowdowns between compressor stations in a new Onshore Natural Gas Transmission Pipeline segment. For purposes of the Onshore Natural Gas Transmission Pipeline segment, a blowdown is the release of gas from transmission pipelines for the purpose of reducing system pressure or complete depressurization. Transmission pipeline blowdowns occur when, a segment of pipeline is isolated from the rest of the line and the natural gas inside is purged through a blowdown vent stack. These blowdowns are needed to safely inspect and maintain the pipelines, but the purging of natural gas produces methane emissions that are currently not included in subpart W. In the U.S. GHG Inventory, the EPA estimated that there were over 300,000 miles of transmission pipelines in 2012, and the blowdown emissions associated with those pipelines were estimated to be 85,000 metric tons of methane a year. Although subpart W does require reporting of emissions from onshore natural gas transmission compression stations, it currently does not cover onshore natural gas transmission pipelines in between compressor stations. This represents a gap in the coverage of emission sources from the petroleum and natural gas systems source category covered by subpart W.

The EPA is proposing to define the onshore natural gas transmission pipeline owner or operator depending on whether the transmission pipeline is interstate or intrastate. For interstate pipelines, the onshore natural gas transmission pipeline owner or operator would be the person identified as the transmission pipeline owner or operator on the Certificate of Public Convenience and Necessity issued under 15 U.S.C. 717f. For intrastate pipelines, the onshore natural gas transmission pipeline owner or operator would be the person identified as the owner or operator on the transmission pipeline's Statement of Operating Conditions under section 311 of the Natural Gas Policy Act (NGPA). The Certificate of Public Convenience and Necessity is a certificate issued by the Federal Energy Regulatory Commission (FERC) that allows the pipeline company to engage in the transportation and/or sale for resale of natural gas in interstate commerce or to acquire and operate facilities needed to accomplish this. The certificate is issued by FERC after FERC has approved the construction of a pipeline, and it allows the holder to build and operate the pipeline. Operators of intrastate pipelines are required to prepare a Statement of Operating Conditions for compliance under section 311 of the NGPA. Section 311 of the NGPA allows an interstate pipeline company to sell or transport gas on behalf of any intrastate pipeline or local distribution company without prior FERC approval.

The EPA is proposing that the facility for the new Onshore Natural Gas Transmission Pipeline segment would be defined as the total U.S. mileage of natural gas transmission pipelines owned or operated by an onshore natural gas transmission pipeline owner or operator. If an entity owned and operated multiple pipelines in the U.S., the facility would be considered the aggregate of those pipelines, even if they are not interconnected. In defining the facility, the EPA considered other options, such as the facility being the amount of pipeline owned and operated by an entity within a state or basin, or the facility being each separate pipeline. In considering these other options, the EPA had to take into account that many major pipeline systems are essentially linear systems to move gas from one part of the U.S. to another, and requiring reporters to file separate reports for each portion of the system in any one state or other defined geography would impose higher reporting burden on those subject to this source category without providing the EPA with additional, specific information. The EPA also took into account the fact that many entities own and operate pipeline segments that may not be directly interconnected, but are connected with pipelines owned and operated by other entities as part of the national network of natural gas transmission pipelines. The proposed approach limits the burden on reporters to correlate the pipeline ownership transfer points with

specific geographical segments. Instead, the reporters can track the required information for their various pipelines, regardless of location, and submit data associated with all of them in one report.

The EPA is proposing that reporters would use the methods in 40 CFR 98.233(i) to calculate or measure emissions from pipeline blowdown events. One method allows a reporter to calculate emissions based on the volume of the pipeline segment between isolation valves that is blown down and the pressure and temperature of the gas within the pipeline. This method uses information that should be readily available to the reporter (*e.g.,* pipeline length, diameter, and operating pressure) and so should not be overly burdensome. The second method allows the reporter to measure the emissions from the blowdown using a flow meter on the blowdown vent stack. In both methods, the reporter would calculate both methane and carbon dioxide (CO_2) emissions from the volume of natural gas vented using either default gas composition or engineering estimates of composition as specified in 40 CFR 98.233(u)(2)(iii). In addition to the total annual emissions of methane and CO_2, natural gas transmission pipeline reporters would also report the methane and CO_2 emissions and location of each blowdown event.

The EPA previously considered fugitive emissions that result from leaks in transmission pipelines in the re-proposal of subpart W in April 2010 (75 FR 18616, April 12, 2010), but did not include provisions for these emissions in either the proposed or final rules. The April 2010 preamble explained that the EPA did not propose reporting requirements for fugitive emissions from leaks in natural gas pipeline segments between compressor stations due to the dispersed nature of the fugitive emissions, and the fact that, once fugitives are found, the leaks causing the emissions are usually addressed quickly for safety reasons (75 FR 18616, April 12, 2010). The EPA also notes that larger fugitive leaks are currently reported to the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration as part of 49 CFR 191.3. Under this provision, any pipeline incident that results in unintentional gas loss of three million cubic feet or more must be reported. Therefore, the EPA is not proposing to include reporting requirements for fugitive emissions from transmission pipeline leaks.

The EPA also considered adding blowdowns between compressor stations on natural gas transmission pipelines to the Onshore Natural Gas Transmission Compression segment, which is already a reporting segment under subpart W, instead of creating a new segment. However, the Onshore Natural Gas Transmission Compression segment currently uses the same definition of facility as found in 40 CFR 98.6 and the natural gas transmission pipelines that surround a compressor station might not be compatible with that definition of ''facility'' because they would likely not be under common ownership or control with the adjacent compressor station(s). Therefore, keeping the definition of facility found in 40 CFR 98.6 for this proposed new segment would result in a higher reporting burden on pipeline owners/operators with a number of non-contiguous pipelines in the U.S. compared to the proposed option, because these owners/operators would have to submit individual reports for each pipeline they owned or operated. The proposed option simplifies reporting for this source by allowing each owner/operator to submit one report for all their transmission pipelines.

D. Well Identification Numbers

The EPA is proposing to amend 40 CFR 98.236 to add reporting requirements for well identification numbers to improve data quality by enabling identification of wells. If finalized, these reporting requirements would be reported for the first time in the report covering the year in which the rule is made effective (*e.g.,* if the final rule is effective January 1, 2016, then the reports covering 2016 data would be the first to include well identification numbers). Reporting of well identification numbers for previous years (*e.g.,* 2012) is not being proposed by the EPA. For the majority of wells, the well identification number reported will be the US Well Number (formerly referred to as the API Well Number, or API Number).[6] For any well that does not already have a US Well Number, the reporter would be required to provide the unique well number assigned by the permitting authority for drilling of oil and gas wells. US Well Numbers are required for wells in almost all states covered in the Onshore Petroleum and Natural Gas Production segment and are generally reported in relevant onshore production permitting documentation. This would allow the EPA to link the GHGRP data to other databases to more easily match the data reported under the GHGRP with other data sources and will improve the accuracy and transparency of subpart W. Being able to match the GHGRP data to other data sources would provide the EPA with more options for analysis of the GHGRP data to better inform future policy decisions related to GHG emissions from the oil and natural gas production sector. The reporting of the well identification numbers would also allow the EPA to assess the completeness and representativeness of the data collected under the GHGRP as a portion of all activity in the oil and natural gas production sector.

Since 1966, almost all U.S. oil and gas wells have been assigned a unique and permanent API Well Number in accordance with American Petroleum Institute (API)'s specification in Bulletin D12A.[7] The API Well Number was established to allow regulators to track drilling permits, collect royalties, and optimize field conservation. API transferred ownership of the well numbering specification to the Professional Petroleum Data Management (PPDM) Association in 2010. The PPDM Association issued an updated specification in May 2013 and then renamed the identifier as the US Well Number in June 2014.[8] The PPDM Association is working with state regulatory agencies to implement the 2013 updates, but adoption is at the discretion of the agency. State agencies that elect not to use the US Well Number have assigned unique well identification numbers to the gas and oil wells in that state for tracking in their regulatory databases. US Well Numbers and other well identification numbers are publically available, but the accessibility of the data varies from state to state. Reporters in the Onshore Petroleum and Natural Gas Production segment already track and maintain records by well identification number for other regulatory and reporting purposes.

The EPA is proposing to require the reporting of well identification numbers for the Onshore Petroleum and Natural Gas Production segment in two general cases. First, the EPA proposes to require reporters in the Onshore Petroleum and

[6] The Professional Petroleum Data Management Association. *The US Well Number Standard: An Identifier for Petroleum Industry Wells in the USA.* Version 2013 rev 1, published June 19, 2014. Available at *http://dl.ppdm.org/dl/1147.*

[7] American Petroleum Institute. *The API Well Number and Standard State And County Numeric Codes Including Offshore Waters.* API Bulletin D12A, January 1979. Available at *http://wellidentification.org/dl/US_API_Bulliten_1979.pdf.*

[8] The Professional Petroleum Data Management Association. *The US Well Number Standard: An Identifier for Petroleum Industry Wells in the USA.* Version 2013 rev 1, published June 19, 2014. Available at *http://dl.ppdm.org/dl/1147.*

Natural Gas Production segment to report a list of well identification numbers associated with different emission sources for all wells in a sub-basin included in the reported emissions data. Reporting the well identification numbers associated with different emission sources for each sub-basin would allow the EPA to determine completeness of reporting by evaluating the coverage of current reporting requirements and identifying potential cases of under-reporting by comparing lists of reported well identification numbers to lists of well identification numbers from state agencies. The EPA expects that this would present a low burden to reporters because reporters should already track and maintain well identification numbers. The EPA expects that most reporters track and maintain sub-basins for each well identification number. If a reporter does not, they can use the state code and county code portions of the US Well Number to identify the sub-basin.

Second, for reporters in the Onshore Petroleum and Natural Gas Production segment that report emissions using input data that are calculated from measurements at individual wells or equipment associated with individual wells (*e.g.,* if Equation W–10A was used to calculate emissions from oil well completions and workovers with hydraulic fracturing, well testing emissions), the EPA proposes to require the reporter to report the well identification number for which those measurements were made, or for which the equipment is associated. Reporting the well identification numbers for input data based on measurements at a sample of wells would allow the EPA to compare GHGRP data to data from other wells in the same basin or sub-basin to evaluate whether the measurements were likely representative of all wells in the basin or sub-basin. The EPA expects that this would present a low burden to reporters because reporters should already track and maintain well identification numbers associated with measurements used for the GHGRP input data.

Where emissions are reported for equipment that is on or associated with a single well pad, (*e.g.,* dehydrators, acid gas removal units), providing the well identification number(s) for the associated well(s) would also allow the EPA to compare the data that are used as inputs for estimating emissions to the data available from the well(s) to verify those data. The EPA expects that this would also present a low burden to reporters because reporters already have to make a determination of whether the equipment is on or associated with a single well pad, and would simply need to note and maintain the well identification number(s) for that associated piece of equipment.

E. Advanced Innovative Monitoring Methods

As oil and gas operations seek to capitalize on advances in measurement and monitoring technology in optimizing process operations and reducing fugitive emissions from process equipment leaks, opportunities will arise for facilities to use innovative technologies to gather real-time, continuous emissions data from area and point sources. For example, optical remote sensing techniques have existed for many years but recent technological advances have allowed these devices to be used in the field (*e.g.,* for fence line monitoring) to provide reliable measurements of gas concentrations, including methane, in the ambient air at the relevant detection limits.[9] [10]

The EPA is assessing the potential opportunities for applying remote sensing technologies and other innovations in measurement or monitoring technology to identifying and calculating emissions from affected sources under subpart W. The EPA's objective for this assessment is to determine if new and innovative technologies could be applied to the GHGRP to improve the overall accuracy and transparency of reported data in a cost-effective way while still meeting the overall objectives of Part 98. While the EPA is not proposing to incorporate these technologies into subpart W in this action, the EPA is requesting comment on the feasibility, possible regulatory approaches, provisions necessary to incorporate or allow the use of advanced measurement or monitoring methods in subpart W, and methods to ensure compliance with those provisions in an efficient manner. In particular, the EPA is soliciting data and case studies that could provide information regarding the benefits, costs, and potential problem areas, including consistency among reporters and the feasibility of verifying emissions, associated with using advanced innovative monitoring methods for providing emissions measurements in the oil and natural gas sector, including the provision of real-time or continuous measurements.

Additionally, we are seeking comment on the EPA's memorandum on alternative and innovative measurement or monitoring technologies (see ''Discussion Paper on Potential Implementation of Alternative Monitoring under the GHGRP'' in Docket ID No. EPA–HQ–OAR–2014–0831). Following review of the data and information received in comments, the EPA may propose amendments related to the use of innovative technologies in reporting to the GHGRP in a future rulemaking.

F. Best Available Monitoring Methods

The EPA is proposing that facilities will be allowed to use BAMM for the proposed amendments for the 2016 reporting year for only the new industry segments and emission sources included in this proposal. These include calculating and reporting emissions from oil well completions and workovers with hydraulic fracturing, from onshore petroleum and natural gas gathering and boosting systems, and for transmission pipeline blowdown emissions. This proposal would allow reporters to use best available methods to estimate inputs to emission equations for the newly proposed emission sources using their best engineering judgment for cases where the monitoring of these inputs would not be possible beginning on January 1, 2016. The EPA is not proposing to allow the use of BAMM for the proposed reporting of well identification numbers because reporters should already have well identification numbers readily available for all wells and associated equipment to which this proposed reporting requirement would apply.

These reporters have the option of using BAMM from January 1, 2016, to March 31, 2016, without seeking prior EPA approval for certain parameters that cannot reasonably be measured according to the monitoring and QA/QC requirements of 40 CFR 98.234. Reporters would also have the opportunity to request an extension for the use of BAMM beyond March 31, 2016; those owners or operators would submit a request to the Administrator by January 31, 2016. This additional time for reporters to comply with the monitoring methods for new emission sources in subpart W would allow facilities to install the necessary monitoring equipment during other planned (or unplanned) process unit downtime, thus avoiding process interruptions.

The EPA is not proposing to allow the use of BAMM beyond 2016 and does not anticipate that BAMM would be needed beyond 2016 for the new segments and

[9] Allen, D.T. et al. Measurements of methane emissions at natural gas production sites in the United States, *Proceedings of the National Academy of Sciences of the United States of America,* 110(44): 17768–17773, 2013.

[10] EPA Handbook: Optical Remote Sensing for Measurement and Monitoring of Emissions Flux, *http://www.epa.gov/ttnemc01/guidlnd/gd-052.pdf.*

emissions sources being proposed in this rule.

III. Proposed Confidentiality Determinations

A. Overview and Background

In this proposed rule, we are proposing confidentiality determinations for 171 data elements proposed to be reported by the following segments: Onshore Petroleum and Natural Gas Production, Onshore Petroleum and Natural Gas Gathering and Boosting, and Onshore Natural Gas Transmission Pipeline. These data elements include new reporting requirements for existing sources already reporting under subpart W as well as new reporting requirements that would be reported by additional industry segments or sources under these proposed amendments.

The final confidentiality determinations the EPA has previously made for the remainder of the subpart W data elements are unaffected by the proposed amendments and continue to apply. For information on confidentiality determinations for the GHGRP and subpart W data elements, see: 75 FR 39094, July 7, 2010; 76 FR 30782, May 26, 2011; 77 FR 48072, August 13, 2012; 79 FR 63750, October 24, 2014. These proposed confidentiality determinations would be finalized after considering public comment. The EPA plans to finalize these determinations at the same time the proposed rule amendments described in this action are finalized.

B. Approach to Proposed CBI Determinations

With the exception of the specific data elements addressed in Section III.D of this preamble, we are applying the same approach as previously used for making confidentiality determinations for data elements reported under the GHGRP. In the ''Confidentiality Determinations for Data Required Under the Mandatory Greenhouse Gas Reporting Rule and Amendments to Special Rules Governing Certain Information Obtained Under the Clean Air Act'' (hereafter referred to as ''2011 Final CBI Rule'') (76 FR 30782, May 26, 2011), the EPA grouped Part 98 data elements into 22 data categories (11 direct emitter data categories and 11 supplier data categories) with each of the 22 data categories containing data elements that are similar in type or characteristics. The EPA then made categorical confidentiality determinations for eight direct emitter data categories and eight supplier data categories and applied the categorical confidentiality determination to all data elements assigned to the category. Of these data categories with categorical determinations, the EPA determined that four direct emitter data categories are comprised of those data elements that meet the definition of ''emissions data,'' as defined at 40 CFR 2.301(a), and that, therefore, are not entitled to confidential treatment under section 114(c) of the CAA.[11] The EPA determined that the other four direct emitter data categories and the eight supplier data categories do not meet the definition of ''emission data.'' For these data categories that are determined not to be emission data, the EPA determined categorically that data in three direct emitter data categories and five supplier data categories are eligible for confidential treatment as CBI, and that the data in one direct emitter data category and three supplier data categories are ineligible for confidential treatment as CBI. For two direct emitter data categories, ''Unit/Process 'Static' Characteristics that Are Not Inputs to Emission Equations'' and ''Unit/Process Operating Characteristics that Are Not Inputs to Emission Equations,'' and three supplier data categories, ''GHGs Reported,'' ''Production/Throughput Quantities and Composition,'' and ''Unit/Process Operating Characteristics,'' the EPA determined in the 2011 Final CBI Rule that the data elements assigned to those categories are not emission data, but the EPA did not make categorical CBI determinations for them. Rather, the EPA made CBI determinations for each individual data element included in those categories on a case-by-case basis taking into consideration the criteria in 40 CFR 2.208. No final confidentiality determination was made for the inputs to emission equation data category (a direct emitter data category) in the 2011 Final CBI Rule. However, the EPA has since proposed and finalized an approach for addressing disclosure concerns associated with inputs to emissions equations.[12]

For this rulemaking, we are proposing to assign 165 new data elements to the appropriate direct emitter data categories created in the 2011 Final CBI Rule based on the type and characteristics of each data element. Note that subpart W is a direct emitter source category, thus, no data are assigned to any supplier data categories.

For data elements the EPA has assigned in this proposed action to a direct emitter category with a categorical determination, the EPA is proposing that the categorical determination for the category be applied to the proposed new data element. For the proposed categorical assignment of the data elements in these eight categories with categorical determinations, see the memorandum ''Data Category Assignments and Confidentiality Determinations for All Data Elements (excluding inputs to emission equations) in the Proposed '2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems' '' in Docket ID No. EPA–HQ–OAR–2014–0831.

For data elements assigned to the ''Unit/Process 'Static' Characteristics that Are Not Inputs to Emission Equations'' and ''Unit/Process Operating Characteristics that Are Not Inputs to Emission Equations,'' we are proposing confidentiality determinations on a case-by-case basis taking into consideration the criteria in 40 CFR 2.208, consistent with the approach used for data elements previously assigned to these two data categories. For the proposed categorical assignment of these data elements, see the memorandum ''Data Category Assignments and Confidentiality Determinations for All Data Elements (excluding inputs to emission equations) in the Proposed '2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems' '' in Docket ID No. EPA–HQ–OAR–2014–0831. For the results of our case-by-case evaluation of these data elements, see Sections III.C and III.D of this preamble.

In addition to the individual data element determinations described above and for the reasons stated below, we are proposing individual confidentiality determinations for six new data elements without making a data category assignment. In the 2011 Final CBI rule, although the EPA grouped similar data into categories and made categorical confidentiality determinations for a number of data categories, the EPA also recognized that similar data elements may not always have the same confidentiality status, in which case the EPA made individual instead of categorical determinations for the data elements within such data

[11] Direct emitter data categories that meet the definition of ''emission data'' in 40 CFR 2.301(a) are ''Facility and Unit Identifier Information,'' ''Emissions,'' ''Calculation Methodology and Methodological Tier,'' and ''Data Elements Reported for Periods of Missing Data that are not Inputs to Emission Equations.''

[12] Revisions to Reporting and Recordkeeping Requirements, and Confidentiality Determinations Under the Greenhouse Gas Reporting Program; Final Rule. (79 FR 63750, October 24, 2014).

categories.[13] Similarly, while the six proposed new data elements are similar in type or certain characteristics to data elements previously assigned to the ''Production/Throughput Data Not Used as Input'' and ''Raw Materials Consumed that are Not Inputs to Emission Equations'' data categories, we do not believe that they share the same confidentiality status as the non-subpart W data elements already assigned to those two data categories, which the EPA has determined categorically to be CBI based on the data elements assigned to those categories at the time of the 2011 Final CBI Rule. As discussed in more detail below, our review showed that these six subpart W production and throughput-related data elements fail to qualify for confidential treatment. Therefore, we do not believe that the categorical determinations for the ''Production/Throughput Data Not Used as Input'' and ''Raw Materials Consumed that are Not Inputs to Emission Equations'' data categories are appropriate for these six data elements; accordingly, these data elements should not be assigned to these data categories. Not assigning these six data elements to these two data categories would also leave unaffected the existing categorical determinations for these data categories, which remain valid and applicable to the data elements assigned to those data categories. For the reasons stated above, we are proposing individual confidentiality determinations for these six data elements without making categorical assignment.

Our proposed individual determinations follow the same two step evaluation process as set forth in the 2011 Final CBI Rule and subsequent confidentiality determinations for Part 98 data. Specifically, we first determined whether the data element meets the definition of emission data in 40 CFR 2.301(a). Data elements that meet the definition of emission data are required to be released under section 114 of the CAA. For data elements found to not meet the definition of emission data, we evaluated whether a data element meets the criteria in 40 CFR 2.208 for confidential treatment. In particular, we focus on: (1) Whether the data are already public; and (2) whether ''. . . disclosure of the information is likely to cause substantial harm to the business's competitive position.'' For the results of our case-by-case evaluation of these six proposed subpart W data elements, see Section III.D of this preamble.

[13] In the 2011 Final CBI rule, several data categories include both CBI and non-CBI data elements. See 76 FR 30786.

We are also proposing to assign 65 additional data elements used to calculate GHG emissions in subpart W for the Onshore Petroleum and Natural Gas Gathering and Boosting segment, Onshore Natural Gas Transmission Pipeline segment, and for emissions from oil wells with hydraulic fracturing to the ''Input to Emission Equation'' data category. We are not proposing a confidentiality determination for this data category. The majority of these data elements are existing data elements in subpart W that would be applied to the new Onshore Petroleum and Natural Gas Gathering and Boosting segment and Onshore Natural Gas Transmission Pipeline segment. Some of the data elements are new data elements that are used as inputs to proposed Equation W–12C. Due to concerns expressed by reporters with the potential release of inputs to emission equations, we previously established a process for evaluating ''inputs to emission equation'' data elements to identify potential disclosure concerns and actions to address such concerns if appropriate.[14] The EPA has used this process to evaluate inputs to emission equations, including the subpart W data elements that are already assigned to the inputs to emission equations data category.[15] We performed a similar evaluation for the 67 subpart W inputs to emission equations when they are applied to the Onshore Petroleum and Natural Gas Gathering and Boosting segment, Onshore Natural Gas Transmission Pipeline segment, and for calculating emissions from oil wells with hydraulic fracturing.

For the Onshore Natural Gas Transmission Pipeline segment, the EPA did not identify any potential disclosure concerns with the data elements that are inputs to emissions equations. Accordingly, the proposal would require reporting of these data elements by March 31, 2017, which is the reporting deadline for the 2016 reporting year.

For calculating emissions from oil wells with hydraulic fracturing, the EPA did not identify any disclosure concerns, except when the oil wells to which those inputs to emission equations apply meet the definition of either ''wildcat well'' or ''delineation well.'' ''Delineation well'' is defined as ''a well drilled in order to determine the boundary of a field or producing reservoir.'' ''Wildcat well'' is defined as ''a well outside known fields or the first well drilled in an oil or gas field where no other oil and gas production exists.'' As noted in a previous rulemaking (79 FR 63750, October 24, 2014), the early public disclosure of certain data elements that are inputs for these two specific well definitions could reveal data on well productivity that could give competitors an advantage by giving them information on new fields or new areas of existing fields without having to drill their own wildcat or delineation wells. This could result in the loss of investment value for certain reporters. For wildcat and delineation wells, the EPA is proposing to allow reporters to delay reporting of these data elements for 2 years, as currently allowed for gas wells with hydraulic fracturing that meet the definition of either ''wildcat well'' or ''delineation well'', because a 2-year delay of reporting is sufficient to prevent early public disclosure of these data and will provide sufficient time for a reporter to thoroughly conduct an assessment of the well. The specific proposed data elements impacted are: (1) The cumulative gas flowback time, in hours, for each sub-basin, from when gas is first detected until sufficient quantities are present to enable separation (§ 98.236(g)(5)(i)); (2) the cumulative flowback time, in hours, for each sub-basin, after sufficient quantities of gas are present to enable separation (§ 98.236(g)(5)(i)); (3) the measured flowback rate, in standard cubic feet per hour, for each sub-basin (§ 98.236(g)(5)(ii)); and (4) the total annual gas-liquid separator oil volume that is sent to applicable onshore storage tanks, in barrels (§ 98.236(j)(1)(v)).

In addition to the data elements that are inputs to emission equations for wildcat and delineation wells, the EPA has further determined that one other proposed data element related to these two specific types of wells may have early disclosure concerns due to the reasons stated above. Therefore, in order to treat all early disclosure concerns related to exploratory wells consistently throughout subpart W, the EPA is proposing to allow reporters to delay reporting for this data element for 2 years as well. The EPA is also proposing a confidentiality determination for this data element, found in Table 3 of this

[14] See the ''Change to the Reporting Date for Certain Data Elements Required Under the Mandatory Reporting of Greenhouse Gases Rule'' (hereinafter referred to as the ''Final Deferral Notice'') (76 FR 53057, August 25, 2011) and the accompanying memorandum entitled ''Process for Evaluating and Potentially Amending Part 98 Inputs to Emission Equations'' (Docket ID EPA–HQ–OAR–2010–0929).

[15] See the memoranda titled ''Summary of Data Collected to Support Determination of Public Availability of Inputs to Emission Equations for which Reporting was Deferred to March 31, 2015'' and ''Evaluation of Competitive Harm from Disclosure of Inputs to Equations Data Elements Deferred to March 31, 2015.'' (Docket ID EPA–HQ–OAR–2010–0929).

preamble, which would apply once the data element is reported to the EPA following the 2-year delay. The specific proposed data element impacted is: The total annual oil throughput that is sent to all atmospheric tanks, in barrels (§ 98.236(j)(2)(i)(A)). Other data elements related to delineation or wildcat wells that are not proposed to be amended in this action have been addressed in a previous rulemaking (79 FR 70352, November 25, 2014).

For calculating emissions from sources in the Onshore Petroleum and Natural Gas Gathering and Boosting segment, the EPA did not identify any disclosure concerns. The Onshore Petroleum and Natural Gas Gathering and Boosting segment would be a regionally concentrated segment, with gathering lines and other services located in fixed geological basins. Because of the amount of fixed assets required to operate in this segment (*e.g.,* gathering lines and boosting stations), companies operating in this segment enter into long term agreements with natural gas producers to gather natural gas and transport it to natural gas processing facilities or, in some cases, transmission pipelines. These agreements are for long periods, lasting from several years to the life of the lease for the producing wells, and establish the prices for gathering services for the life of the agreement. Once these agreements are established, information that would be revealed from the ''inputs to emissions equations'' is not likely to affect the competitive position of the company operating the gathering and boosting system because it will not reveal information about the cost or profitability of providing that gathering service, or about the company's ability to enter into new agreements and expand operations. As a result, the ''inputs to equations'' data elements in this segment would not be likely to reveal any proprietary information about the facility or cost to do business.

For the list of new subpart W inputs to emission equations and the results of our evaluation, see the memorandum, ''Review for Potential Disclosure Concerns for Inputs to Emission Equations Affected by the Proposed '2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems' '' in Docket ID No. EPA–HQ–OAR–2014–0831.

C. Proposed Confidentiality Determinations for Data Elements Assigned to the ''Unit/Process 'Static' Characteristics That Are Not Inputs to Emission Equations'' and ''Unit/Process Operating Characteristics That Are Not Inputs to Emission Equations'' Data Categories

The EPA is proposing that 36 data elements for subpart W that have been assigned to the ''Unit/Process Operating Characteristics That Are Not Inputs to Emission Equations'' data category or the ''Unit/Process 'Static' Characteristics That Are Not Inputs to Emission Equations'' data category would be reported for sources in the proposed Onshore Petroleum and Natural Gas Gathering and Boosting segment, the Onshore Natural Gas Transmission Pipeline segment, or for onshore natural petroleum and natural gas production facilities that report emissions from oil wells with hydraulic fracturing. The data elements were assigned to these two categories in earlier EPA actions (77 FR 48072, August 13, 2012; and 79 FR 70352, November 25, 2014). We are proposing confidentiality determinations for these data elements when applied to these new emission sources based on the approach set forth in the 2011 Final CBI Rule for data elements assigned to these two data categories. In that rule, the EPA determined categorically that data elements assigned to these two data categories do not meet the definition of emission data in 40 CFR 2.301(a); the EPA then made individual, instead of categorical, confidentiality determinations for these data elements.

As with all other data elements assigned to these two categories, the EPA concluded that the proposed new data elements do not meet the definition of emissions data in 40 CFR 2.301(a). The EPA then considered the confidentiality criteria at 40 CFR 2.208 in making our proposed confidentiality determinations. Specifically, we focused on whether the data are already publicly available from other sources and, if not, whether disclosure of the data is likely to cause substantial harm to the business' competitive position. Table 2 of this preamble lists the data elements assigned to the ''Unit/Process Operating Characteristics That Are Not Inputs to Emission Equations'' and ''Unit/Process 'Static' Characteristics That Are Not Inputs to Emission Equations'' data categories, the proposed confidentiality determination for each data element, and our rationale for each determination as they would apply to the Onshore Petroleum and Natural Gas Gathering and Boosting segment or for oil wells with hydraulic fracturing in the Onshore Petroleum and Natural Gas Production segment.

For the existing data elements previously assigned to the ''Unit/Process 'Static' Characteristics that Are Not Inputs to Emission Equations'' and ''Unit/Process Operating Characteristics that Are Not Inputs to Emission Equations'' that would be reported by the newly proposed Onshore Petroleum and Natural Gas Gathering and Boosting segment, the Onshore Natural Gas Transmission Pipeline segment, or for oil wells with hydraulic fracturing, we are proposing confidentiality determinations based on a new case-by-case evaluation of the data elements, taking into consideration the characteristics of the new reporters that would be required to report these data elements by the proposed amendments. Because these data elements do not meet the definition of emissions data in 40 CFR 2.301(a), the EPA used the criteria at 40 CFR 2.208 in making our proposed confidentiality determinations. Specifically, we focused on whether the data are already publicly available from other sources and, if not, whether disclosure of the data is likely to cause substantial harm to the business' competitive position. Table 2 of this preamble lists the data elements by data category, the proposed confidentiality determination for each data element, and our rationale for each determination.

Table 2. Proposed Confidentiality for Data Elements Assigned to the "Unit/Process Operating Characteristics That Are Not Inputs to Emission Equations" and "Unit/Process 'Static' Characteristics That Are Not Inputs to Emission Equations" Data Categories

Citation	Data Element	Proposed Confidentiality Determination and Rationale
"Unit/Process Operating Characteristics That Are Not Inputs to Emission Equations" Data Category		
98.236(d)(1)(v)	Whether any CO_2 emissions from the acid gas removal unit are recovered and transferred outside the facility.	This proposed data element would be reported by onshore petroleum and natural gas gathering and boosting facilities. This data element indicates that a facility is operating an acid gas removal unit and indicates how the facility handles the CO_2 emissions it generates. Acid gas removal units are used to remove CO_2 and hydrogen sulfide from raw natural gas streams and are commonly found at compressor stations in gathering and boosting systems, and at natural gas processing facilities. These units are listed in a facility's construction and operating permits, which are publicly available. Because this information is routinely available through required permits, we propose these data elements be designated as "not CBI."
98.236(e)(1)(xvi)	Whether any dehydrator emissions are vented to a vapor recovery device.	These proposed data elements would be reported by onshore petroleum and natural gas gathering and boosting facilities. These data elements indicate that a facility is equipped with dehydration units, the number of dehydrators used, the design of dehydrator used (glycol or desiccant), and how emissions from dehydration units are handled by the facility. Dehydration units are used to remove water from natural gas streams and are commonly found at compressor stations in gathering and boosting systems, and at natural gas processing facilities. Because they are a source of hazardous air pollutants, these units are subject to rigorous emissions control requirements (e.g., 40 CFR part 63, subpart HH). Dehydration units and their associated control devices are listed in a facility's construction and operating permits, which are publicly available. For this reason, we propose these data elements be designated as "not CBI" for onshore petroleum and natural gas gathering and boosting facilities.
98.236(e)(1)(xvii)	Whether any dehydrator emissions are vented to a flare or regenerator firebox/fire tubes.	
98.236(e)(1)(xviii)	For each glycol dehydrator with an annual average daily natural gas throughput greater than or equal to 0.4 MMscfd, whether any dehydrator emissions are vented to the atmosphere without being routed to a flare or regenerator firebox/fire tubes.	
98.236(e)(2)(iii)	For glycol dehydrators with an annual average daily natural gas throughput less than 0.4 MMscfd, whether any the total number of dehydrators were venting to a vapor recovery device.	
98.236(e)(2)(iv)	For glycol dehydrators with an annual average daily natural gas throughput less than 0.4 MMscfd, the number of dehydrators venting to a control device other than a vapor	

Citation	Data Element	Proposed Confidentiality Determination and Rationale
	recovery device or a flare or regenerator firebox/fire tubes.	
98.236(c)(2)(v)	For glycol dehydrators with an annual average daily natural gas throughput less than 0.4 MMscfd, whether any dehydrator emissions were vented to a flare or regenerator firebox/fire tubes.	
98.236(e)(2)(v)(A)	For glycol dehydrators with an annual average daily natural gas throughput less than 0.4 MMscfd and vented to a flare or regenerator firebox, the total number of dehydrators	
98.236(e)(3)(i)	For dehydrators that use desiccant, the total number of dehydrators at the facility.	
98.236(e)(3)(i)	For dehydrators that use desiccant, the total number of dehydrators venting to a vapor recovery device.	
98.236(e)(3)(i)	For dehydrators that use desiccant, the number of dehydrators venting to a control device other than a vapor recovery device or a flare or regenerator firebox/fire tubes.	
98.236(e)(3)(i)	For dehydrators that use desiccant and vent to a flare or regenerator firebox, the total number of dehydrators.	
98.236(e)(3)(i)	For dehydrators that use desiccant and vent to a flare or regenerator firebox, the total number of dehydrators.	
98.236(g)	Whether the facility had any oil well completions or workovers with hydraulic fracturing in the calendar year.	These proposed data elements would be reported by onshore petroleum and natural gas production facilities and provide information on whether the facility conducted any oil well completions or workovers during the reporting year, and for those facilities that had well completions and/or workovers, the number of completions and workovers that were completed and the cumulative flowback time. Information on the number of completions and workovers performed by an oil and gas operator in a given year and the
98.236(g)(3)	For each oil well completion or workover and well type combination, the total number of completions or workovers with hydraulic fracturing.	
98.236(g)(5)(i)	If you used Equation W-10A to calculate annual volumetric total gas emissions for multiple wells,	

Citation	Data Element	Proposed Confidentiality Determination and Rationale
	the cumulative gas flowback time, in hours, for each sub-basin, from when gas is first detected until sufficient quantities are present to enable separation ("$T_{p,i}$" in Equation W-10A).	age and production rates for wells can be derived from or is available publicly on state oil and gas commission Web sites. Information on the flowback time would be aggregated across multiple oil wells in a sub-basin. Because disclosure of these data elements would not be likely to cause substantial competitive harm, we propose these data elements be designated as "not CBI."
98.236(g)(5)(i)	If you used Equation W-10A to calculate annual volumetric total gas emissions for multiple wells, the cumulative flowback time, in hours, for each sub-basin, after sufficient quantities of gas are present to enable separation ("$T_{p,s}$" in Equation W-10A).	
98.236(i)(1)(i)	If you calculated emissions from blowdown vent stacks by equipment or event type, the total number of blowdowns in the calendar year for the equipment or event type (the sum of equation variable "N" from Equation W-14A or Equation W-14B of this subpart, for all unique physical volumes for the equipment or event type).	This proposed data element would be reported by onshore petroleum and natural gas gathering and boosting facilities and natural gas transmission pipeline facilities. Blowdowns occur when equipment is taken out of service, either to be placed on standby or for maintenance purposes, and the natural gas in the equipment is typically released to the atmosphere. This practice may occur as part of a routine scheduled maintenance or as the result of an un-planned event (e.g., equipment breakdown). Although blowdown events may be associated with periods of reduced production or throughput, onshore petroleum and natural gas gathering and boosting facilities and natural gas transmission pipeline facilities typically have backup units that can be used to avoid production shutdowns. Hence, the number of blowdown events that occur during a reporting year does not indicate a plant was shut down and would not provide any potentially sensitive information on the impact of such events on a facility's production or throughput. Hence, the disclosure of the number of blowdowns occurring during a reporting year is not likely to cause substantial competitive harm. For this reason, we propose that this data element be designated "not CBI."
98.236(j)	If any of the atmospheric tanks are observed to have malfunctioning dump valves, indicate that dump valves were malfunctioning.	These proposed data elements would be reported by onshore petroleum and natural gas gathering and boosting facilities and provide information on malfunctioning of dump valves on gas-liquid separators.

Citation	Data Element	Proposed Confidentiality Determination and Rationale
98.236(j)(3)(i)	If any of the gas-liquid separator liquid dump valves did not close properly during the reporting year, the total number of gas-liquid separators whose liquid dump valves did not close properly during the calendar year.	Separators are used to separate hydrocarbons into liquid and gas phases and are typically connected to atmospheric storage tanks where the hydrocarbon liquids are stored. Dump valves on separators periodically release liquids from the separator. The time period during which a dump valve is malfunctioning provides little insight into maintenance practices or the nature or cost of repairs that are needed. Therefore, release of this information would not be likely to cause substantial competitive harm to reporters. For this reason, we are proposing these data elements be designated as "not CBI."
98.236(j)(3)(ii)	If dump valves on multiple gas-liquid separators in a sub-basin did not close properly, the total time the dump valves on gas-liquid separators did not close properly in the calendar year, in hours (sum of "T_n" in Equation W-16).	
98.236(z)(2)(iii)	Type of fuel combusted.	This data element would be reported by onshore petroleum and natural gas gathering and boosting facilities. This data element would provide information on the types of fuel burned. However, facilities in this segment generally burn fuels that are readily available to them as part of their operations. Information on the types of fuels burned by a facility is typically available in a facility's construction and operating permits. For these reasons, we consider that release of information on the types of fuels burned by onshore petroleum and natural gas gathering and boosting facilities would not be likely to cause substantive competitive harm and propose this data element be designated as "not CBI" for this industry segment.
98.236(aa)(11)(i)	The quantity of natural gas received at all custody transfer stations in the calendar year, in thousand standard cubic feet. This value may include meter corrections, but only for the calendar year covered by the annual report.	These proposed data elements would be reported by natural gas transmission pipeline companies, which are regionally concentrated and have control over particular segments of the pipeline infrastructure. Existing pipeline construction and natural gas transmission technology and operations development information is generally well-known and understood. It is possible that the limited number of firms and the regional concentration could pose potential data sensitivity issues. Firms in the natural gas transmission pipeline segment compete with others in their region for shipments of natural gas. Even though there may be only one pipeline transmitting natural gas from one
98.236(aa)(11)(ii)	The quantity of natural gas withdrawn from in-system storage in the calendar year, in thousand standard cubic feet.	
98.236(aa)(11)(iii)	The quantity of natural gas added to in-system storage in the calendar year, in thousand standard cubic feet.	

Citation	Data Element	Proposed Confidentiality Determination and Rationale
98.236(aa)(11)(iv)	The quantity of natural gas transferred to third parties such as LDCs or other transmission pipelines, in thousand standard cubic feet.	location to another, competition exists between firms that wish to accept shipments of natural gas within a given region, for potential transmission to different endpoints. Such firms could make use of information about their competitors' throughput quantity and/or cost structure to strategically set their prices or other contract terms. Even though the market is regulated by FERC, actual contract prices may be set at levels below the FERC-mandated maximum tariff. However, the information proposed to be collected is aggregated to the nationwide level, and small pipeline operations are unlikely to report as they are not expected to exceed the reporting threshold. In addition, these data elements are also reported to the Energy Information Administration (EIA) (e.g., natural gas withdrawn from storage, natural gas stored, gas received at city gate), and the EIA publishes the data on their Web site on an annual basis. Because disclosure of these proposed new data elements would not be likely to cause substantive competitive harm, we propose these data elements be designated as "not CBI."
98.236(aa)(11)(v)	The quantity of natural gas consumed by the transmission pipeline facility for operational purposes, in thousand standard cubic feet.	
"Unit/Process 'Static' Characteristics That Are Not Inputs to Emission Equations" Data Category		
98.236(j)(1)(xi)	If using Calculation Method 1 or 2, the number of wells sending oil to gas-liquid separators or directly to atmospheric tanks.	These data elements would be reported by onshore petroleum and natural gas gathering and boosting facilities. Separators are used to separate hydrocarbons into liquid and gas phases. Separators are typically connected to atmospheric storage tanks (hydrocarbon tanks) where hydrocarbon liquids are stored. The number of well-head separators sending oil to atmospheric tanks can vary widely depending on numerous conditions, including the sizing of the tank and throughput of the separators, and the number of parties involved with handling or processing the separated constituents. Information on the count of atmospheric storage tanks with a throughput above 500 barrels of oil per day is already publicly available in title V permits under the EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) for Oil and Gas Production (40 CFR part 63, subpart HH). Any additional information required under subpart W regarding the number of
98.236(j)(1)(xii)	If using Calculation Method 1 or 2, the number of atmospheric tanks.	
98.236(j)(1)(xiv)(A)	If using Calculation Method 1 or 2, if any emissions from the atmospheric tanks at your facility were controlled with vapor recovery systems, the number of atmospheric tanks that control emissions with vapor recovery systems.	
98.236(j)(1)(xvi)(A)	If using Calculation Method 1 or 2, if you controlled emissions from any atmospheric tanks at your facility with one or more flares, the number of atmospheric tanks that controlled emissions with flares.	

Citation	Data Element	Proposed Confidentiality Determination and Rationale
98.236(j)(2)(i)(D)	If using Calculation Method 3, the number of atmospheric tanks in the basin.	wellhead separators is the same type of information already made publicly available through the NESHAP and thus is a reasonable expansion of that information. Further, information about the number of well-head separators sending oil to atmospheric tanks does not provide insight into the performance (ability to separate hydrocarbon into different phases) or the overall operational efficiency for the facility that could cause substantial competitive harm if disclosed. We propose that these data elements be designated as "not CBI."
98.236(j)(2)(ii)(B)	If using Calculation Method 3, the number of atmospheric tanks in the sub-basin that did not control emissions with flares, including those that have vapor recovery.	
98.236(j)(2)(iii)(B)	If using Calculation Method 3, the number of atmospheric tanks in the sub-basin that controlled emissions with flares.	
98.236(z)(1)(ii)	For each combustion unit type listed in §§ 98.236(z)(1), the total number of combustion units.	This data element would be reported by onshore petroleum and natural gas gathering and boosting facilities. This data element provides information on the number of internal and external combustion units located at these facilities. However, this information would not be likely to cause substantial competitive harm if released to the public, because internal and external combustion units are typical parts of an onshore petroleum and natural gas gathering and boosting facility and the total number of such units is not considered to be competitively sensitive information by this industry segment. Because disclosure of the number of combustion units would not be likely to cause substantive competitive harm to this segment, we propose this data element be designated as "not CBI" when reported by onshore petroleum and natural gas gathering and boosting facilities.
98.236(aa)(11)(vi)	The miles of transmission pipeline in the facility.	This proposed data element would be reported by natural gas transmission pipeline companies, which are regionally concentrated and have control over particular segments of the pipeline infrastructure. Existing pipeline construction and natural gas transmission technology and operations development information is generally well-known and understood. It is possible that the limited number of firms and the regional concentration could pose potential data sensitivity issues. Firms in the natural gas transmission pipeline segment compete with others in their region for shipments of natural

Citation	Data Element	Proposed Confidentiality Determination and Rationale
		gas. Even though there may be only one pipeline transmitting natural gas from one location to another, competition exists between firms that wish to accept shipments of natural gas within a given region, for potential transmission to different endpoints. Such firms could make use of information about their competitors' throughput quantity and/or cost structure to strategically set their prices or other contract terms. Even though the market is regulated by FERC, actual contract prices may be set at levels below the FERC-mandated maximum tariff. However, the information proposed to be collected is aggregated to the nationwide level, and small pipeline operations are unlikely to report as they are not expected to exceed the reporting threshold. In addition, each company must provide a map of the entire system to FERC and on the company Web site (18 CFR 284.12), and the total mileage of the system can be determined from these publically-available maps. Because disclosure of this proposed new data element would not be likely to cause substantive competitive harm, we propose this data element be designated as "not CBI."

D. Other Proposed Case-by-Case Confidentiality Determinations for Subpart W

The proposed revision includes six data elements that are production and/or throughput data from subpart W facilities that would be newly reported for the Onshore Petroleum and Natural Gas Gathering and Boosting segment. Although these data elements are similar in certain types or characteristics to the data elements in "Production/Throughput Data that are Not Inputs to Emissions Equations" or "Raw Materials Consumed that are Not Inputs to Emissions Equations" data categories, for the reasons provided in Section III.B of this preamble, we are not proposing to assign these data elements to a data category. Instead, we are proceeding to make individual confidentiality determinations for these data elements. The proposed results of these individual determinations are presented in Table 3 of this preamble.

As described in Section III.B of this preamble, our proposed determinations for these data elements were based on a two-step process in which we first evaluated whether the data element met the definition of emission data. This first step in the evaluation is important because emission data are not eligible for confidential treatment pursuant to section 114(c) of the CAA, which precludes emissions data from being considered confidential and requires that such data be made available to the public. The term "emission data" is defined in 40 CFR 2.301(a).

We propose to determine that none of these six data elements are emission data under 40 CFR 2.301(a)(2)(i), because they do not provide any information characterizing actual GHG emissions or descriptive information about the location or nature of the emissions source. However, we note that this determination is made strictly in the context of the GHGRP and may not apply to other regulatory programs.

In the second step, we evaluate whether the data element is entitled to confidentiality treatment, based on the criteria for confidential treatment specified in 40 CFR 2.208. In particular, the EPA focused on the following two factors: (1) Whether the data were already publicly available; and (2) whether ". . . disclosure of the information is likely to cause significant harm to the business' competitive position." *See* 40 CFR 2.208(e)(1). For each of these six data elements, we determined whether the information is already available in the public domain.

For those data elements for which no published data could be found, we evaluated whether their publication would be likely to cause competitive harm.

For the proposed Onshore Petroleum and Natural Gas Gathering and Boosting segment, the EPA is proposing that five data elements related to the throughput of each gathering and boosting facility be reported and one data element related to the amount of produced gas consumed by the facility be reported. These data elements are not publicly available for all facilities operating in the Onshore Petroleum and Natural Gas Gathering and Boosting segment, although they are publicly available for facilities in the Onshore Petroleum and Natural Gas Production segment and the Onshore Natural Gas Processing segment.[16] However, information for

[16] See the rationale for determining that similar data elements are not CBI for the onshore petroleum and natural gas production segment and the natural gas processing segment in the November 25, 2014 preamble (79 FR 70352).

some gathering and boosting systems is available on the company Web site or in annual reports. In addition, even if the data are not available, companies operating in this segment enter into long term agreements with natural gas producers to gather natural gas. Once these agreements are established, information that would be revealed from the data elements in Table 3 is not likely to affect the competitive position of the company operating the gathering and boosting system because it will not reveal information about the cost or profitability of providing that gathering service, or about the company's ability to enter into new agreements and expand operations. In addition, the information will be aggregated to the basin or sub-basin level rather than being reported for individual gathering and boosting systems. Therefore, we propose that these data, when reported by the newly proposed onshore petroleum and natural gas gathering and boosting reporters, be designated as not CBI because their disclosure would not be likely to cause competitive harm to reporters in that industry segment. This proposed determination does not affect earlier determinations made for reporters of the same data elements in other industry segments.

Table 3. Proposed Individual Confidentiality Determination for New Data Elements

Citation	Data Element	Proposed Confidentiality Determination and Rationale
Onshore Petroleum and Natural Gas Gathering and Boosting		
98.236(j)(2)(i)(A)	If using Calculation Method 3, the total annual oil/condensate throughput that is sent to all atmospheric tanks in the gathering and boosting facility, in barrels.	We propose that each of these data elements be designated as "not CBI." The Onshore Petroleum and Natural Gas Gathering and Boosting segment is a regionally concentrated segment, with gathering lines and other services located in fixed geological basins. Because of the amount of fixed assets required to operate in this segment (e.g., gathering lines and boosting stations), companies operating in this segment enter into long term agreements with natural gas producers to gather natural gas and transport it to natural gas processing facilities or, in some cases, transmission pipelines. These agreements are for long periods, lasting from several years to the life of the lease for the producing wells, and establish the prices for gathering services for the life of the agreement. Once these agreements are established, information on the actual throughput of the gathering and boosting system is not likely to affect the competitive position of the company operating the gathering and boosting system because it will not reveal information about the cost or profitability of providing that gathering service, or about the company's ability to enter into new agreements and expand operations. Data on the length, diameter, and pressure of gathering lines, and on the size (e.g., horsepower) of gathering compression stations is typically publicly available through construction and operating permits for these sources. These data can be used to determine the capacity of these systems, if it is not already reported elsewhere. Actual throughput of gathering and boosting systems, in terms of annual average daily throughput, is frequently included in the quarterly or annual reports for publicly traded companies and these are readily available on company Web sites. Annual throughput capacity and actual throughput is often also listed on gathering company Web sites. Based on the general availability of the actual throughput information, and the absence of an adverse competitive effect from revealing this information, the EPA is proposing that these data elements be considered "not CBI."
98.236(aa)(10)(i)	The quantity of produced gas throughput in the calendar year, in thousand standard cubic feet.	
98.236(aa)(10)(ii)	The quantity of produced gas consumed by the facility in the calendar year, in thousand standard cubic feet.	
98.236(aa)(10)(iii)	The quantity of produced condensate throughput in the calendar year, in barrels.	
98.236(aa)(10)(iv)	The quantity of produced oil throughput in the calendar year, in barrels.	
98.236(aa)(10)(v)	The quantity of gas flared, vented and/or unaccounted for in the calendar year, in thousand standard cubic feet.	

E. Request for Comments on Proposed Confidentiality Determinations

For the CBI component of this rulemaking, we are specifically soliciting comment on the following issues. First, we specifically seek comment on the proposed data category assignments, and application of the established categorical confidentiality determinations to new data elements assigned to categories with such determinations. If a commenter believes that the EPA has improperly assigned certain new data elements to any of the data categories established in the 2011 Final CBI Rule, please provide specific comments identifying which of these data elements may be mis-assigned along with a detailed explanation of why you believe them to be incorrectly assigned and in which data category you believe they belong. In addition, if you believe that a data element should be assigned to one of the two direct emitter data categories that do not have a categorical confidentiality determination, please also provide specific comment along with detailed rationale and supporting information on whether such data element does or does not qualify as CBI.

We also seek comment on the proposed individual confidentiality determinations for the following data elements: 26 data elements assigned to the ''Unit/Process Operating Characteristics That Are Not Inputs to Emission Equations'' data category; 10 data elements assigned to the ''Unit/Process 'Static' Characteristics That Are Not Inputs to Emission Equations'' category; and six data elements for which no data category assignment was proposed.

By proposing confidentiality determinations prior to data reporting through this proposal and rulemaking process, we provide reporters an opportunity to submit comments, in particular comments identifying data they consider sensitive and their rationales and supporting documentation; this opportunity is the same opportunity that is afforded to submitters of information in case-by-case confidentiality determinations made in response to individual claims for confidential treatment not made through rulemaking. It provides an opportunity to rebut the agency's proposed determinations prior to finalization. We will evaluate the comments on our proposed determinations, including claims of confidentiality and information substantiating such claims, before finalizing the confidentiality determinations. Please note that this will be a reporter's only opportunity to substantiate a confidentiality claim for the data elements identified in this rulemaking. Upon finalizing the confidentiality determinations of the data elements identified in this rule, the EPA will release or withhold these data in accordance with 40 CFR 2.301, which contains special provisions governing the treatment of Part 98 data for which confidentiality determinations have been made through rulemaking.

When submitting comments regarding the confidentiality determinations we are proposing in this action, please identify each individual data element you do or do not consider to be CBI or emission data in your comments. Please explain specifically how the public release of that particular data element would or would not cause a competitive disadvantage to a facility. Discuss how this data element may be different from or similar to data that are already publicly available. Please submit information identifying any publicly available sources of information containing the specific data elements in question. Data that are already available through other sources would likely be found not to qualify for CBI protection. In your comments, please identify the manner and location in which each specific data element you identify is publicly available, including a citation. If the data are physically published, such as in a book, industry trade publication, or federal agency publication, provide the title, volume number (if applicable), author(s), publisher, publication date, and International Standard Book Number (ISBN) or other identifier. For data published on a Web site, provide the address of the Web site and the date you last visited the Web site and identify the Web site publisher and content author.

If your concern is that competitors could use a particular data element to discern sensitive information, specifically describe the pathway by which this could occur and explain how the discerned information would negatively affect your competitive position. Describe any unique process or aspect of your facility that would be revealed if the particular data element you consider sensitive were made publicly available. If the data element you identify would cause harm only when used in combination with other publicly available data, then describe the other data, identify the public source(s) of these data, and explain how the combination of data could be used to cause competitive harm. Describe the measures currently taken to keep the data confidential. Avoid conclusory and unsubstantiated statements, or general assertions regarding potential harm. Please be as specific as possible in your comments and include all information necessary for the EPA to evaluate your comments.

IV. Impacts of the Proposed Amendments to Subpart W

A. Costs of the Proposed Amendments

As discussed in Section II of this preamble, the EPA is proposing amendments to subpart W that would add monitoring and reporting requirements for reporters in three industry segments: Onshore Petroleum and Natural Gas Production, Onshore Petroleum and Natural Gas Gathering and Boosting, and Onshore Natural Gas Transmission Pipeline.

Reporters in the Onshore Petroleum and Natural Gas Production segment would have to monitor and report emissions and data elements associated with oil well completions and workovers with hydraulic fracturing. Reporters in this segment would also have to report the well identification numbers associated with individual oil and gas wells, and when reporting emissions for certain pieces of equipment, such as acid gas removal units, dehydrators, tanks, and flares, that are associated with individual oil and gas wells. The addition of the requirement to report emissions associated with oil well completions and workovers with hydraulic fracturing is expected to cause an increase in the amount of emissions that would count towards determining applicability with subpart W. The proposed addition of reporting requirements for oil wells with hydraulic fracturing is expected to affect 246 existing reporters and to cause approximately 50 new reporters to exceed the reporting threshold for the onshore petroleum and natural gas production facility.

Reporters in the Onshore Petroleum and Natural Gas Gathering and Boosting segment would need to estimate and report emissions data and related data elements associated with several different emission sources within this newly proposed industry segment. Approximately 200 new reporters are expected to be subject to subpart W due to the proposed amendments for the Onshore Petroleum and Natural Gas Gathering and Boosting segment in this rulemaking.

Reporters in the Onshore Natural Gas Transmission Pipeline segment would need to estimate and report emissions data and related data elements associated with transmission pipeline blowdown activities. Approximately 150 new reporters are expected to be

subject to subpart W due to the proposed amendments in this rulemaking.

The proposed amendments to subpart W are not expected to significantly increase burden. See the memorandum, ''Assessment of Impacts of the 2015 Proposed Revisions to Subpart W'' in Docket ID No. EPA–HQ–OAR–2014–0831 for additional information.

B. Impacts of the Proposed Amendments on Small Businesses

As required by the Regulatory Flexibility Act (RFA) and Small Business Regulatory Enforcement and Fairness Act (SBREFA), the EPA assessed the potential impacts of these amendments on small entities (small businesses, governments, and non-profit organizations). (See Section V.C of this preamble for definitions of small entities.)

The EPA conducted a screening assessment comparing compliance costs to onshore petroleum and natural gas production specific receipts data for establishments owned by small businesses. This ratio constitutes a ''sales'' test that computes the annualized compliance costs of this rule as a percentage of sales and determines whether the ratio exceeds 1 percent.[17] The cost-to-sales ratios were constructed at the establishment level (average reporting program costs per establishment/average establishment receipts) for several business size ranges. This allowed the EPA to account for receipt differences between establishments owned by large and small businesses and differences in small business definitions across affected industries. The results of the screening assessment are shown in Table 4 of this preamble.

TABLE 4—ESTIMATED COST-TO-SALES RATIOS FOR FIRST YEAR COSTS BY INDUSTRY AND ENTERPRISE SIZE [A]

Industry segment	NAICS	NAICS description	SBA size standard (effective January 22, 2014)	Average cost per entity ($1,000/entity)	All enterprises (percent)	Owned by enterprises with: <20 employees [b] (percent)	20 to 99 employees (percent)	100 to 499 employees (percent)	<500 employees (percent)	500 to 999 employees (percent)	1,000 to 2,499 employees
Onshore Petroleum and Natural Gas Production.	211	Oil and Gas Extraction.	500 employees	$29.36	0.07	0.43	0.03	0.01	0.09	0.00	0.00
	213111	Drilling Oil and Gas Wells.	500 employees	29.36	0.28	1.00	0.32	0.06	0.19	0.02	0.01
	213112	Support Activities for Oil and Gas Operations.	$35.5 million	29.36	0.45	1.24	0.39	0.08	0.33	0.02	NA
	221	Utilities	500 employees	29.36	0.08	0.84	0.14	0.06	0.19	0.04	NA
	486	Pipeline Transportation.	$25.5 million	29.36	0.29	0.44	0.18	0.26	0.26	0.33	NA
Onshore Natural Gas Transmission Pipeline.	211	Oil and Gas Extraction.	500 employees	3.19	0.01	0.05	0.00	0.00	0.01	0.00	0.00
	213111	Drilling Oil and Gas Wells.	500 employees	3.19	0.03	0.11	0.03	0.01	0.02	0.00	0.00
	213112	Support Activities for Oil and Gas Operations.	$35.5 million	3.19	0.05	0.13	0.04	0.01	0.04	0.00	NA
	221	Utilities	500 employees	3.19	0.01	0.09	0.01	0.01	0.02	0.00	NA
	486	Pipeline Transportation.	$25.5 million	3.19	0.03	0.05	0.02	0.03	0.03	0.04	NA
Onshore Petroleum and Natural Gas Gathering and Boosting.	211	Oil and Gas Extraction.	500 employees	24.70	0.06	0.36	0.03	0.01	0.08	0.00	0.00
	213111	Drilling Oil and Gas Wells.	500 employees	24.70	0.23	0.84	0.27	0.05	0.16	0.02	0.01
	213112	Support Activities for Oil and Gas Operations.	$35.5 million	24.70	0.38	1.04	0.32	0.07	0.27	0.02	NA
	221	Utilities	500 employees	24.70	0.07	0.70	0.12	0.05	0.16	0.04	NA
	486	Pipeline Transportation.	$25.5 million	24.70	0.24	0.37	0.15	0.22	0.22	0.28	NA

[a] The Census Bureau defines an enterprise as a business organization consisting of one or more domestic establishments that were specified under common ownership or control. The enterprise and the establishment are the same for single-establishment firms. Each multi-establishment company forms one enterprise—the enterprise employment and annual payroll are summed from the associated establishments. Enterprise size designations are determined by the summed employment of all associated establishments.

Since the Small Business Administration (SBA)'s business size definitions (*http://www.sba.gov/size*) apply to an establishment's ultimate parent company, we assume in this analysis that the enterprise definition above is consistent with the concept of ultimate parent company that is typically used for SBREFA screening analyses.

[b] The Census Bureau has missing data ranges for this employee range. Hence the receipts are an underestimate of the true value. Therefore, the cost-to-sales ratio is a conservative estimate.

[17] The EPA's RFA guidance for rule writers suggests the ''sales'' test continues to be the preferred quantitative metric for economic impact screening analysis.

As shown, the cost-to-sales ratios are less than 1 percent for all establishments, except the ratio for the 1–20 employee range for facilities in the Onshore Petroleum and Natural Gas Production segment with NAICS code 213111, which is 1 percent, and the ratios for the 1–20 employee range for facilities in the Onshore Petroleum and Natural Gas Production and Onshore Petroleum and Natural Gas Gathering and Boosting segments with NAICS code 213112, which are greater than 1 percent but less than 2 percent. The petroleum and natural gas industry has a large number of enterprises, the majority of them in the 1–20 employee range. However, a large fraction of production comes from large corporations and not those with less than 20 employee enterprises. The smaller enterprises in most cases deal with very small operations (such as a single family owning a few production wells) that are unlikely to cross the 25,000 metric tons CO_2e threshold considered for the rule. An exception to such a scenario is a small (less than 20 employee) enterprise owning large operations but conducting nearly all of its operations through contractors. This is not an uncommon practice in the Onshore Petroleum and Natural Gas Production segment. Such enterprises, however, are a very small group among the almost 16,000 enterprises in the less than 20 employee category, and the EPA proposes to cover them in the rule.

The EPA took a conservative approach with the model entity analysis. Although the appropriate SBA size definition should be applied at the parent company (enterprise) level, data limitations allowed us only to compute and compare ratios for a model establishment within several enterprise size ranges.

Although this rule will not have a significant economic impact on a substantial number of small entities, the agency nonetheless tried to reduce the impact of this rule on small entities. See Section V.C of this preamble for more detail on the measures taken by the EPA to ensure that the burdens imposed on small entities would be minimal.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The Information Collection Request (ICR) document prepared by the EPA has been assigned EPA ICR number 2300.16. OMB has previously approved the information collection requirements for 40 CFR part 98 under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.,* and has assigned OMB control number 2060–0629.

This action proposes to add monitoring and reporting requirements for reporters in three industry segments: Onshore Petroleum and Natural Gas Production, Onshore Petroleum and Natural Gas Gathering and Boosting, and Onshore Natural Gas Transmission Pipeline. Impacts associated with the proposed changes to the monitoring and reporting requirements are detailed in the memorandum ''Assessment of Impacts of the 2015 Proposed Revisions to Subpart W'' (see Docket ID No. EPA–HQ–OAR–2014–0831). Burden is defined at 5 CFR 1320.3(b).

The estimated projected cost and hour burden associated with reporting for the proposed amendments to subpart W affecting the three industry segments are $7.2 million and 73,000 hours, respectively. For the hour burden, the estimated average burden hours per new response is 113 hours, the proposed frequency of response is once annually, and the estimated number of likely new respondents that would result from these proposed amendments is approximately 400.

The estimated total projected cost and hour burden associated with all ten subpart W industry segments are 317,400 hours and $29.2 million per year for a 3-year period, where identical annual costs are anticipated for all 3 years. The average annual burden to the EPA for this period is estimated to be 10,400 hours for oversight activities. The annual reporting and recordkeeping burden for this collection of information is estimated to average 63.4 hours per response.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

To comment on the agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, the EPA has established a public docket for this rule, which includes this ICR, under Docket ID number EPA–HQ–OAR–2014–0831. Submit any comments related to the ICR to the EPA and OMB. See **ADDRESSES** section at the beginning of this proposed rule for where to submit comments to the EPA. Send comments to OMB at the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Office for the EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after December 9, 2014, a comment to OMB is best assured of having its full effect if OMB receives it by January 8, 2015. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal. We continue to be interested in the potential impacts of this proposed action on the burden associated with the proposed amendments and welcome comments on issues related to such impacts.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's proposed rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of these proposed rule amendments on small entities, I certify that this action would not have a significant economic impact on a substantial number of small entities. The small entities directly regulated by this proposed rule include small businesses in the petroleum and gas industry. The EPA has determined that some small businesses would be

affected because their production processes emit GHGs exceeding the reporting threshold. This action includes proposed amendments that may result in a burden increase on subpart W reporters, but the EPA has determined that it is not a significant increase. See Section IV.B of this preamble for more details on the analysis of the potential impact of this proposal on small business entities.

Although this proposed rule will not have a significant economic impact on a substantial number of small entities, the EPA nonetheless has tried to reduce the impact of this rule on small entities. As part of the process of finalization of the final subpart W rule, the EPA took several steps to evaluate the effect of the rule on small entities. For example, the EPA determined appropriate thresholds that reduced the number of small businesses reporting. In addition, the EPA supports a ''help desk'' for the GHGRP, which would be available to answer questions on the provisions in this rulemaking. Finally, the EPA continues to conduct significant outreach on the GHG reporting rule and maintains an ''open door'' policy for stakeholders to help inform the EPA's understanding of key issues for the industries. We continue to be interested in the potential impacts of the proposed rule amendments on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

The proposed amendments and confidentiality determinations do not contain a federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. This action proposes to add monitoring and reporting requirements for reporters in three industry segments: Onshore Petroleum and Natural Gas Production, Onshore Petroleum and Natural Gas Gathering and Boosting, and Onshore Natural Gas Transmission Pipeline. This action also proposes confidentiality determinations for reported data elements. As discussed in Section V.B of this preamble, for the first year, the estimated total projected cost and hour burden associated with reporting for the proposed amendments to subpart W affecting the three industry segments are $7.2 million and 73,000 hours, respectively. Thus, this proposed rule is not subject to the requirements of section 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA).

This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. As discussed in Section V.B of this preamble, the total collective impact on regulated entities is $7.2 million annually. Because this impact on each individual facility is estimated to be approximately $9,000 annually, the EPA has determined that the provisions in this action would not significantly impact small governments. In addition, because none of the provisions apply specifically to small governments, the EPA has determined that the provisions in this action would not uniquely impact small governments. Therefore, this action is not subject to the requirements of section 203 of the UMRA.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. For a more detailed discussion about how Part 98 relates to existing state programs, please see Section II of the preamble to the final Part 98 rule (74 FR 56266, October 30, 2009).

This action proposes to add monitoring and reporting requirements for reporters in three industry segments: Onshore Petroleum and Natural Gas Production, Onshore Petroleum and Natural Gas Gathering and Boosting, and Onshore Natural Gas Transmission Pipeline. This action also proposes confidentiality determinations for reported data elements. Few, if any, state or local government facilities would be affected by the provisions in this proposed rule. This regulation also does not limit the power of States or localities to collect GHG data and/or regulate GHG emissions. Thus, Executive Order 13132 does not apply to this action.

In the spirit of Executive Order 13132, and consistent with the EPA policy to promote communications between the EPA and state and local governments, the EPA specifically solicits comment on this proposed action from state and local officials.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Subject to the Executive Order 13175 (65 FR 67249, November 9, 2000) the EPA may not issue a regulation that has tribal implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by tribal governments, or the EPA consults with tribal officials early in the process of developing the proposed regulation and develops a tribal summary impact statement.

The EPA has concluded that this action may have tribal implications. However, it will neither impose substantial direct compliance costs on tribal governments, nor preempt tribal law. This action proposes to add monitoring and reporting requirements for reporters in three industry segments: Onshore Petroleum and Natural Gas Production, Onshore Petroleum and Natural Gas Gathering and Boosting, and Onshore Natural Gas Transmission Pipeline. This action also proposes confidentiality determinations for reported data elements. This regulation would apply directly to petroleum and natural gas facilities that emit greenhouses gases. Although few facilities that would be subject to the rule are likely to be owned by tribal governments, it is possible that there may be some facilities owned by tribal governments.

The EPA consulted with tribal officials early in the process of developing subpart W to permit them to have meaningful and timely input into its development. In particular, the EPA sought opportunities to provide information to tribal governments and representatives during the development of the proposed and final subpart W that was promulgated on November 30, 2010 (75 FR 74458). For additional information about the EPA's interactions with tribal governments, see Section IV.F of the preamble to the re-proposal of subpart W published on April 12, 2010 (75 FR 18608), and Section IV.F of the preamble to the final subpart W published on November 30, 2010 (75 FR 74458).

The EPA specifically solicits additional comment on this proposed action from tribal officials.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This proposed action is not subject to Executive Order 13045 because it does not establish an

environmental standard intended to mitigate health or safety risks.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Part 98 relates to monitoring, reporting, and recordkeeping and does not impact energy supply, distribution, or use. This action proposes to add monitoring and reporting requirements for reporters in three industry segments: Onshore Petroleum and Natural Gas Production, Onshore Petroleum and Natural Gas Gathering and Boosting, and Onshore Natural Gas Transmission Pipeline. This action also proposes confidentiality determinations for reported data elements.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs the EPA to provide Congress, through OMB, explanations when the agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking does not involve any new technical standards. Therefore, the EPA is not considering the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA has determined that these proposed rule amendments will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because the amendments do not affect the level of protection provided to human health or the environment. This is because the proposed amendments address information collection and reporting and verification procedures.

List of Subjects in 40 CFR Part 98

Environmental protection, Administrative practice and procedure, Greenhouse gases, Reporting and recordkeeping requirements.

Dated: November 13, 2014.

Gina McCarthy,

Administrator.

For the reasons stated in the preamble, title 40, chapter I, of the Code of Federal Regulations as amended November 25, 2014 at 79 FR 70351, and effective January 1, 2015, is proposed to be further amended as follows:

PART 98—MANDATORY GREENHOUSE GAS REPORTING

■ 1. The authority citation for part 98 continues to read as follows:

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

Subpart W—Petroleum and Natural Gas Systems

■ 2. Section 98.230 is amended by adding paragraphs (a)(9) and (10) to read as follows:

§§ 98.230 Definition of the source category.

(a) * * *

(9) *Onshore petroleum and natural gas gathering and boosting.* Onshore petroleum and natural gas gathering and boosting means gathering pipelines and other equipment used to collect petroleum and/or natural gas from onshore production gas or oil wells and used to compress, dehydrate, sweeten, or transport the gas to a natural gas processing facility, a natural gas transmission pipeline or to a natural gas distribution pipeline. Gathering and boosting equipment includes, but is not limited to gathering pipelines, separators, compressors, acid gas removal units, dehydrators, pneumatic devices/pumps, storage vessels, engines, boilers, heaters, and flares.

(10) *Onshore natural gas transmission pipeline.* Onshore natural gas transmission pipeline means all natural gas transmission pipelines as defined in § 98.238.

* * * * *

■ 3. Section 98.231 is amended by revising paragraph (a) to read as follows:

§ 98.231 Reporting threshold.

(a) You must report GHG emissions under this subpart if your facility contains petroleum and natural gas systems and the facility meets the requirements of § 98.2(a)(2), except for the industry segments in paragraphs (a)(1) through (4) of this section.

(1) Facilities must report emissions from the onshore petroleum and natural gas production industry segment only if emission sources specified in paragraph § 98.232(c) emit 25,000 metric tons of CO_2 equivalent or more per year.

(2) Facilities must report emissions from the natural gas distribution industry segment only if emission sources specified in paragraph § 98.232(i) emit 25,000 metric tons of CO_2 equivalent or more per year.

(3) Facilities must report emissions from the onshore petroleum and natural gas gathering and boosting industry segment only if emission sources specified in paragraph § 98.232(j) emit 25,000 metric tons of CO_2 equivalent or more per year.

(4) Facilities must report emissions from the onshore natural gas transmission pipeline industry segment only if emission sources specified in § 98.232(m) emit 25,000 metric tons of CO_2 equivalent or more per year.

* * * * *

■ 4. Section 98.232 is amended by:

■ a. Revising paragraphs (a) and (c)(6) and (8);

■ b. Adding paragraph (j);

■ c. Revising paragraph (k); and

■ d. Adding paragraph (m).

The revisions and additions read as follows:

§ 98.232 GHGs to report.

(a) You must report CO_2, CH_4, and N_2O emissions from each industry segment specified in paragraphs (b) through (j) and (m) of this section, CO_2, CH_4, and N_2O emissions from each flare as specified in paragraph (b) through (j) of this section, and stationary and portable combustion emissions as applicable as specified in paragraph (k) of this section.

* * * * *

(c) * * *

(6) Well venting during well completions with hydraulic fracturing.

* * * * *

(8) Well venting during well workovers with hydraulic fracturing.

* * * * *

(j) For an onshore petroleum and natural gas gathering and boosting facility, report CO_2, CH_4, and N_2O emissions from the following source types:

(1) Natural gas pneumatic device venting.

(2) Natural gas driven pneumatic pump venting.

(3) Acid gas removal vents.

(4) Dehydrator vents.

(5) Blowdown vent stacks.

(6) Storage tank vented emissions.

(7) Flare stack emissions.

(8) Centrifugal compressor venting.

(9) Reciprocating compressor venting.

(10) Equipment leaks from valves, connectors, open ended lines, pressure relief valves, pumps, flanges, and other equipment leak sources (such as instruments, loading arms, stuffing boxes, compressor seals, dump lever arms, and breather caps).

(11) Gathering pipeline equipment leaks.

(12) You must use the methods in § 98.233(z) and report under this subpart the emissions of CO_2, CH_4, and N_2O from stationary or portable fuel combustion equipment that cannot move on roadways under its own power and drive train, and that is located at an onshore petroleum and natural gas gathering and boosting facility as defined in § 98.238. Stationary or portable equipment includes the following equipment, which are integral to the movement of natural gas: natural gas dehydrators, natural gas compressors, electrical generators, steam boilers, and process heaters.

(k) Report under subpart C of this part (General Stationary Fuel Combustion Sources) the emissions of CO_2, CH_4, and N_2O from each stationary fuel combustion unit by following the requirements of subpart C except for facilities under onshore petroleum and natural gas production, onshore petroleum and natural gas gathering and boosting, and natural gas distribution. Onshore petroleum and natural gas production facilities must report stationary and portable combustion emissions as specified in paragraph (c) of this section. Natural gas distribution facilities must report stationary combustion emissions as specified in paragraph (i) of this section. Onshore petroleum and natural gas gathering and boosting facilities must report stationary and portable combustion emissions as specified in paragraph (j) of this section.

* * * * *

(m) For onshore natural gas transmission pipeline, report CO_2 and CH_4 emissions from blowdown vent stacks.

■ 5. Section 98.233 is amended by:

■ a. Revising the parameters ''EF_t'' and ''GHG_i'' of Equation W–1 in paragraph (a);

■ b. Revising paragraph (a)(2);

■ c. Revising the parameter ''EF'' of Equation W–2 in paragraph (c);

■ d. Revising paragraph (d)(8)(iii);

■ e. Revising paragraphs (g) introductory text, (g)(1) introductory text, (g)(1)(i) and the paragraph (g)(1)(ii) heading;

■ f. Revising the parameters ''FRM_s,'' ''$FR_{s,p}$'' and ''$PR_{s,p}$'' of Equation W–12A in paragraph (g)(1)(iii);

■ g. Revising the parameters ''FRM_i,'' and ''$PR_{s,p}$'' of Equation W–12B in paragraph (g)(1)(iv);

■ h. Revising paragraphs (g)(1)(v) and (vi);

■ i. Adding paragraph (g)(1)(vii);

■ j. Revising paragraph (g)(2) introductory text;

■ k. Adding paragraph (g)(2)(iv);

■ l. Revising paragraph (g)(4) introductory text;

■ m. Revising paragraphs (j) introductory text, (j)(1) introductory text, and (j)(6);

■ n. Revising paragraph (n)(2)(i);

■ o. Revising paragraphs (o) introductory text and (o)(10);

■ p. Revising paragraphs (p) introductory text and (p)(10);

■ q. Revising paragraphs (r) introductory text and (r)(2);

■ r. Revising paragraphs (u)(2)(i) and (iii); and

■ x. Revising paragraphs (z) introductory text and (z)(1)(ii).

The revisions and additions read as follows:

§ 98.233 Calculating GHG emissions.

* * * * *

(a) * * *

* * * * *

EF_t = Population emission factors for natural gas pneumatic device vents (in standard cubic feet per hour per device) of each type ''t'' listed in Tables W–1A, W–3, and W–4 of this subpart for onshore petroleum and natural gas production, onshore natural gas transmission compression, and underground natural gas storage facilities, respectively. Onshore petroleum and natural gas gathering and boosting facilities must use the population emission factors listed in Table W–1A.

GHG_i = For onshore petroleum and natural gas production facilities, onshore petroleum and natural gas gathering and boosting facilities, onshore natural gas transmission compression facilities, and underground natural gas storage facilities, concentration of GHG_i, CH_4 or CO_2, in produced natural gas or processed natural gas for each facility as specified in paragraphs (u)(2)(i), (iii), and (iv) of this section.

* * * * *

(2) For the onshore petroleum and natural gas production industry segment, you have the option in the first two consecutive calendar years to determine ''$Count_t$'' for Equation W–1 of this subpart for each type of natural gas pneumatic device (continuous high bleed, continuous low bleed, and intermittent bleed) using engineering estimates based on best available data. For the onshore petroleum and natural gas gathering and boosting industry segment, you have the option in the first two consecutive calendar years to determine ''$Count_t$'' for Equation W–1 of this subpart for each type of natural gas pneumatic device (continuous high bleed, continuous low bleed, and intermittent bleed) using engineering estimates based on best available data.

* * * * *

(c) * * *

* * * * *

EF = Population emissions factors for natural gas driven pneumatic pumps (in standard cubic feet per hour per pump) listed in Table W–1A of this subpart for onshore petroleum and natural gas production and onshore petroleum and natural gas gathering and boosting facilities.

* * * * *

(d) * * *

(8) * * *

(iii) If a continuous gas analyzer is not available or installed, you may use the outlet pipeline quality specification for CO_2 in natural gas.

* * * * *

(g) *Well venting during completions and workovers with hydraulic fracturing.* Calculate annual volumetric natural gas emissions from gas well and oil well venting during completions and workovers involving hydraulic fracturing using Equation W–10A or Equation W–10B of this section. Equation W–10A applies to well venting when the gas flowback rate is measured from a specified number of example completions or workovers and Equation W–10B applies when the gas flowback vent or flare volume is measured for each completion or workover. Completion and workover activities are separated into two periods, an initial period when flowback is routed to open pits or tanks and a subsequent period when gas content is sufficient to route the flowback to a separator or when the gas content is sufficient to allow measurement by the devices specified in paragraph (g)(1) of this section, regardless of whether a separator is actually utilized. If you elect to use Equation W–10A of this section, you must follow the procedures specified in paragraph (g)(1) of this section. If you

elect to use Equation W–10B, you must use a recording flow meter installed on the vent line, downstream of a separator and ahead of a flare or vent, to measure the gas flowback. Emissions must be calculated separately for completions and workovers, for each sub-basin, and for each well type combination identified in paragraph (g)(2) of this section. You must calculate CH_4 and CO_2 volumetric and mass emissions as specified in paragraph (g)(3) of this section. If emissions from well venting during completions and workovers with hydraulic fracturing are routed to a flare, you must calculate CH_4, CO_2, and N_2O annual emissions as specified in paragraph (g)(4) of this section.

$$E_{s,n} = \sum_{p=1}^{W} \left[T_{p,s} \times FRM_s \times PR_{s,p} - EnF_{s,p} + \left[T_{p,i} \times FRM_i \div 2 \times PR_{s,p} \right] \right] \quad \text{(Eq. W-10A)}$$

$$E_{s,n} = \sum_{p=1}^{W} \left[FV_{s,p} - EnF_{s,p} + \left[T_{p,i} \times FR_{p,i} \div 2 \right] \right] \quad \text{(Eq. W-10B)}$$

Where:

$E_{s,n}$ = Annual volumetric natural gas emissions in standard cubic feet from gas venting during well completions or workovers following hydraulic fracturing for each sub-basin and well type combination.

W = Total number of wells completed or worked over using hydraulic fracturing in a sub-basin and well type combination.

$T_{p,s}$ = Cumulative amount of time of flowback, after sufficient quantities of gas are present to enable separation, where gas vented or flared for the completion or workover, in hours, for each well, p, in a sub-basin and well type combination during the reporting year. This may include non-contiguous periods of venting or flaring.

$T_{p,i}$ = Cumulative amount of time of flowback to open tanks/pits, from when gas is first detected until sufficient quantities of gas are present to enable separation, for the completion or workover, in hours, for each well, p, in a sub-basin and well type combination during the reporting year. This may include non-contiguous periods of routing to open tanks/pits.

FRM_s = Ratio of average gas flowback, during the period when sufficient quantities of gas are present to enable separation, of well completions and workovers from hydraulic fracturing to 30-day gas production rate for the sub-basin and well type combination, calculated using procedures specified in paragraph (g)(1)(iii) of this section, expressed in standard cubic feet per hour.

FRM_i = Ratio of initial gas flowback rate during well completions and workovers from hydraulic fracturing to 30-day gas production rate for the sub-basin and well type combination, calculated using procedures specified in paragraph (g)(1)(iv) of this section, expressed in standard cubic feet per hour, for the period of flow to open tanks/pits.

$PR_{s,p}$ = Average gas production flow rate during the first 30 days of production after completions of newly drilled wells or well workovers using hydraulic fracturing in standard cubic feet per hour of each well p, in the sub-basin and well type combination. If applicable, $PR_{s,p}$ may be calculated for oil wells using procedures specified in paragraph (g)(1)(vii) of this section.

$EnF_{s,p}$ = Volume of N_2 injected gas in cubic feet at standard conditions that was injected into the reservoir during an energized fracture job for each well, p, as determined by using an appropriate meter according to methods described in § 98.234(b), or by using receipts of gas purchases that are used for the energized fracture job. Convert to standard conditions using paragraph (t) of this section. If the fracture process did not inject gas into the reservoir or if the injected gas is CO_2 then $EnF_{s,p}$ is 0.

$FV_{s,p}$ = Flow volume of vented or flared gas for each well, p, in standard cubic feet per hour measured using a recording flow meter (digital or analog) on the vent line to measure gas flowback during the separation period of the completion or workover according to methods set forth in § 98.234(b).

$FR_{p,i}$ = Flow rate vented or flared of each well, p, in standard cubic feet per hour measured using a recording flow meter (digital or analog) on the vent line to measure the flowback, at the beginning of the period of time when sufficient quantities of gas are present to enable separation, of the completion or workover according to methods set forth in § 98.234(b).

(1) If you elect to use Equation W–10A of this section on gas wells, you must use Calculation Method 1 as specified in paragraph (g)(1)(i) of this section, or Calculation Method 2 as specified in paragraph (g)(1)(ii) of this section, to determine the value of FRM_s and FRM_i. If you elect to use Equation W–10A of this section on oil wells, you must use Calculation Method 1 as specified in paragraph (g)(1)(i) of this section to determine the value of FRM_s and FRM_i. These values must be based on the flow rate for flowback gases, once sufficient gas is present to enable separation. The number of measurements or calculations required to estimate FRM_s and FRM_i must be determined individually for completions and workovers per sub-basin and well type combination as follows: Complete measurements or calculations for at least one completion or workover for less than or equal to 25 completions or workovers for each well type combination within a sub-basin; complete measurements or calculations for at least two completions or workovers for 26 to 50 completions or workovers for each sub-basin and well type combination; complete measurements or calculations for at least three completions or workovers for 51 to 100 completions or workovers for each sub-basin and well type combination; complete measurements or calculations for at least four completions or workovers for 101 to 250 completions or workovers for each sub-basin and well type combination; and complete measurements or calculations for at least five completions or workovers for greater than 250 completions or workovers for each sub-basin and well type combination.

(i) *Calculation Method 1.* You must use Equation W–12A as specified in paragraph (g)(1)(iii) of this section to determine the value of FRM_s. You must use Equation W–12B as specified in paragraph (g)(1)(iv) of this section to determine the value of FRM_i. The procedures specified in paragraphs (g)(1)(v) and (vi) of this section also apply. When making gas flowback measurements for use in Equations W–12A and W–12B of this section, you must use a recording flow meter (digital or analog) installed on the vent line, downstream of a separator and ahead of a flare or vent, to measure the gas flowback rates in units of standard cubic feet per hour according to methods set forth in § 98.234(b).

(ii) *Calculation Method 2 (for gas wells).* * * *

(iii) * * *

* * * * *

FRM_s = Ratio of average gas flowback rate, during the period of time when sufficient quantities of gas are present to enable

separation, of well completions and workovers from hydraulic fracturing to 30-day gas production rate for each sub-basin and well type combination.

$FR_{s,p}$ = Measured average gas flowback rate from Calculation Method 1 described in paragraph (g)(1)(i) of this section or calculated average flowback rate from Calculation Method 2 described in paragraph (g)(1)(ii) of this section, during the separation period in standard cubic feet per hour for well(s) p for each sub-basin and well type combination. Convert measured and calculated FR_a values from actual conditions upstream of the restriction orifice (FR_a) to standard conditions ($FR_{s,p}$) for each well p using Equation W–33 in paragraph (t) of this section. You may not use flow volume as used in Equation W–10B converted to a flow rate for this parameter.

$PR_{s,p}$ = Average gas production flow rate during the first 30 days of production after completions of newly drilled wells or well workovers using hydraulic fracturing, in standard cubic feet per hour for each well, p, that was measured in the sub-basin and well type combination. If applicable, $PR_{s,p}$ may be calculated for oil wells using procedures specified in paragraph (g)(1)(vii) of this section.

* * * * *

(iv) * * *

* * * * *

FRM_i = Ratio of initial gas flowback rate during well completions and workovers from hydraulic fracturing to 30-day gas production rate for the sub-basin and well type combination, for the period of flow to open tanks/pits.

* * * * *

$PR_{s,p}$ = Average gas production flow rate during the first 30-days of production after completions of newly drilled wells or well workovers using hydraulic fracturing, in standard cubic feet per hour of each well, p, that was measured in the sub-basin and well type combination. If applicable, $PR_{s,p}$ may be calculated for oil wells using procedures specified in paragraph (g)(1)(vii) of this section.

* * * * *

(v) For Equation W–10A of this section, the ratio of gas flowback rate during well completions and workovers from hydraulic fracturing to 30-day gas production rate are applied to all well completions and well workovers, respectively, in the sub-basin and well type combination for the total number of hours of flowback and for the first 30 day average gas production rate for each of these wells.

(vi) For Equation W–12A and W–12B of this section, calculate new flowback rates for well completions and well workovers in each sub-basin and well type combination once every two years starting in the first calendar year of data collection.

(vii) For oil wells where the gas production rate is not metered and you elect to use Equation W–10A of this section, calculate the average gas production rate ($PR_{s,p}$) using Equation W–12C of this section. If GOR cannot be determined from your available data, then you must use one of the procedures specified in paragraphs (g)(1)(vii)(A) or (g)(1)(vii)(B) of this section to determine GOR. If GOR from each well is not available, use the GOR from a cluster of wells in the same sub-basin category.

$$PR_{s,p} = GOR_p * \frac{V_p}{720} \qquad \text{(Eq. W-12C)}$$

Where:

$PR_{s,p}$ = Average gas production flow rate during the first 30 days of production after completions of newly drilled wells or well workovers using hydraulic fracturing in standard cubic feet per hour of well p, in the sub-basin and well type combination.

GOR_p = Average gas to oil ratio during the first 30 days of production after completions of newly drilled wells or workovers using hydraulic fracturing in standard cubic feet of gas per barrel of oil for each well p, that was measured in the sub-basin and well type combination; oil here refers to hydrocarbon liquids produced of all API gravities.

V_p = Volume of oil produced during the first 30 days of production after completions of newly drilled wells or well workovers using hydraulic fracturing in barrels of each well p, that was measured in the sub-basin and well type combination.

720 = Conversion from 30 days of production to hourly production rate.

(A) You may use an appropriate standard method published by a consensus-based standards organization if such a method exists.

(B) You may use an industry standard practice as described in § 98.234(b).

(2) For paragraphs (g) introductory text and (g)(1) of this section, measurements and calculations are completed separately for workovers and completions per sub-basin and well type combination. A well type combination is a unique combination of the parameters listed in paragraphs (g)(2)(i) through (iv) of this section.

* * * * *

(iv) Oil well or gas well.

* * * * *

(4) Calculate annual emissions from well venting during well completions and workovers from hydraulic fracturing where all or a portion of the gas is flared as specified in paragraphs (g)(4)(i) and (ii) of this section.

* * * * *

(j) *Onshore production and onshore petroleum and natural gas gathering and boosting storage tanks.* Calculate CH_4, CO_2, and N_2O (when flared) emissions from atmospheric pressure fixed roof storage tanks receiving hydrocarbon produced liquids from onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities (including stationary liquid storage not owned or operated by the reporter), as specified in this paragraph (j). For gas-liquid separators with annual average daily throughput of oil greater than or equal to 10 barrels per day, calculate annual CH_4 and CO_2 using Calculation Method 1 or 2 as specified in paragraphs (j)(1) and (2) of this section. For hydrocarbon liquids flowing directly to atmospheric storage tanks without passing through a wellhead separator with throughput greater than or equal to 10 barrels per day, calculate annual CH_4 and CO_2 emissions using Calculation Method 2 as specified in paragraph (j)(2) of this section. For hydrocarbon liquids flowing to gas-liquid separators or directly to atmospheric storage tanks with throughput less than 10 barrels per day, use Calculation Method 3 as specified in paragraph (j)(3) of this section. If you use Calculation Method 1 or Calculation Method 2, you must also calculate emissions that may have occurred due to dump valves not closing properly using the method specified in paragraph (j)(4) of this section. If emissions from atmospheric pressure fixed roof storage tanks are routed to a vapor recovery system, you must adjust the emissions downward according to paragraph (j)(5) of this section. If emissions from atmospheric pressure fixed roof storage tanks are routed to a flare, you must calculate CH_4, CO_2, and N_2O annual emissions as specified in paragraph (j)(6) of this section.

(1) *Calculation Method 1.* Calculate annual CH_4 and CO_2 emissions from onshore production storage tanks and onshore petroleum and natural gas gathering and boosting storage tanks using operating conditions in the last

wellhead gas-liquid separator before liquid transfer to storage tanks. Calculate flashing emissions with a software program, such as AspenTech HYSYS® or API 4697 E&P Tank, that uses the Peng-Robinson equation of state, models flashing emissions, and speciates CH_4 and CO_2 emissions that will result when the oil from the separator enters an atmospheric pressure storage tank. The following parameters must be determined for typical operating conditions over the year by engineering estimate and process knowledge based on best available data, and must be used at a minimum to characterize emissions from liquid transferred to tanks:

* * * * *

(6) If you use Calculation Method 1 or Calculation Method 2 in paragraph (j)(1) or (2) of this section, calculate emissions from occurrences of gas-liquid separator liquid dump valves not closing during the calendar year by using Equation W–16 of this section.

$$E_{s,i,o} = \left(CF_n * \frac{E_n}{8760} * T_n \right) \quad \text{(Eq. W-16)}$$

Where:

$E_{s,i,o}$ = Annual volumetric GHG emissions at standard conditions from each storage tank in cubic feet that resulted from the dump valve on the gas-liquid separator not closing properly.

E_n = Storage tank emissions as determined in Calculation Methods 1 or 2 in paragraphs (j)(1) and (2) of this section (with separators) in standard cubic feet per year.

T_n = Total time a dump valve is not closing properly in the calendar year in hours. Estimate T_n based on maintenance, operations, or routine separator inspections that indicate the period of time when the valve was malfunctioning in open or partially open position.

CF_n = Correction factor for tank emissions for time period T_n is 2.87 for crude oil production. Correction factor for tank emissions for time period T_n is 4.37 for gas condensate production.

8,760 = Conversion to hourly emissions.

* * * * *

(n) * * *

(2) * * *

(i) For onshore natural gas production and onshore petroleum and natural gas gathering and boosting, determine the GHG mole fraction using paragraph (u)(2)(i) of this section.

* * * * *

(o) *Centrifugal compressor venting.* If you are required to report emissions from centrifugal compressor venting as specified in § 98.232(d)(2), (e)(2), (f)(2), (g)(2), and (h)(2), you must conduct volumetric emission measurements specified in paragraph (o)(1) of this section using methods specified in paragraphs (o)(2) through (5) of this section; perform calculations specified in paragraphs (o)(6) through (9) of this section; and calculate CH_4 and CO_2 mass emissions as specified in paragraph (o)(11) of this section. If emissions from a compressor source are routed to a flare, paragraphs (o)(1) through (11) of this section do not apply and instead you must calculate CH_4, CO_2, and N_2O emissions as specified in paragraph (o)(12) of this section. If emissions from a compressor source are captured for fuel use or are routed to a thermal oxidizer, paragraphs (o)(1) through (12) of this section do not apply and instead you must calculate and report emissions as specified in subpart C of this part. If emissions from a compressor source are routed to vapor recovery, paragraphs (o)(1) through (12) of this section do not apply. If you are required to report emissions from centrifugal compressor venting at an onshore petroleum and natural gas production facility as specified in § 98.232(c)(19) or an onshore petroleum and natural gas gathering and boosting facility as specified in § 98.232(j)(8), you must calculate volumetric emissions as specified in paragraph (o)(10) of this section; and calculate CH_4 and CO_2 mass emissions as specified in paragraph (o)(11) of this section.

* * * * *

(10) *Method for calculating volumetric GHG emissions from wet seal oil degassing vents at an onshore petroleum and natural gas production facility or an onshore petroleum and natural gas gathering and boosting facility.* You must calculate emissions from centrifugal compressor wet seal oil degassing vents at an onshore petroleum and natural gas production facility or an onshore petroleum and natural gas gathering and boosting facility using Equation W–25 of this section.

$$E_{s,i} = Count * EF_{i,s} \quad \text{(Eq. W-25)}$$

Where:

$E_{s,i}$ = Annual volumetric GHG_i (either CH_4 or CO_2) emissions from centrifugal compressor wet seals, at standard conditions, in cubic feet.

Count = Total number of centrifugal compressors that have wet seal oil degassing vents.

$EF_{i,s}$ = Emission factor for GHG_i. Use 1.2×10^7 standard cubic feet per year per compressor for CH_4 and 5.30×10^5 standard cubic feet per year per compressor for CO_2 at 60 °F and 14.7 psia.

* * * * *

(p) *Reciprocating compressor venting.* If you are required to report emissions from reciprocating compressor venting as specified in § 98.232(d)(1), (e)(1), (f)(1), (g)(1), and (h)(1), you must conduct volumetric emission measurements specified in paragraph (p)(1) of this section using methods specified in paragraphs (p)(2) through (5) of this section; perform calculations specified in paragraphs (p)(6) through (9) of this section; and calculate CH_4 and CO_2 mass emissions as specified in paragraph (p)(11) of this section. If emissions from a compressor source are routed to a flare, paragraphs (p)(1) through (11) of this section do not apply and instead you must calculate CH_4, CO_2, and N_2O emissions as specified in paragraph (p)(12) of this section. If emissions from a compressor source are captured for fuel use or are routed to a thermal oxidizer, paragraphs (p)(1) through (12) of this section do not apply and instead you must calculate and report emissions as specified in subpart C of this part. If emissions from a compressor source are routed to vapor recovery, paragraphs (p)(1) through (12) of this section do not apply. If you are required to report emissions from reciprocating compressor venting at an onshore petroleum and natural gas production facility as specified in § 98.232(c)(11) or an onshore petroleum

and natural gas gathering and boosting facility as specified in § 98.232(j)(5), you must calculate volumetric emissions as specified in paragraph (p)(10) of this section; and calculate CH_4 and CO_2 mass emissions as specified in paragraph (p)(11) of this section.

* * * * *

(10) *Method for calculating volumetric GHG emissions from reciprocating compressor venting at an onshore petroleum and natural gas production facility or an onshore petroleum and natural gas gathering and boosting facility.* You must calculate emissions from reciprocating compressor venting at an onshore petroleum and natural gas production facility or an onshore petroleum and natural gas gathering and boosting facility using Equation W–29D of this section.

$$E_{s,i} = Count_e * EF_{i,s} \qquad (Eq.\ W-29D)$$

Where:

$E_{s,i}$ = Annual volumetric GHG_i (either CH_4 or CO_2) emissions from reciprocating compressors, at standard conditions, in cubic feet.

Count = Total number of reciprocating compressors.

$EF_{i,s}$ = Emission factor for GHG_i. Use 9.48×10^3 standard cubic feet per year per compressor for CH_4 and 5.27×10^2 standard cubic feet per year per compressor for CO_2 at 60 °F and 14.7 psia.

* * * * *

(r) *Equipment leaks by population count.* This paragraph applies to emissions sources listed in § 98.232(c)(21), (f)(5), (g)(3), (h)(4), (i)(2), (i)(3), (i)(4), (i)(5), (i)(6), (j)(9), and (j)(10) on streams with gas content greater than 10 percent CH_4 plus CO_2 by weight. Emissions sources in streams with gas content less than or equal to 10 percent CH_4 plus CO_2 by weight are exempt from the requirements of this paragraph (r) and do not need to be reported. Tubing systems equal to or less than one half inch diameter are exempt from the requirements of this paragraph (r) and do not need to be reported. You must calculate emissions from all emission sources listed in this paragraph using Equation W–32A of this section, except for natural gas distribution facility emission sources listed in § 98.232(i)(3). Natural gas distribution facility emission sources listed in § 98.232(i)(3) must calculate emissions using Equation W–32B and according to paragraph (r)(6)(ii) of this section.

$$E_{s,e,i} = Count_e * EF_{s,e} * GHG_i * T_e \qquad (Eq.\ W-32A)$$

$$E_{s,MR,i} = Count_{MR} * EF_{s,MR,i} * T_{w,avg} \qquad (Eq.\ W-32B)$$

Where:

$E_{s,e,i}$ = Annual volumetric emissions of GHG_i from the emission source type in standard cubic feet. The emission source type may be a component (*e.g.,* connector, open-ended line, etc.), below grade metering-regulating station, below grade transmission-distribution transfer station, distribution main, distribution service, or gathering pipeline.

$E_{s,MR,i}$ = Annual volumetric emissions of GHG_i from all meter/regulator runs at above grade metering regulating stations that are not above grade transmission-distribution transfer stations or, when used to calculate emissions according to paragraph (q)(9) of this section, the annual volumetric emissions of GHG_i from all meter/regulator runs at above grade transmission-distribution transfer stations, in standard cubic feet.

$Count_e$ = Total number of the emission source type at the facility. For onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities, average component counts are provided by major equipment piece in Tables W–1B and Table W–1C of this subpart. Use average component counts as appropriate for operations in Eastern and Western U.S., according to Table W–1D of this subpart. Onshore petroleum and natural gas gathering and boosting facilities must also count the miles of gathering pipelines. Underground natural gas storage facilities must count each component listed in Table W–4 of this subpart. LNG storage facilities must count the number of vapor recovery compressors. LNG import and export facilities must count the number of vapor recovery compressors. Natural gas distribution facilities must count: (1) The number of distribution services by material type; (2) miles of distribution mains by material type; and (3) number of below grade metering-regulating stations, by pressure type; as listed in Table W–7 of this subpart.

$Count_{MR}$ = Total number of meter/regulator runs at above grade metering-regulating stations that are not above grade transmission-distribution transfer stations or, when used to calculate emissions according to paragraph (q)(9) of this section, the total number of meter/regulator runs at above grade transmission-distribution transfer stations.

$EF_{s,e}$ = Population emission factor for the specific emission source type, as listed in Tables W–1A and W–4 through W–7 of this subpart. Use appropriate population emission factor for operations in Eastern and Western U.S., according to Table W–1D of this subpart.

$EF_{s,MR,i}$ = Meter/regulator run population emission factor for GHG_i based on all surveyed above grade transmission-distribution transfer stations over ''n'' years, in standard cubic feet of GHG_i per operational hour of all meter/regulator runs, as determined in Equation W–31.

GHG_i = For onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities, concentration of GHG_i, CH_4, or CO_2, in produced natural gas as defined in paragraph (u)(2) of this section; for onshore natural gas transmission compression and underground natural gas storage, GHG_i equals 0.975 for CH_4 and 1.1×10^{-2} for CO_2; for LNG storage and LNG import and export equipment, GHG_i equals 1 for CH_4 and 0 for CO_2; and for natural gas distribution, GHG_i equals 1 for CH_4 and 1.1×10^{-2} CO_2.

T_e = Average estimated time that each emission source type associated with the equipment leak emission was operational in the calendar year, in hours, using engineering estimate based on best available data.

$T_{w,avg}$ = Average estimated time that each meter/regulator run was operational in the calendar year, in hours per meter/regulator run, using engineering estimate based on best available data.

* * * * *

(2) Onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities must use the appropriate default whole gas population emission factors listed in Table W–1A of this subpart. Major equipment and components associated with gas wells and onshore petroleum and natural gas gathering and boosting systems are considered gas service

components in reference to Table W–1A of this subpart and major natural gas equipment in reference to Table W–1B of this subpart. Major equipment and components associated with crude oil wells are considered crude service components in reference to Table W–1A of this subpart and major crude oil equipment in reference to Table W–1C of this subpart. Where facilities conduct EOR operations the emissions factor listed in Table W–1A of this subpart shall be used to estimate all streams of gases, including recycle CO_2 stream. The component count can be determined using either of the calculation methods described in this paragraph (r)(2), except for miles of gathering pipelines, which must be determined using Component Count Method 2 in paragraph (r)(2)(ii) of this section. The same calculation method must be used for the entire calendar year.

(i) *Component Count Method 1.* For all onshore petroleum and natural gas production operations and onshore petroleum and natural gas gathering and boosting operations in the facility perform the following activities:

(A) Count all major equipment listed in Table W–1B and Table W–1C of this subpart. For meters/piping, use one meters/piping per well-pad.

(B) Multiply major equipment counts by the average component counts listed in Table W–1B for onshore natural gas production and onshore petroleum and natural gas gathering and boosting; and Table W–1C of this subpart for onshore oil production. Use the appropriate factor in Table W–1A of this subpart for operations in Eastern and Western U.S. according to the mapping in Table W–1D of this subpart.

(ii) *Component Count Method 2.* Count each component individually for the facility. Use the appropriate factor in Table W–1A of this subpart for operations in Eastern and Western U.S. according to the mapping in Table W–1D of this subpart.

* * * * *

(u) * * *

(2) * * *

(i) *GHG mole fraction in produced natural gas for onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities.* If you have a continuous gas composition analyzer for produced natural gas, you must use an annual average of these values for determining the mole fraction. If you do not have a continuous gas composition analyzer, then you must use an annual average gas composition based on your most recent available analysis of the sub-basin category or facility, as applicable to the emission source.

* * * * *

(iii) *GHG mole fraction in transmission pipeline natural gas that passes through the facility for the onshore natural gas transmission compression industry segment and the onshore natural gas transmission pipeline industry segment.* You may use either a default 95 percent methane and 1 percent carbon dioxide fraction for GHG mole fraction in natural gas or site specific engineering estimates based on best available data.

* * * * *

(z) *Onshore petroleum and natural gas production, onshore petroleum and natural gas gathering and boosting, and natural gas distribution combustion emissions.* Calculate CO_2, CH_4, and N_2O combustion-related emissions from stationary or portable equipment, except as specified in paragraph (z)(3) and (4) of this section, as follows:

(1) * * *

(ii) Emissions from fuel combusted in stationary or portable equipment at onshore natural gas and petroleum production facilities, onshore petroleum and natural gas gathering and boosting facilities, and at natural gas distribution facilities will be reported according to the requirements specified in § 98.236(z) and not according to the reporting requirements specified in subpart C of this part.

* * * * *

■ 6. Section 98.234 is amended by adding paragraph (g) to read as follows:

§ 98.234 Monitoring and QA/QC requirements.

* * * * *

(g) Special reporting provisions for best available monitoring methods in reporting year 2016.

(1) *Best available monitoring methods.* From January 1, 2016 to March 31, 2016, you must use the calculation methodologies and equations in § 98.233 but you may use the best available monitoring method for any parameter for which it is not reasonably feasible to acquire, install, and operate a required piece of monitoring equipment by January 1, 2016 as specified in paragraphs (g)(2) through (5) of this section. Starting no later than April 1, 2016, you must discontinue using best available methods and begin following all applicable monitoring and QA/QC requirements of this part, except as provided in paragraph (g)(6) of this section. Best available monitoring methods means any of the following methods:

(i) Monitoring methods currently used by the facility that do not meet the specifications of this subpart.

(ii) Supplier data.

(iii) Engineering calculations.

(iv) Other company records.

(2) *Best available monitoring methods for well-related measurement data for oil wells with hydraulic fracturing.* You may use best available monitoring methods for any well-related measurement data that cannot reasonably be measured according to the monitoring and QA/QC requirements of this subpart for venting during well completions and workovers of oil wells with hydraulic fracturing.

(3) *Best available monitoring methods for onshore petroleum and natural gas gathering and boosting facilities.* You may use best available monitoring methods for any leak detection and/or measurement data that cannot reasonably be measured according to the monitoring and QA/QC requirements of this subpart for acid gas removal vents as specified in § 98.233(d).

(4) *Best available monitoring methods for natural gas transmission pipelines.* You may use best available monitoring methods for any measurement data for natural gas transmission pipelines that cannot reasonably be obtained according to the monitoring and QA/QC requirements of this subpart for blowdown vent stacks.

(5) *Best available monitoring methods for specified activity data.* You may use best available monitoring methods for activity data as listed in paragraphs (g)(5)(i) through (iii) of this section that cannot reasonably be obtained according to the monitoring and QA/QC requirements of this subpart for well completions and workovers of oil wells with hydraulic fracturing, onshore petroleum and natural gas gathering and boosting facilities, or natural gas transmission pipelines.

(i) Cumulative hours of venting, days, or times of operation in § 98.233(e), (g), (o), (p), and (r).

(ii) Number of blowdowns, completions, workovers, or other events in § 98.233(g) and (i).

(iii) Cumulative volume produced, volume input or output, or volume of fuel used in paragraphs § 98.233(d), (e), (j), (n), and (z).

(6) *Requests for extension of the use of best available monitoring methods beyond March 31, 2016.* You may submit a request to the Administrator to use one or more best available monitoring methods for sources listed in paragraphs (g)(2) through (5), of this section beyond March 31, 2016.

(i) *Timing of request.* The extension request must be submitted to EPA no later than January 31, 2016.

(ii) *Content of request.* Requests must contain the following information:

(A) A list of specific source types and parameters for which you are seeking use of best available monitoring methods.

(B) For each specific source type for which you are requesting use of best available monitoring methods, a description of the reasons that the needed equipment could not be obtained and installed before April 1, 2016.

(C) A description of the specific actions you will take to obtain and install the equipment as soon as reasonably feasible and the expected date by which the equipment will be installed and operating.

(iii) *Approval criteria.* To obtain approval to use best available monitoring methods after March 31, 2016, you must submit a request demonstrating to the Administrator's satisfaction that it is not reasonably feasible to acquire, install, and operate a required piece of monitoring equipment by April 1, 2016. The use of best available methods under this paragraph (g) will not be approved beyond December 31, 2016.

* * * * *

■ 7. Section 98.236 is amended by:

■ a. Revising paragraph (a) introductory text;

■ b. Adding paragraphs (a)(9) and (10);

■ c. Revising paragraphs (b)(1)(ii)(A) and (B) and (c) introductory text;

■ d. Redesignating paragraphs (c)(2) through (4) as paragraphs (c)(3) through (5), respectively;

■ e. Adding new paragraph (c)(2);

■ f. Revising paragraphs (d)(1) introductory text and (d)(1)(i);

■ g. Redesignating paragraphs (d)(1)(ii) through (vi) as paragraphs (d)(1)(iii) through (vii), respectively;

■ h. Adding new paragraph (d)(1)(ii);

■ i. Revising newly redesignated paragraph (d)(1)(vii);

■ j. Revising paragraphs (e)(1) introductory text and (e)(1)(i);

■ k. Redesignating paragraphs (e)(1)(ii) through (xviii) as paragraphs (e)(1)(iii) through (xix), respectively;

■ l. Adding new paragraph (e)(1)(ii);

■ m. Revising newly redesignated paragraphs (e)(1)(xvii) introductory text, (e)(1)(xviii) introductory text, and (e)(1)(xix);

■ n. Revising paragraph (e)(2) introductory text;

■ o. Redesignating paragraphs (e)(2)(ii) through (v) as paragraphs (e)(2)(iii) through (vi), respectively;

■ q. Adding new paragraph (e)(2)(ii);

■ p. Revising newly redesignated paragraphs (e)(2)(iii), (e)(1)(iv), (e)(2)(v) introductory text, and (e)(2)(vi) introductory text;

■ q. Revising paragraphs (e)(3)(i) introductory text, (f)(1)(ii), (f)(1)(xi)(A), (f)(1)(xii)(A), (f)(2)(i), (g) introductory text, (g)(1), (g)(2), (g)(5)(i), and (g)(5)(ii);

■ r. Adding paragraph (g)(5)(iii);

■ s. Revising paragraph (g)(6);

■ t. Revising paragraphs (h)(1)(i), (h)(1)(iv), (h)(2)(i), (h)(2)(iv), (h)(3)(i), (h)(4)(i) and (i) introductory text;

■ u. Adding paragraph (i)(3);

■ v. Revising paragraphs (j) introductory text and (j)(1) introductory text;

■ w. Redesignating paragraphs (j)(1)(ii) through (xiv) as paragraphs (j)(1)(iv) through (xvi), respectively;

■ x. Adding new paragraphs (j)(1)(ii) and (j)(1)(iii);

■ y. Revising newly redesignated paragraphs (j)(1)(v), (j)(1)(ix), (j)(1)(x), (j)(1)(xiv) introductory text, (j)(1)(xv) introductory text, and (j)(1)(xvi) introductory text;

■ z. Revising paragraphs (j)(2)(i) introductory text, (j)(2)(i)(A) through (j)(2)(i)(C), (j)(2)(ii)(B), (j)(2)(iii)(B), and (l)(1) introductory text;

■ aa. Redesignating paragraphs (l)(1)(ii) through (vi) as paragraphs (l)(1)(iii) through (vii), respectively;

■ bb. Adding new paragraph (l)(1)(ii);

■ cc. Revising newly designated paragraph (l)(1)(v);

■ dd. Revising paragraph (l)(2) introductory text;

■ ee. Redesignating paragraphs (l)(2)(ii) through (vii) as paragraphs (l)(2)(iii) through (viii), respectively;

■ ff. Adding new paragraph (l)(2)(ii);

■ gg. Revising newly designated paragraph (l)(2)(v);

■ hh. Revising paragraph (l)(3) introductory text;

■ ii. Redesignating paragraphs (l)(3)(ii) through (v) as paragraphs (l)(3)(iii) through (vi), respectively;

■ jj. Adding new paragraph (l)(3)(ii);

■ kk. Revising newly designated paragraph (l)(3)(iv);

■ ll. Revising paragraph (l)(4) introductory text;

■ mm. Redesignating paragraphs (l)(4)(ii) through (vi) as paragraphs (l)(4)(iii) through (vii), respectively;

■ nn. Adding new paragraph (l)(4)(ii);

■ oo. Revising newly designated paragraph (l)(4)(iv);

■ pp. Revising paragraphs (m)(1), (m)(5), (m)(6), (m)(7)(i), (m)(8)(i), (n) introductory text and (n)(1);

■ qq. Adding paragraph (n)(13);

■ rr. Revising paragraphs (o) introductory text and (o)(5) introductory text;

■ ss. Redesignating paragraphs (o)(5)(ii) and (iii) as paragraphs (o)(5)(iii) and (iv), respectively;

■ tt. Adding new paragraph (o)(5)(ii);

■ uu. Revising paragraphs (p) introductory text and (p)(5) introductory text;

■ vv. Redesignating paragraphs (p)(5)(ii) and (iii) as paragraphs (p)(5)(iii) and (iv), respectively;

■ ww. Adding new paragraph (p)(5)(ii);

■ xx. Revising paragraphs (r)(1) introductory text, (r)(1)(i), (r)(3) introductory text, (r)(3)(ii), (w)(2), and (x) introductory text;

■ yy. Redesignating paragraphs (x)(2) through (4) as paragraphs (x)(3) through (5), respectively;

■ zz. Adding new paragraph (x)(2);

■ aaa. Revising paragraphs (z) introductory text and (z)(1) introductory text;

■ bbb. Adding new paragraph (z)(1)(iii);

■ ccc. Revising paragraph (z)(2) introductory text;

■ ddd. Redesignating paragraphs (z)(2)(ii) through (vi) as paragraphs (z)(2)(iii) through (vii), respectively;

■ eee. Adding new paragraph (z)(2)(ii);

■ fff. Revising paragraphs (aa) introductory text and (aa)(1)(ii)(D) through (H);

■ ggg. Adding paragraphs (aa)(10) and (11); and

■ hhh. Revising paragraph (cc).

The revisions and additions read as follows:

§ 98.236 Data reporting requirements.

* * * * *

(a) The annual report must include the information specified in paragraphs (a)(1) through (10) of this section for each applicable industry segment. The annual report must also include annual emissions totals, in metric tons of each GHG, for each applicable industry segment listed in paragraphs (a)(1) through (10) of this section, and each applicable emission source listed in paragraphs (b) through (z) of this section.

* * * * *

(9) *Onshore petroleum and natural gas gathering and boosting.* For the equipment/activities specified in paragraphs (a)(9)(i) through (xi) of this section, report the information specified in the applicable paragraphs of this section.

(i) *Natural gas pneumatic devices.* Report the information specified in paragraph (b) of this section.

(ii) *Natural gas driven pneumatic pumps.* Report the information specified in paragraph (c) of this section.

(iii) *Acid gas removal units.* Report the information specified in paragraph (d) of this section.

(iv) *Dehydrators.* Report the information specified in paragraph (e) of this section.

(v) *Blowdown vent stacks.* Report the information specified in paragraph (i) of this section.

(vi) *Storage tanks.* Report the information specified in paragraph (j) of this section.

(vii) *Flare stacks.* Report the information specified in paragraph (n) of this section.

(viii) *Centrifugal compressors.* Report the information specified in paragraph (o) of this section.

(ix) *Reciprocating compressors.* Report the information specified in paragraph (p) of this section.

(x) *Equipment leaks by population count.* Report the information specified in paragraph (r) of this section.

(xi) *Combustion equipment.* Report the information specified in paragraph (z) of this section.

(10) *Onshore natural gas transmission pipeline.* For blowdown vent stacks, report the information specified in paragraph (i) of this section.

(b) * * *

(1) * * *

(ii) * * *

(A) The number of devices of each type reported in paragraph (b)(1)(i) of this section that are counted. A list of the well ID numbers associated with the devices that are counted (for the onshore petroleum and natural gas production industry segment only).

(B) The number of devices of each type reported in paragraph (b)(1)(i) of this section that are estimated (not counted). A list of the well ID numbers associated with the devices that are estimated (not counted) (for the onshore petroleum and natural gas production industry segment only).

* * * * *

(c) *Natural gas driven pneumatic pumps.* You must indicate whether the facility has any natural gas driven pneumatic pumps. If the facility contains any natural gas driven pneumatic pumps, then you must report the information specified in paragraphs (c)(1) through (5) of this section.

* * * * *

(2) A list of the well ID numbers associated with the natural gas driven pneumatic pumps (for the onshore petroleum and natural gas production industry segment only).

* * * * *

(d) * * *

(1) You must report the information specified in paragraphs (d)(1)(i) through (vii) of this section for each acid gas removal unit.

(i) A unique name or ID number for the acid gas removal unit. For the onshore petroleum and natural gas production and the onshore petroleum and natural gas gathering and boosting industry segments, a different name or ID may be used for a single acid gas removal unit for each location it operates at in a given year.

(ii) A list of the well ID number(s) associated with the acid gas removal units (for the onshore petroleum and natural gas production industry segment only).

* * * * *

(vii) Sub-basin ID that best represents the wells and/or equipment supplying gas to the unit (for the onshore petroleum and natural gas production and the onshore petroleum and natural gas gathering and boosting industry segments only).

* * * * *

(e) * * *

(1) For each glycol dehydrator that has an annual average daily natural gas throughput greater than or equal to 0.4 million standard cubic feet per day (as specified in § 98.233(e)(1)), you must report the information specified in paragraphs (e)(1)(i) through (xix) of this section for the dehydrator.

(i) A unique name or ID number for the dehydrator. For the onshore petroleum and natural gas production and the onshore petroleum and natural gas gathering and boosting industry segments, a different name or ID may be used for a single dehydrator for each location it operates at in a given year.

(ii) A list of well ID number(s) associated with the dehydrators (for the onshore petroleum and natural gas production industry segment only).

* * * * *

(xvii) Whether any dehydrator emissions are vented to a flare or regenerator firebox/fire tubes. If any emissions are vented to a flare or regenerator firebox/fire tubes, report the information specified in paragraphs (e)(1)(xvii)(A) through (C) of this section for these emissions from the dehydrator.

(xviii) Whether any dehydrator emissions are vented to the atmosphere without being routed to a flare or regenerator firebox/fire tubes. If any emissions are not routed to a flare or regenerator firebox/fire tubes, then you must report the information specified in paragraphs (e)(1)(xviii)(A) and (B) of this section for those emissions from the dehydrator.

(xix) Sub-basin ID that best represents the wells and/or equipment supplying gas to the dehydrator (for the onshore petroleum and natural gas production and the onshore petroleum and natural gas gathering and boosting industry segments only).

(2) For glycol dehydrators with an annual average daily natural gas throughput less than 0.4 million standard cubic feet per day (as specified in § 98.233(e)(2)), you must report the information specified in paragraphs (e)(2)(i) through (vi) of this section for the entire facility.

* * * * *

(ii) A list of the well ID numbers associated with the dehydrators at the facility (for the onshore petroleum and natural gas production industry segment only).

(iii) Whether any dehydrator emissions were vented to a vapor recovery device. If any dehydrator emissions were vented to a vapor recovery device, then you must report the total number of dehydrators at the facility that vented to a vapor recovery device. For the onshore petroleum and natural gas production industry segment only, also report a list of the associated well ID numbers.

(iv) Whether any dehydrator emissions were vented to a control device other than a vapor recovery device or a flare or regenerator firebox/fire tubes. If any dehydrator emissions were vented to a control device(s) other than a vapor recovery device or a flare or regenerator firebox/fire tubes, then you must specify the type of control device(s) and the total number of dehydrators at the facility that were vented to each type of control device. For the onshore petroleum and natural gas production industry segment only, also report a list of the associated well ID numbers for each type of control device.

(v) Whether any dehydrator emissions were vented to a flare or regenerator firebox/fire tubes. If any dehydrator emissions were vented to a flare or regenerator firebox/fire tubes, then you must report the information specified in paragraphs (e)(2)(v)(A) through (D) of this section.

* * * * *

(vi) For dehydrators reported in paragraph (e)(2)(i) of this section that were not vented to a flare or regenerator firebox/fire tubes, report the information specified in paragraphs (e)(2)(vi)(A) and (B) of this section.

* * * * *

(3) * * *

(i) The same information specified in paragraphs (e)(2)(i) through (v) of this section for glycol dehydrators, and report the information under this paragraph for dehydrators that use desiccant.

* * * * *

(f) * * *

(1) * * *

(ii) Well tubing diameter and pressure group ID and a list of the well ID

numbers associated with each sub-basin well tubing diameter and pressure group ID.

* * * * *

(xi) * * *

(A) Well ID number of tested well.

* * * * *

(xii) * * *

(A) Well ID number.

* * * * *

(2) * * *

(i) Sub-basin ID and a list of the well ID numbers associated with each sub-basin.

* * * * *

(g) *Completions and workovers with hydraulic fracturing.* You must indicate whether your facility had any well completions or workovers with hydraulic fracturing during the calendar year. If your facility had well completions or workovers with hydraulic fracturing during the calendar year, then you must report information specified in paragraphs (g)(1) through (10) of this section, for each sub-basin and well type combination. Report information separately for completions and workovers.

(1) Sub-basin ID and a list of the well ID numbers associated with each sub-basin that had completions or workovers with hydraulic fracturing during the calendar year.

(2) Well type combination (horizontal or vertical, gas well or oil well).

* * * * *

(5) * * *

(i) Cumulative gas flowback time, in hours, from when gas is first detected until sufficient quantities are present to enable separation, and the cumulative flowback time, in hours, after sufficient quantities of gas are present to enable separation (sum of ''$T_{p,i}$'' and sum of ''$T_{p,s}$'' values used in Equation W–10A). You may delay the reporting of this data element if you indicate in the annual report that wildcat wells and/or delineation wells are the only wells included in this number. If you elect to delay reporting of this data element, you must report by the date specified in § 98.236(cc) the total number of hours of flowback from all wells during completions or workovers and the well ID number(s) for the well(s) included in the number.

(ii) For the measured well(s), the flowback rate, in standard cubic feet per hour, for each sub-basin (average of ''$FR_{s,p}$'' values in Equation W–12A), and the well ID numbers of the wells for which it is measured. You may delay the reporting of this data element if you indicate in the annual report that wildcat wells and/or delineation wells are the only wells that can be used for the measurement. If you elect to delay reporting of this data element, you must report by the date specified in § 98.236(cc) the measured flowback rate during well completion or workover and the well ID number(s) for the well(s) included in the measurement.

(iii) If you used Equation W–12C to calculate the average gas production rate for an oil well, then you must report the information specified in paragraphs (g)(5)(iii)(A) and (B) of this section.

(A) Gas to oil ratio for the well in standard cubic feet of gas per barrel of oil (''GOR_p'' in Equation W–12C).

(B) Volume of oil produced during the first 30 days of production after completions of each newly drilled well or well workover using hydraulic fracturing, in barrels (''V_p'' in Equation W–12C).

(6) If you used Equation W–10B to calculate annual volumetric total gas emissions for completions that vent gas to the atmosphere, then you must report the information specified in paragraphs (g)(6)(i) through (iii) of this section.

(i) Vented natural gas volume, in standard cubic feet, for each well in the sub-basin (''$FV_{s,p}$'' in Equation W–10B).

(ii) Flow rate, in standard cubic feet per hour, at the beginning of the period of time when sufficient quantities of gas are present to enable separation (''$FR_{p,i}$'' in Equation W–10B).

(iii) The well ID number for which vented natural gas volume was measured.

* * * * *

(h) * * *

(1) * * *

(i) Sub-basin ID and a list of the well ID numbers associated with each sub-basin without hydraulic fracturing and without flaring.

* * * * *

(iv) Average daily gas production rate for all completions without hydraulic fracturing in the sub-basin without flaring, in standard cubic feet per hour (average of all ''V_p'' used in Equation W–13B). You may delay reporting of this data element if you indicate in the annual report that wildcat wells and/or delineation wells are the only wells that can be used for the measurement. If you elect to delay reporting of this data element, you must report by the date specified in § 98.236(cc) the measured average daily gas production rate for all wells during completions and the well ID number(s) for the well(s) included in the measurement.

* * * * *

(2) * * *

(i) Sub-basin ID and a list of the well ID numbers associated with each sub-basin without hydraulic fracturing and with flaring.

* * * * *

(iv) Average daily gas production rate for all completions without hydraulic fracturing in the sub-basin with flaring, in standard cubic feet per hour (the average of all ''V_p'' from Equation W–13B). You may delay reporting of this data element if you indicate in the annual report that wildcat wells and/or delineation wells are the only wells that can be used for the measurement. If you elect to delay reporting of this data element, you must report by the date specified in § 98.236(cc) the measured average daily gas production rate for all wells during completions and the well ID number(s) for the well(s) included in the measurement.

* * * * *

(3) * * *

(i) Sub-basin ID and a list of the well ID numbers associated with each sub-basin without hydraulic fracturing and without flaring.

* * * * *

(4) * * *

(i) Sub-basin ID and a list of well ID numbers associated with each sub-basin without hydraulic fracturing and with flaring.

* * * * *

(i) *Blowdown vent stacks.* You must indicate whether your facility has blowdown vent stacks. If your facility has blowdown vent stacks, then you must report whether emissions were calculated by equipment or event type or by using flow meters or a combination of both. If you calculated emissions by equipment or event type for any blowdown vent stacks, then you must report the information specified in paragraph (i)(1) of this section considering, in aggregate, all blowdown vent stacks for which emissions were calculated by equipment or event type. If you calculated emissions using flow meters for any blowdown vent stacks, then you must report the information specified in paragraph (i)(2) of this section considering, in aggregate, all blowdown vent stacks for which emissions were calculated using flow meters. For the onshore natural gas transmission pipeline segment, you must also report the information in paragraph (i)(3) of this section.

* * * * *

(3) Onshore natural gas transmission pipeline segment. Report the information in paragraphs (i)(3)(i) to (i)(3)(iii) for each separate transmission pipeline blowdown event.

(i) Annual CO_2 emissions in metric tons CO_2.

(ii) Annual CH_4 emissions in metric tons CH_4.

(iii) The location of the blowdown, in latitude and longitude in decimal degree format provided as a comma-delimited ''latitude, longitude'' coordinate pair reported in decimal degrees to at least four digits to the right of the decimal point.

(j) *Onshore production and onshore petroleum and natural gas gathering and boosting storage tanks.* You must indicate whether your facility sends produced oil to atmospheric tanks. If your facility sends produced oil to atmospheric tanks, then you must indicate which Calculation Method(s) you used to calculate GHG emissions, and you must report the information specified in paragraphs (j)(1) and (2) of this section as applicable. If you used Calculation Method 1 or Calculation Method 2, and any atmospheric tanks were observed to have malfunctioning dump valves during the calendar year, then you must indicate that dump valves were malfunctioning and you must report the information specified in paragraph (j)(3) of this section.

(1) If you used Calculation Method 1 or Calculation Method 2 to calculate GHG emissions, then you must report the information specified in paragraphs (j)(1)(i) through (xv) of this section for each sub-basin and by calculation method. Onshore petroleum and natural gas gathering and boosting facilities do not report the information specified in paragraph (j)(1)(xiii) of this section.

* * * * *

(ii) A list of the well ID number(s) associated with the tanks that controlled emissions with flares (for the onshore petroleum and natural gas production industry segment only).

(iii) A list of the well ID number(s) associated with the tanks that did not control emissions with flares (for the onshore petroleum and natural gas production industry segment only).

* * * * *

(v) The total annual oil volume from gas-liquid separators and direct from wells that is sent to applicable onshore production and onshore petroleum and natural gas gathering and boosting storage tanks, in barrels. You may delay reporting of this data element if you indicate in the annual report that wildcat wells and/or delineation wells are the only wells in the sub-basin flowing to gas-liquid separators or direct to storage tanks. If you elect to delay reporting of this data element, you must report by the date specified in § 98.236(cc) the total volume of oil from all wells and the well ID number(s) for the well(s) included in this volume.

* * * * *

(ix) The minimum and maximum concentration (mole fraction) of CO_2 in flash gas from onshore production and onshore natural gas gathering and boosting storage tanks.

(x) The minimum and maximum concentration (mole fraction) of CH_4 in flash gas from onshore production and onshore petroleum and natural gas gathering and boosting storage tanks.

* * * * *

(xiv) If any emissions from the atmospheric tanks at your facility were controlled with vapor recovery systems, then you must report the information specified in paragraphs (j)(1)(xiv)(A) through (E) of this section.

* * * * *

(xv) If any atmospheric tanks at your facility vented gas directly to the atmosphere without using a vapor recovery system or without flaring, then you must report the information specified in paragraphs (j)(1)(xv)(A) through (C) of this section.

* * * * *

(xvi) If you controlled emissions from any atmospheric tanks at your facility with one or more flares, then you must report the information specified in paragraphs (j)(1)(xvi)(A) through (D) of this section.

* * * * *

(2) * * *

(i) Report the information specified in paragraphs (j)(2)(i)(A) through (F) of this section, at the basin level, for atmospheric tanks where emissions were calculated using Calculation Method 3. Onshore gathering and boosting facilities do not report the information specified in paragraphs (j)(2)(i)(E) and (F) of this section.

(A) The total annual oil/condensate throughput that is sent to all atmospheric tanks in the basin, in barrels. You may delay reporting of this data element if you indicate in the annual report that wildcat wells and/or delineation wells are the only wells in the sub-basin with oil production less than 10 barrels per day and that send oil to atmospheric tanks. If you elect to delay reporting of this data element, you must report by the date specified in § 98.236(cc) the total annual oil throughput from all wells and the well ID number(s) for the well(s) included in the measurement.

(B) An estimate of the fraction of oil/condensate throughput reported in paragraph (j)(2)(i)(A) of this section sent to atmospheric tanks in the basin that controlled emissions with flares.

(C) An estimate of the fraction of oil/condensate throughput reported in paragraph (j)(2)(i)(A) of this section sent to atmospheric tanks in the basin that controlled emissions with vapor recovery systems.

* * * * *

(ii) * * *

(B) The number of atmospheric tanks in the sub-basin that did not control emissions with flares, including those that have vapor recovery, and for the onshore petroleum and natural gas production industry segment only, a list of the well ID numbers of the associated wells.

* * * * *

(iii) * * *

(B) The number of atmospheric tanks in the sub-basin that controlled emissions with flares, and for the onshore petroleum and natural gas production industry segment only, a list of the well ID numbers of the associated wells.

* * * * *

(l) * * *

(1) If you used Equation W–17A to calculate annual volumetric natural gas emissions at actual conditions from oil wells and the emissions are not vented to a flare, then you must report the information specified in paragraphs (l)(1)(i) through (vii) of this section.

* * * * *

(ii) Well ID numbers for the wells tested in the calendar year.

* * * * *

(v) Average flow rate for well(s) tested, in barrels of oil per day. You may delay reporting of this data element if you indicate in the annual report that wildcat wells and/or delineation wells are the only wells that are tested. If you elect to delay reporting of this data element, you must report by the date specified in § 98.236(cc) the measured average flow rate for well(s) tested and the well ID number(s) for the well(s) included in the measurement.

* * * * *

(2) If you used Equation W–17A to calculate annual volumetric natural gas emissions at actual conditions from oil wells and the emissions are vented to a flare, then you must report the information specified in paragraphs (l)(2)(i) through (viii) of this section.

* * * * *

(ii) Well ID numbers for the wells tested in the calendar year.

* * * * *

(v) Average flow rate for well(s) tested, in barrels of oil per day. You may delay reporting of this data element if you indicate in the annual report that wildcat wells and/or delineation wells

are the only wells that are tested. If you elect to delay reporting of this data element, you must report by the date specified in § 98.236(cc) the measured average flow rate for well(s) tested and the well ID number(s) for the well(s) included in the measurement.

* * * * *

(3) If you used Equation W–17B to calculate annual volumetric natural gas emissions at actual conditions from gas wells and the emissions were not vented to a flare, then you must report the information specified in paragraphs (l)(3)(i) through (vi) of this section.

* * * * *

(ii) Well ID numbers for the wells tested in the calendar year.

* * * * *

(iv) Average annual production rate for well(s) tested, in actual cubic feet per day. You may delay reporting of this data element if you indicate in the annual report that wildcat wells and/or delineation wells are the only wells that are tested. If you elect to delay reporting of this data element, you must report by the date specified in § 98.236(cc) the measured average annual production rate for well(s) tested and the well ID number(s) for the well(s) included in the measurement.

* * * * *

(4) If you used Equation W–17B to calculate annual volumetric natural gas emissions at actual conditions from gas wells and the emissions were vented to a flare, then you must report the information specified in paragraphs (l)(4)(i) through (vii) of this section.

* * * * *

(ii) Well ID numbers for the wells tested in the calendar year.

* * * * *

(iv) Average annual production rate for well(s) tested, in actual cubic feet per day. You may delay reporting of this data element if you indicate in the annual report that wildcat wells and/or delineation wells are the only wells that are tested. If you elect to delay reporting of this data element, you must report by the date specified in § 98.236(cc) the measured average annual production rate for well(s) tested and the well ID number(s) for the well(s) included in the measurement.

* * * * *

(m) * * *

(1) Sub-basin ID and a list of well ID numbers for wells in each sub-basin for which associated gas was vented or flared.

* * * * *

(5) Volume of oil produced, in barrels, in the calendar year during the time periods in which associated gas was vented or flared (the sum of ''$V_{p,q}$'' used in Equation W–18 of this subpart). You may delay reporting of this data element if you indicate in the annual report that wildcat wells and/or delineation wells are the only wells from which associated gas was vented or flared. If you elect to delay reporting of this data element, you must report by the date specified in § 98.236(cc) the volume of oil produced for well(s) with associated gas venting and flaring and the well ID number(s) for the well(s) included in the measurement.

(6) Total volume of associated gas sent to sales, in standard cubic feet, in the calendar year during time periods in which associated gas was vented or flared (the sum of ''SG'' values used in Equation W–18 of § 98.233(m)). You may delay reporting of this data element if you indicate in the annual report that wildcat wells and/or delineation wells from which associated gas was vented or flared. If you elect to delay reporting of this data element, you must report by the date specified in § 98.236(cc) the measured total volume of associated gas sent to sales for well(s) with associated gas venting and flaring and the well ID number(s) for the well(s) included in the measurement.

(7) * * *

(i) Total number of wells for which associated gas was vented directly to the atmosphere without flaring and a list of their well ID numbers.

* * * * *

(8) * * *

(i) Total number of wells for which associated gas was flared and a list of their well ID numbers.

* * * * *

(n) *Flare stacks.* You must indicate if your facility contains any flare stacks. You must report the information specified in paragraphs (n)(1) through (13) of this section for each flare stack at your facility, and for each industry segment applicable to your facility.

(1) Unique name or ID for the flare stack. For the onshore petroleum and natural gas production and onshore petroleum and natural gas gathering and boosting industry segments, a different name or ID may be used for a single flare stack for each location where it operates at in a given calendar year.

* * * * *

(13) For the onshore petroleum and natural gas production industry segment, a list of the well ID numbers associated with flare stacks in each sub-basin.

(o) *Centrifugal compressors.* You must indicate whether your facility has centrifugal compressors. You must report the information specified in paragraphs (o)(1) and (2) of this section for all centrifugal compressors at your facility. For each compressor source or manifolded group of compressor sources that you conduct as found leak measurements as specified in § 98.233(o)(2) or (4), you must report the information specified in paragraph (o)(3) of this section. For each compressor source or manifolded group of compressor sources that you conduct continuous monitoring as specified in § 98.233(o)(3) or (5), you must report the information specified in paragraph (o)(4) of this section. Centrifugal compressors in onshore petroleum and natural gas production and onshore petroleum and natural gas gathering and boosting are not required to report information in paragraphs (o)(1) through (4) of this section and instead must report the information specified in paragraph (o)(5) of this section.

* * * * *

(5) *Onshore petroleum and natural gas production and onshore petroleum and natural gas gathering and boosting.* Centrifugal compressors with wet seal degassing vents in onshore petroleum and natural gas production and onshore petroleum and natural gas gathering and boosting must report the information specified in paragraphs (o)(5)(i) through (iv) of this section.

* * * * *

(ii) A list of the well ID numbers for the wells at which these compressors are located (for the onshore petroleum and natural gas production industry segment only).

* * * * *

(p) *Reciprocating compressors.* You must indicate whether your facility has reciprocating compressors. You must report the information specified in paragraphs (p)(1) and (2) of this section for all reciprocating compressors at your facility. For each compressor source or manifolded group of compressor sources that you conduct as found leak measurements as specified in § 98.233(p)(2) or (4), you must report the information specified in paragraph (p)(3) of this section. For each compressor source or manifolded group of compressor sources that you conduct continuous monitoring as specified in § 98.233(p)(3) or (5), you must report the information specified in paragraph (p)(4) of this section. Reciprocating compressors in onshore petroleum and natural gas production and onshore petroleum and natural gas gathering and boosting are not required to report information in paragraphs (p)(1) through (4) of this section and instead must

report the information specified in paragraph (p)(5) of this section.

* * * * *

(5) *Onshore petroleum and natural gas production and onshore petroleum and natural gas gathering and boosting.* Reciprocating compressors in onshore petroleum and natural gas production and onshore petroleum and natural gas gathering and boosting must report the information specified in paragraphs (p)(5)(i) through (iv) of this section.

* * * * *

(ii) A list of the well ID numbers for the wells at which these compressors are located (for the onshore petroleum and natural gas production industry segment only).

* * * * *

(r) * * *

(1) You must indicate whether your facility contains any of the emission source types required to use Equation W–32A of this subpart. You must report the information specified in paragraphs (r)(1)(i) through (v) of this section separately for each emission source type required to use Equation W–32A of this subpart that is located at your facility. Onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities must report the information specified in paragraphs (r)(1)(i) through (v) of this section separately by component type, service type, and geographic location (*i.e.,* Eastern U.S. or Western U.S.).

(i) Emission source type. Onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities must report the component type, service type, and geographic location. For the onshore petroleum and natural gas production facilities only, also report a list of well ID numbers for the associated wells.

* * * * *

(3) Onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities must also report the information specified in paragraphs (r)(3)(i) and (ii) of this section.

* * * * *

(ii) Onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities must report the information specified in paragraphs (r)(3)(ii)(A) and (B) of this section, for each major equipment type, production type (*i.e.,* natural gas or crude oil), and geographic location combination in Tables W–1B and W–1C of this subpart.

* * * * *

(w) * * *

(2) EOR injection pump system identifier and a list of the well ID number(s) associated with each EOR injection pump.

* * * * *

(x) *EOR hydrocarbon liquids.* You must indicate whether hydrocarbon liquids were produced through EOR operations. If hydrocarbon liquids were produced through EOR operations, you must report the information specified in paragraphs (x)(1) through (5) of this section for each sub-basin category with EOR operations.

* * * * *

(2) A list of the well ID numbers associated with the EOR operations in each sub-basin.

* * * * *

(z) *Combustion equipment at onshore petroleum and natural gas production facilities, onshore petroleum and natural gas gathering and boosting facilities, and natural gas distribution facilities.* If your facility is required by § 98.232(c)(22), (i)(7), or (j)(12) to report emissions from combustion equipment, then you must indicate whether your facility has any combustion units subject to reporting according to paragraphs (a)(1)(xvii), (a)(8)(i), or (a)(9)(xi) of this section. If your facility contains any combustion units subject to reporting according to paragraphs (a)(1)(xvii), (a)(8)(i), or (a)(9)(xi) of this section, then you must report the information specified in paragraphs (z)(1) and (2) of this section, as applicable.

(1) Indicate whether the combustion units include: External fuel combustion units with a rated heat capacity less than or equal to 5 million Btu per hour; or, internal fuel combustion units that are not compressor-drivers, with a rated heat capacity less than or equal to 1 mmBtu/hr (or the equivalent of 130 horsepower). If the facility contains external fuel combustion units with a rated heat capacity less than or equal to 5 million Btu per hour or internal fuel combustion units that are not compressor-drivers, with a rated heat capacity less than or equal to 1 million Btu per hour (or the equivalent of 130 horsepower), then you must report the information specified in paragraphs (z)(1)(i) through (iii) of this section for each unit type.

* * * * *

(iii) A list of the well ID numbers associated with the combustion units (for the onshore petroleum and natural gas production industry segment only).

(2) Indicate whether the combustion units include: External fuel combustion units with a rated heat capacity greater than 5 million Btu per hour; internal fuel combustion units that are not compressor-drivers, with a rated heat capacity greater than 1 million Btu per hour (or the equivalent of 130 horsepower); or, internal fuel combustion units of any heat capacity that are compressor-drivers. If your facility contains: External fuel combustion units with a rated heat capacity greater than 5 mmBtu/hr; internal fuel combustion units that are not compressor-drivers, with a rated heat capacity greater than 1 million Btu per hour (or the equivalent of 130 horsepower); or internal fuel combustion units of any heat capacity that are compressor-drivers, then you must report the information specified in paragraphs (z)(2)(i) through (vii) for each combustion unit type and fuel type combination.

* * * * *

(ii) A list of the well ID numbers associated with the combustion units (for the onshore petroleum and natural gas production industry segment only).

* * * * *

(aa) Each facility must report the information specified in paragraphs (aa)(1) through (11) of this section, for each applicable industry segment, by using best available data. If a quantity required to be reported is zero, you must report zero as the value.

(1) * * *

(ii) * * *

(D) The number of producing wells and a list of the well ID numbers at the end of the calendar year (exclude only those wells permanently taken out of production, *i.e.,* plugged and abandoned).

(E) The number of producing wells and a list of the well ID numbers acquired during the calendar year.

(F) The number of producing wells and a list of the well ID numbers divested during the calendar year.

(G) The number of wells and a list of the well ID numbers completed during the calendar year.

(H) The number of wells permanently taken out of production (*i.e.,* plugged and abandoned) and a list of the well ID numbers during the calendar year.

* * * * *

(10) For onshore petroleum and natural gas gathering and boosting facilities, report the quantities specified in paragraphs (aa)(10)(i) through (v) of this section.

(i) The quantity of produced gas throughput in the calendar year, in thousand standard cubic feet.

(ii) The quantity of produced gas consumed by the facility in the calendar year, in thousand standard cubic feet.

(iii) The quantity of produced condensate throughput in the calendar year, in barrels.

(iv) The quantity of produced oil throughput in the calendar year, in barrels.

(v) The quantity of gas flared, vented and/or unaccounted for in the calendar year, in thousand standard cubic feet.

(11) For onshore natural gas transmission pipeline facilities, report the quantities specified in paragraphs (aa)(11)(i) through (vi) of this section.

(i) The quantity of natural gas received at all custody transfer stations in the calendar year, in thousand standard cubic feet. This value may include meter corrections, but only for the calendar year covered by the annual report.

(ii) The quantity of natural gas withdrawn from in-system storage in the calendar year, in thousand standard cubic feet.

(iii) The quantity of natural gas added to in-system storage in the calendar year, in thousand standard cubic feet.

(iv) The quantity of natural gas transferred to third parties such as LDCs or other transmission pipelines, in thousand standard cubic feet.

(v) The quantity of natural gas consumed by the transmission pipeline facility for operational purposes, in thousand standard cubic feet.

(vi) The miles of transmission pipeline in the facility.

* * * * *

(cc) If you elect to delay reporting the information in paragraph (g)(5)(i), (g)(5)(ii), (h)(1)(iv), (h)(2)(iv), (j)(1)(v), (j)(2)(i)(A), (l)(1)(iv), (l)(2)(iv), (l)(3)(iii), (l)(4)(iii), (m)(5), or (m)(6) of this section, you must report the information required in that paragraph no later than the date 2 years following the date specified in § 98.3(b) introductory text.

■ 8. Section 98.238 is amended by adding definitions of ''Facility with respect to petroleum and natural gas gathering and boosting for purposes of reporting under this subpart and for the corresponding subpart A requirements,'' ''Facility with respect to the onshore natural gas transmission pipeline segment,'' ''Gathering and boosting system,'' ''Gathering and boosting system owner or operator,'' ''Onshore natural gas transmission pipeline owner or operator,'' and ''Well identification (ID) number'' in alphabetical order to read as follows:

§ 98.238 Definitions.

* * * * *

Facility with respect to petroleum and natural gas gathering and boosting for purposes of reporting under this subpart and for the corresponding subpart A requirements means all gathering pipelines and other equipment located along those pipelines that are under common ownership or common control by a gathering and boosting system owner or operator and that are located in a single hydrocarbon basin as defined in this section. Where a person owns or operates more than one gathering and boosting system in a basin (for example, separate gathering lines that are not connected), then all gathering and boosting equipment that the person owns or operates in the basin would be considered one facility. Any gathering and boosting equipment that is associated with a single gathering and boosting system, including leased, rented, or contracted activities, is considered to be under common control of the owner or operator of the gathering and boosting system that contains the pipeline. The facility does not include equipment and pipelines that are part of any other industry segment defined in this subpart.

Facility with respect to the onshore natural gas transmission pipeline segment means the total U.S. mileage of natural gas transmission pipelines, as defined in this section, owned and operated by an onshore natural gas transmission pipeline owner or operator as defined in this section.

* * * * *

Gathering and boosting system means a single network of pipelines, compressors and process equipment, including equipment to perform natural gas compression, dehydration, and acid gas removal, that has one or more connection points to gas and oil production and a downstream endpoint, typically a gas processing plant, transmission pipeline, LDC pipeline, or other gathering and boosting system.

Gathering and boosting system owner or operator means any person that holds a contract in which they agree to transport petroleum or natural gas from one or more onshore petroleum and natural gas production wells to a natural gas processing facility, another gathering and boosting system, a natural gas transmission pipeline, or a distribution pipeline, or any person responsible for custody of the gas transported.

* * * * *

Onshore natural gas transmission pipeline owner or operator means, for interstate pipelines, the person identified as the transmission pipeline owner or operator on the Certificate of Public Convenience and Necessity issued under 15 U.S.C. 717f, or, for intrastate pipelines, the person identified as the owner or operator on the transmission pipeline's Statement of Operating Conditions under section 311 of the Natural Gas Policy Act.

* * * * *

Well identification (ID) number means the unique and permanent identification number assigned to a petroleum or natural gas well. If the well has been assigned a US Well Number, the well ID number required in this subpart is the US Well Number. If a US Well Number has not been assigned to the well, the well ID number is the identifier established by the well's permitting authority.

* * * * *

■ 9. Revise Table W–1A of Subpart W of part 98 to read as follows:

TABLE W–1A OF SUBPART W OF PART 98—DEFAULT WHOLE GAS EMISSION FACTORS FOR ONSHORE PETROLEUM AND NATURAL GAS PRODUCTION FACILITIES AND ONSHORE PETROLEUM AND NATURAL GAS GATHERING AND BOOSTING FACILITIES

Onshore petroleum and natural gas production and onshore petroleum and natural gas gathering and boosting	Emission factor (scf/hour/component)
Eastern U.S.	
Population Emission Factors—All Components, Gas Service [1]	
Valve	0.027
Connector	0.003
Open-ended Line	0.061
Pressure Relief Valve	0.040
Low Continuous Bleed Pneumatic Device Vents [2]	1.39

TABLE W–1A OF SUBPART W OF PART 98—DEFAULT WHOLE GAS EMISSION FACTORS FOR ONSHORE PETROLEUM AND NATURAL GAS PRODUCTION FACILITIES AND ONSHORE PETROLEUM AND NATURAL GAS GATHERING AND BOOSTING FACILITIES—Continued

Onshore petroleum and natural gas production and onshore petroleum and natural gas gathering and boosting	Emission factor (scf/hour/component)
High Continuous Bleed Pneumatic Device Vents [2]	37.3
Intermittent Bleed Pneumatic Device Vents [2]	13.5
Pneumatic Pumps [3]	13.3
Population Emission Factors—All Components, Light Crude Service [4]	
Valve	0.05
Flange	0.003
Connector	0.007
Open-ended Line	0.05
Pump	0.01
Other [5]	0.30
Population Emission Factors—All Components, Heavy Crude Service [6]	
Valve	0.0005
Flange	0.0009
Connector (other)	0.0003
Open-ended Line	0.006
Other [5]	0.003
Population Emission Factors—Gathering Pipelines	
Gathering Pipeline [7]	2.81
Western U.S.	
Population Emission Factors—All Components, Gas Service [1]	
Valve	0.121
Connector	0.017
Open-ended Line	0.031
Pressure Relief Valve	0.193
Low Continuous Bleed Pneumatic Device Vents [2]	1.39
High Continuous Bleed Pneumatic Device Vents [2]	37.3
Intermittent Bleed Pneumatic Device Vents [2]	13.5
Pneumatic Pumps [3]	13.3
Population Emission Factors—All Components, Light Crude Service [4]	
Valve	0.05
Flange	0.003
Connector (other)	0.007
Open-ended Line	0.05
Pump	0.01
Other [5]	0.30
Population Emission Factors—All Components, Heavy Crude Service [6]	
Valve	0.0005
Flange	0.0009
Connector (other)	0.0003
Open-ended Line	0.006
Other [5]	0.003
Population Emission Factors—Gathering Pipelines	
Gathering Pipeline [7]	2.81

[1] For multi-phase flow that includes gas, use the gas service emissions factors.
[2] Emission Factor is in units of "scf/hour/device."
[3] Emission Factor is in units of "scf/hour/pump."
[4] Hydrocarbon liquids greater than or equal to 20°API are considered "light crude."
[5] "Others" category includes instruments, loading arms, pressure relief valves, stuffing boxes, compressor seals, dump lever arms, and vents.
[6] Hydrocarbon liquids less than 20°API are considered "heavy crude."
[7] Emission factor is in units of "scf/hour/mile of pipeline."

■ 10. Amend Table W–1B of Subpart W of part 98 by revising the table heading to read as follows:

TABLE W–1B TO SUBPART W OF PART 98—DEFAULT AVERAGE COMPONENT COUNTS FOR MAJOR ONSHORE NATURAL GAS PRODUCTION EQUIPMENT AND ONSHORE PETROLEUM AND NATURAL GAS GATHERING AND BOOSTING EQUIPMENT

* * * * *

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